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Proclamation 10288 of October 14, 2021

The President

Blind Americans Equality Day, 2021

By the President of the United States of America

A Proclamation

Thirty-one years ago, our Nation moved closer to fulfilling its foundational promise of equal dignity and opportunity for all with the enactment of the landmark Americans with Disabilities Act. This bipartisan legislation—which I proudly co-sponsored as a member of the United States Senate—has made a profound difference in the lives of blind Americans, paving the way for greater opportunity, self-sufficiency, independent living, and equitable participation in all aspects of life. On Blind Americans Equality Day, we recognize the rights, talents, and contributions of blind and visually impaired Americans who represent every segment of our diverse population.

My Administration is committed to building on the foundation of the Americans with Disabilities Act by ensuring that blind and visually impaired Americans have equitable opportunities for employment and career advancement. That is why I signed Executive Orders to advance diversity, equity, inclusion, and accessibility within the Federal workforce and to raise the minimum wage of Federal contractors to \$15 an hour—orders which will directly impact our many Federal contractors who are blind and visually impaired. These actions will further enable Federal workers with disabilities to access reasonable accommodations and gain greater economic self-sufficiency while spurring the Federal Government to be a model employer in providing equitable, accessible, and inclusive work environments for employees with disabilities.

My Administration is also providing funding opportunities across agencies to advance competitive integrated employment opportunities for disabled workers. And to provide much-needed financial relief during the COVID-19 pandemic, my Administration recently awarded \$20 million through the Randolph-Sheppard Vending Facilities Program to assist blind entrepreneurs and provide opportunities for blind vendors to operate vending facilities on Federal property.

Building an accessible, equitable Nation for all Americans is a key part of building back better, and for many families, fulfilling that commitment begins in America's classrooms. When we invest in education, we advance equity and opportunity for millions of students, including children who are blind and visually impaired. My American Rescue Plan has made over \$3 billion available to help State educational agencies recover from the impact of the COVID-19 pandemic. This funding is supporting special education, early intervention, and related services for children with disabilities and their families. While the American Rescue Plan increased the amount of the Federal Government's financial contribution to the education of children with disabilities, my Administration is also working with the Congress to fully fund the Individuals with Disabilities Education Act—so that disabled students can receive an education that is tailored to their individual needs.

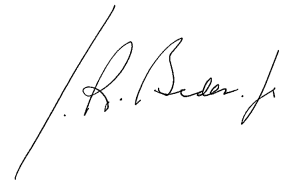
This is about who we are as Americans—and these actions are helping us move our country closer to the fulfillment of our highest ideals of equity and opportunity for all. On Blind Americans Equality Day, we recommit to ensuring freedom, equality, and opportunity for all blind and visually

impaired Americans, whose contributions continue to make our Nation stronger.

By joint resolution approved on October 6, 1964 (Public Law 88-628, as amended), the Congress authorized October 15 of each year as "White Cane Safety Day," which is recognized today as "Blind Americans Equality Day," to honor the contributions of blind and visually impaired Americans.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 15, 2021, as Blind Americans Equality Day. I call upon all government officials, educators, volunteers, and all the people of the United States to mark this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, in the year of our Lord two thousand twenty-one, and of the Independence of the United States of America the two hundred and forty-sixth.



Rules and Regulations

Federal Register

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0837; Project Identifier MCAI-2021-00762-R; Amendment 39-21756; AD 2021-20-18]

RIN 2120-AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain serial-numbered Leonardo S.p.a. Model AW119 MKII helicopters. This AD was prompted by the discovery that the passenger cabin windows (windows) on a batch of helicopters were improperly installed during production. This AD requires removing and reinstalling the windows. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective November 3, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of November 3, 2021.

The FAA must receive comments on this AD by December 3, 2021.

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

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

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

For service information identified in this final rule, contact 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 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-2021-0837.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0837; 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 Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222-5110; email kristin.bradley@faa.gov.

SUPPLEMENTARY INFORMATION:

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018-0270, dated December 12, 2018 (EASA AD 2018-0270), to correct an unsafe condition for 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 AW119MKII helicopters, serial numbers 14831, 14834, 14838, 14840, 14841, 14842, 14843, 14844, 14901, 14904, 14905, 14906, and 14918. EASA advises that during maintenance of a helicopter,

removal of passenger windows could only be accomplished with difficulty. EASA further advises that subsequent investigation identified a batch of helicopters on which passenger windows have been improperly installed during production. According to Leonardo Helicopters service information, an investigation concluded that the gasket was bonded to the window (or on both sides) instead of to the door frame.

This condition, if not corrected, could prevent the jettisoning of the windows, possibly preventing the evacuation of passengers during an emergency situation. Accordingly, EASA AD 2018-0270 requires removal and reinstallation of the passenger windows with the approved design data.

FAA's Determination

The applicable model helicopter has been approved by EASA and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is issuing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Leonardo Helicopters Alert Service Bulletin No. 119-094, dated November 15, 2018. This service information specifies procedures for removing the standard windows installed on the affected helicopters and reinstalling them in accordance with approved design data.

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.

AD Requirements

This AD requires, within 100 hours time-in-service after the effective date of this AD, removing and reinstalling the left-hand and right-hand windows by following certain procedures in the service information.

Differences Between This AD and the EASA AD

EASA AD 2018–0270 requires discarding certain seal fillers and gaskets, whereas this AD requires removing those parts from service instead.

Justification for Immediate Adoption and Determination of the Effective Date

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

There are no helicopters with this type certificate on the U.S. Registry. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b)(3)(B). In addition, for the foregoing reasons, 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.

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–2021–0837; Project Identifier MCAI–2021–00762–R” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner.

Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email kristin.bradley@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Regulatory Flexibility Act

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

Costs of Compliance

There are no costs of compliance with this AD because there are no helicopters with this type certificate on the U.S. Registry.

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, 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:

2021–20–18 Leonardo S.p.a.: Amendment 39–21756; Docket No. FAA–2021–0837; Project Identifier MCAI–2021–00762–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 3, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW119 MKII helicopters, certificated in any category, with serial number 14831, 14834, 14838, 14840, 14841, 14842, 14843, 14844, 14901, 14904, 14905, 14906, or 14918.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 5620, Passenger compartment doors.

(e) Unsafe Condition

This AD was prompted by the discovery of improperly installed passenger cabin windows (windows). The FAA is issuing this AD to ensure that each window is properly installed and opens properly. The unsafe condition, if not addressed, could result in

occupants not being able to exit the helicopter during an emergency situation.

(f) Compliance

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

(g) Required Actions

Within 100 hours time in service after the effective date of this AD, replace the left-hand and right-hand windows by following the Accomplishment Instructions, paragraphs 2. and 3., of Leonardo Helicopters Alert Service Bulletin No. 119–094, dated November 15, 2018 (ASB119–094), except where ASB 119–094 specifies to discard the seal filler and gasket, remove those parts from service.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email kristin.bradley@faa.gov.

(2) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) AD 2018–0270, dated December 12, 2018. You may view the EASA AD at <https://www.regulations.gov> in Docket No. FAA–2021–0837.

(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) Leonardo Helicopters Alert Service Bulletin No. 119–094, dated November 15, 2018.

(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/>.

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 23, 2021.

Gaetano A. Sciortino,

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

[FR Doc. 2021–22510 Filed 10–18–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 300

[TD 9957]

RIN 1545–BP75

User Fee for Estate Tax Closing Letter; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations; correction.

SUMMARY: This document contains a correction to Treasury Decision 9957, which was published in the **Federal Register** on Tuesday, September 28, 2021. Treasury Decision 9957 establishes a new user fee of \$67 for persons requesting the issuance of IRS Letter 627, also referred to as an estate tax closing letter.

DATES: The correction is effective on October 28, 2021, and applicable as of September 28, 2021.

FOR FURTHER INFORMATION CONTACT: Juli Ro Kim at (202) 317–6859 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9957) that are the subject of this correction are issued under section 6103 of the Internal Revenue Code.

Need for Correction

As published the final regulations (TD 9957) contain an error that needs to be corrected.

Correction of Publication

Accordingly, the final regulations (TD 9957) that are the subject of FR Doc. 2021–21029, published on September 28, 2021 (86 FR 53539), are corrected as follows:

On page 53539, in the second column, footnote 1 is corrected to read:

¹ For an overview of the procedure applicable to a request for an estate tax closing letter before October 28, 2021, see part D of the Background and Explanation of Provisions of the proposed regulations.

Oluwafunmilayo A. Taylor,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

[FR Doc. 2021–22780 Filed 10–18–21; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0347; FRL–8871–01–OCSPP]

Propamocarb; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of propamocarb in or on Vegetable, *Brassica*, head and stem, group 5–16. The Interregional Project Number 4 (IR–4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective October 19, 2021. Objections and requests for hearings must be received on or before December 20, 2021, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2020–0347, is available at <https://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health emergency, 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: Marietta Echeverria, Acting Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDFRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. 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 entities may include:

- Crop production (NAICS code 111.112).
- Animal production (NAICS code 311).
- Food manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Office of the Federal Register's e-CFR site at <https://www.ecfr.gov/current/title-40>.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2020-0347 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before December 20, 2021. Addresses for mail and hand delivery of objections and

hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2020-0347, by one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of September 10, 2020 (85 FR 55810) (FRL-10013-78), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 0E8832) by Interregional Project Number 4 (IR-4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.499 be amended by establishing a tolerance for residues of the fungicide propamocarb, (propyl N-[3-(dimethylamino)propyl]carbamate), in or on Vegetable, *Brassica*, head and stem, group 5-16 at 15 parts per million (ppm). That document referenced a summary of the petition prepared by IR-4, the petitioner, which is available in docket for this action, Docket ID EPA-HQ-OPP-2020-0347, at <https://www.regulations.gov>. Two comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue"

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for propamocarb including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with propamocarb follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections of the rule that would repeat what has been previously published in tolerance rulemakings for the same pesticide chemical. Where scientific information concerning a particular pesticide chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings and republishing the same sections is unnecessary and duplicative. EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a number of tolerance rulemakings for propamocarb, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to propamocarb and established tolerances for residues of that chemical. EPA is incorporating previously published sections from

those rulemakings as described further in this rulemaking, as they remain unchanged.

A. Toxicological Profile

For a summary of the Toxicological Profile of propamocarb, see Unit III.A. of the December 5, 2019 rulemaking (84 FR 66616) (FRL-10000-33).

B. Toxicological Points of Departure/Levels of Concern

For a summary of the Toxicological Points of Departure/Levels of Concern used for the risk assessment, see Unit III.B. of the February 7, 2017 rulemaking (82 FR 9519) (FRL-9957-68).

C. Exposure Assessment

Much of the exposure assessment remains the same, although the dietary exposure and risk assessments for propamocarb were updated. These updates are discussed in this section; for a description of the rest of EPA's approach to and assumptions for the exposure assessment, see Unit III.C. of the December 5, 2019 rulemaking.

EPA's dietary exposure assessments have been updated to include the additional exposures for the new use of propamocarb on the commodities in crop group 5-16. The assessment used the same assumptions as the December 5, 2019 rule concerning tolerance-level residues, default and empirical processing factors and 100% crop treated (PCT) for all commodities in both the acute and chronic dietary exposure assessments.

Drinking water, non-occupational, and cumulative exposures. Drinking water and non-occupational exposures are not impacted by the new use, and thus have not changed since the last assessment. For a summary of the dietary exposures from drinking water, see Unit III.C.2. of the December 5, 2019 rulemaking. Propamocarb is registered for use on golf course turf resulting in potential residential post-application dermal exposure. During Registration Review, a dermal endpoint was not selected; therefore, a quantitative residential dermal exposure assessment was not necessary and was not conducted. EPA's conclusions concerning cumulative risk remain unchanged from Unit III.C.4. of the December 5, 2019 rulemaking.

Safety factor for infants and children. EPA continues to conclude that there is reliable data showing that the safety of infants and children would be adequately protected if the FQPA SF were reduced from 10X to 1X for all exposure scenarios. The reasons for that decision are articulated in Unit III.D in the December 5, 2019 rulemaking.

Aggregate risks and Determination of safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing dietary exposure estimates to the acute population adjusted dose (aPAD) and the chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD; they are 42% of the aPAD for all infants, the most highly exposed subpopulation. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are 54% of the cPAD for females 13 to 49 years old, the most highly exposed subpopulation.

A short- and intermediate-term oral adverse effect was identified; however, propamocarb is not registered for any use patterns that would result in either short- or intermediate-term oral residential exposure. Short- and intermediate-term risk is assessed based on short- and intermediate-term residential exposure plus chronic dietary exposure. Because there is no short- or intermediate-term oral residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short- or intermediate-term risk), no further assessment of short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for propamocarb. Additionally, based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, propamocarb is not expected to pose a cancer risk to humans.

Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to propamocarb residues. More detailed information about the Agency's analysis can be found at <https://www.regulations.gov> in the document titled "Propamocarb Hydrochloride (HCl). Human Health Risk Assessment for Proposed Uses in/on Vegetable, Brassica, Head and Stem, group 5-16" in docket ID number EPA-HQ-OPP-2020-0347.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the December 5, 2019 rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

Codex MRLs for residues of propamocarb in/on cabbage, cauliflower, and broccoli are 3 ppm, 2 ppm, and 1 ppm, respectively. As these levels are significantly less than the recommended tolerance level of 15 ppm for Vegetable, Brassica, head and stem, group 5-16, harmonization is not possible because U.S. growers could have violative residues despite legal use of propamocarb according to the label.

C. Response to Comments

Two comments were submitted to the docket in response to the September 10, 2020 Notice of Filing. The first commenter stated that there need to be regulations for residues of pesticide chemicals in/on various commodities but expressed concern about the increasing use of pesticides. The commenter urged EPA to fully evaluate the submitted data as soon as possible to protect the U.S. public. Another commenter expressed concerns regarding producers making products cheaper or using pesticides for economic gain without considering human health. The commenter stated that the government should have the ability to monitor the chemicals put into food.

The Agency appreciates these comments and believes that the laws applicable to pesticide tolerances address these concerns. Specifically, the existing legal framework provided by

section 408 of the FFDCa authorizes EPA to establish tolerances when it determines that the tolerance is safe. As explained in this rule and in the supporting human health risk assessment in docket ID number EPA–HQ–OPP–2020–0347, EPA makes this determination based on an analysis of the toxicology studies and then conducting detailed exposure and risk assessments. The Agency’s thorough process considers the validity, completeness, and reliability of the available data as well as other factors required by the FFDCa. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <https://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticide>.

V. Conclusion

Therefore, tolerances are established for residues of propamocarb, (propyl N-[3-(dimethylamino)propyl]carbamate), in or on Vegetable, *Brassica*, Head and Stem, Group 5–16 at 15 ppm.

VI. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCa section 408(d) in response to petitions submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), or to Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety

Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCa section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCa section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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 action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 8, 2021.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.499, amend table 1 to paragraph (a) by adding in alphabetical order the entry “Vegetable, *Brassica*, Head and Stem, Group 5–16” to read as follows:

§ 180.499 Propamocarb; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	*
Vegetable, <i>Brassica</i> , Head and Stem, Group 5–16	15
* * * * *	*

* * * * *

[FR Doc. 2021-22707 Filed 10-18-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 282****[EPA-R10-RCRA-2021-0452; FRL 8849-02-R10]****Washington: Final Approval of State Underground Storage Tank Program Revisions, Codification and Incorporation by Reference****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State of Washington's Underground Storage Tank (UST) program submitted by the State. The EPA has determined that these revisions satisfy all requirements needed for program approval. This action also codifies the EPA's approval of Washington's state program and incorporates by reference those provisions of the State's regulations that we have determined meet the requirements for approval. The State's federally-authorized and codified UST program, as revised pursuant to this action, will remain subject to the EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions.

DATES: This rule is effective December 20, 2021, unless the EPA receives adverse comment by November 18, 2021. If EPA receives adverse comment, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. The incorporation by reference of certain material listed in the regulations is approved by the Director of the Federal Register, as of December 20, 2021.

ADDRESSES: Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

2. *Email:* boulind-yeung.charlotte@epa.gov.

3. *Mail:* Charlotte Boulind-Yeung, Land, Chemicals and Redevelopment Division, EPA Region 10, 1200 Sixth Avenue, Suite 155, MS: 15-H04, Seattle, Washington 98101.

4. *Hand Delivery or Courier:* Deliver your comments to Charlotte Boulind-Yeung, Land, Chemicals and Redevelopment Division, EPA Region 10, 1200 Sixth Avenue, Suite 155, MS: 15-H04, Seattle, Washington 98101.

Instructions: Submit your comments, identified by Docket ID No. EPA-R10-RCRA-2021-0452, at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Charlotte Boulind-Yeung, (206) 553-6315, boulind-yeung.charlotte@epa.gov. To inspect the hard copy materials, please schedule an appointment with Charlotte Boulind-Yeung at (206) 553-6315.

SUPPLEMENTARY INFORMATION:**I. Approval of Revisions to Washington's Underground Storage Tank Program**

A. Why are revisions to state programs necessary?

States that have received final approval from the EPA under RCRA section 9004(b) of RCRA, 42 U.S.C. 6991c(b), must maintain an underground storage tank program that is equivalent to, consistent with, and no less stringent than the Federal underground storage tank program. When the EPA makes revisions to the regulations that govern the UST program, states must revise their programs to comply with the updated regulations and submit these revisions to the EPA for approval. Most commonly, states must change their programs because of changes to the EPA's regulations in 40 Code of Federal

Regulations (CFR) part 280. States can also initiate changes on their own to their underground storage tank program, and these changes must then be approved by the EPA.

B. What decisions has the EPA made in this rule?

On June 30, 2021, in accordance with 40 CFR 281.51(a), Washington submitted a complete program revision application seeking the EPA approval for its UST program revisions (State Application). Washington's revisions correspond to the EPA final rule published on July 15, 2015 (80 FR 41566, July 15, 2015), which revised the 1988 UST regulations and the 1988 state program approval (SPA) regulations (2015 Federal Revisions). As required by 40 CFR 281.20, the State Application contains the following: A transmittal letter from the Governor requesting approval, a description of the program and operating procedures, a demonstration of the State's procedures to ensure adequate enforcement, a Memorandum of Agreement outlining the roles and responsibilities of the EPA and the implementing agency, a statement of certification from the Attorney General, and copies of all relevant state statutes and regulations. We have reviewed the State Application and determined that the revisions to Washington's UST program are equivalent to, consistent with, and no less stringent than the corresponding Federal requirements in subpart C of 40 CFR part 281, and that the Washington program provides for adequate enforcement of compliance with these requirements (40 CFR 281.11(b)). Therefore, the EPA grants Washington final approval to operate its UST program with the changes described in the program revision application, and as outlined below in Section I.G of this document.

C. What is the effect of this action on the regulated community?

This action does not impose additional requirements on the regulated community because the regulations being approved by this rule are already in effect in the State of Washington, and are not changed by this action. This action merely approves the existing state regulations as meeting the Federal requirements and renders them federally enforceable.

D. Why is the EPA using a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rulemaking because we view this action as noncontroversial and we anticipate

no adverse comment. Washington did not receive any substantive comments during its comment period when the rules and regulations being considered in this direct final rule were proposed at the state level.

E. What happens if the EPA receives comments that oppose this action?

This direct final rule provides an opportunity for public comment. If the EPA receives comments that oppose this approval, the EPA will withdraw this direct final rule by publishing a document in the **Federal Register** before it becomes effective. The EPA will consider all comments received during the comment period before making any further decision on approval of the State Application. The EPA will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this approval, you must do so at this time.

F. For what has Washington previously been approved?

On October 8, 1993, the EPA finalized a rule approving the UST program that Washington proposed to administer in lieu of the Federal UST program.

G. What changes are we approving with this action and what standards do we use for review?

To be approved, each state program application must meet the general requirements in 40 CFR 281.11, and specific requirements in 40 CFR part 281, subpart B (Components of a Program Application); subpart C (Criteria for No Less Stringent); and subpart D (Adequate Enforcement of Compliance). This is also true for proposed revisions to approved state programs.

As more fully described below, the State has made the changes to its approved UST program to reflect the 2015 Federal Revisions. The EPA is approving the State's changes because they are equivalent to, consistent with, and no less stringent than the Federal UST program and because the EPA has confirmed that the Washington UST program will continue to provide for adequate enforcement of compliance with these requirements as described in 40 CFR 281.11(b) and part 281, subpart D after this approval.

The Washington Department of Ecology ("Ecology") is the lead implementing agency for the UST program in Washington, except in Indian country.

Ecology continues to have broad statutory authority to regulate the installation, operation, maintenance,

and closure of USTs, as well as UST releases under two Washington statutes, chapter 70A.355 Revised Code of Washington (RCW), "Underground Storage Tanks," and chapter 70A.305 RCW, "Hazardous Waste Cleanup—Model Toxics Control Act." The Washington UST Program gets its enforcement authority from the powers and duties of Ecology, found in RCW 70A.355.020. Under RCW 70A.355.050, Ecology is authorized to require an owner to furnish records, conduct monitoring or testing, and provide access to tanks. Ecology is authorized to issue, modify, suspend, revoke or refuse to renew a permit under RCW 70A.355.020 and RCW 70A.355.040. Penalties for non-compliance may be assessed under RCW 70A.355.060 and 70A.355.070.

Specific authorities to regulate the installation, operation, maintenance, and closure of USTs, as well as UST releases are found under the Washington Administrative Code (WAC), as amended, in WAC 173–360A, "Underground Storage Tank Regulations," adopted on July 18, 2018 and effective on October 1, 2018, and in WAC 173–340, "Model Toxics Control Act—Cleanup," amended October 12, 2007. Ecology may prohibit delivery to any UST identified by Ecology as ineligible for delivery under WAC 173–360A–0270 and –0280. Reporting and recordkeeping requirements are found under WAC 173–360A–0230, –0240, –0700, –0740 and –0750, as well as WAC 173–340–450. The aforementioned statutory sections and regulations satisfy the requirements of 40 CFR 281.40 and 281.41.

Through a Memorandum of Agreement between the State of Washington and the EPA, effective December 20, 2021, the State maintains procedures for receiving and ensuring proper consideration of information about violations submitted by the public. Washington has met the public participation requirements found in 40 CFR 281.42 by allowing intervention in the State enforcement process as provided under WAC 173–360A–0270(4). Ecology will not oppose intervention of right under Superior Court Civil Rule 24 (a)(2) in a civil enforcement action taken under WAC 173–360A or chapter 90.76 RCW on the grounds that the person's interest is adequately represented by the State.

To qualify for final approval, revisions to a state's program must be "equivalent to, consistent with, and no less stringent" than the 2015 Federal Revisions. In the 2015 Federal Revisions, the EPA addressed UST systems deferred in the 1988 UST

regulations, and added, among other things, new operation and maintenance requirements; secondary containment requirements for new and replaced tanks and piping; operator training requirements; and a requirement to ensure UST system compatibility before storing certain biofuel blends. In addition, the EPA removed past deferrals for emergency generator tanks, field constructed tanks, and airport hydrant systems. The EPA analyzes revisions to approved state programs pursuant to the criteria found in 40 CFR 281.30 through 281.39.

Ecology has revised its regulations to help ensure that the State's UST program revisions are equivalent to, consistent with, and no less stringent than the 2015 Federal Revisions.

Title 40 CFR 281.39 describes the state operator training requirements that must be met to be considered equivalent to, consistent with, and no less stringent than Federal requirements. Washington did not incorporate by reference Federal requirements for operator training, but rather has promulgated and is implementing its own operator training provisions under WAC 173–360A–0500 through –0560. After a thorough review, the EPA has determined that Washington's operator training requirements are equivalent to, consistent with, and no less stringent than Federal requirements.

As part of the State Application, the Washington Attorney General certified that the State revisions meet the "equivalent to, consistent with, and no less stringent" criteria in 40 CFR 281.30 through 281.39. The EPA is relying on this certification in addition to the analysis submitted by the State in making our determination.

H. Where are the revised rules different from the Federal rules?

Broader in Scope Provisions

Where an approved state program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the federally-approved program and is not federally enforceable (40 CFR 281.12(a)(3)(ii)). The following statutory and regulatory requirements are considered broader in coverage than the Federal program as these state-only regulations are not required by Federal regulation and are implemented by the State in addition to the federally approved program:

In addition to any person who sells a regulated UST system to a new owner, any person who leases a regulated UST system also must notify new operators of UST notification obligations. WAC 173–360A–0230(7).

UST operator training requirements for Class A also includes licensing and fees, facility compliance tags, authority to accept product delivery and certification and use of service providers. WAC 170–360A–0530(1).

Ecology expanded the reporting requirement for spills or overfills such that spills and overfills must be reported if they pose a threat to human health or the environment regardless of the volume of the regulated substance, rather than the 25-gallon spill and overflow reporting level in the Federal rules. WAC 173–360A–0740.

The State rules also include requirements for UST service providers by establishing a certification program, specifying the responsibilities of service providers, and identifying which services on UST systems must be performed by certified service providers. WAC 173–360A–0900 through –0940.

More Stringent Provisions

Where an approved state program includes requirements that are considered more stringent than required by Federal law, the more stringent requirements become part of the federally approved program (40 CFR 281.12(a)(3)(ii)). The following statutory and regulatory requirements are considered more stringent than the Federal program, and on approval, they become part of the federally approved program and are federally enforceable:

Local governments may designate environmentally sensitive areas, with Ecology's approval. In these areas, the local government may impose more stringent standards, and an additional local fee of no more than half the state fee may be imposed if necessary, to implement the local standards. WAC 173–360A–0130.

Fees and permits are required by the State's UST statute. USTs must be in compliance with the applicable requirements to obtain a permit. WAC 173–360A–0200 and –0210.

The State rules require that any changes affecting information reported on the initial notification form about an UST system be reported to Ecology. WAC 173–360A–0230(2).

Product deliverers and waste oil collectors must report any spill or overflow of regulated substances to the owner or operator. WAC 173–360A–0230(9).

Notice of intent to install an UST is required at least 30 days prior to tank installation. Owners or operators must notify Ecology and certify proper installation no later than 30 days after installation of the UST. Washington also requires additional documentation—a

manufacturer's installation checklist completed by the service provider and an as-built plan of the UST facility—when an UST system is installed and the owner or operator is applying for a license. WAC 173–360A–0300.

Cathodic protection systems must be tested when they are installed or repaired and again between one and six months after installation and at least every three years thereafter. WAC 173–360A–0430(2).

Class B operators must meet the same requirements as Class A operators, which is more stringent than the Federal requirement. WAC–170–360A–0530(1).

If Ecology determines that the owners and operators of an UST system are in noncompliance, then Ecology may require owners and operators to develop and maintain an operation and maintenance plan for each UST system. WAC 173–360A–0545.

The State rule requires that owners and operators post and maintain signage at each UST facility providing emergency response information. WAC 173–360A–0550(2).

Owners and operators must notify Ecology in writing within 30 days after any change in release detection methods used. WAC 173–360A–0600(4).

For reporting of suspected releases, owners and operators using inventory control must immediately investigate all larger-than-normal or reoccurring variations and report such variations if they are unaccounted for without waiting to obtain a second month of data. WAC 173–360A–0700(3)(c).

Owners and operators conducting a site check as part of a release investigation must complete the site check within 30 days of identifying a suspected release or receiving notice that the department requires investigation of a suspected release. The Federal rule at 40 CFR 280.52(b) does not specify a timeframe. WAC 173–360A–0720(2).

For site assessments at closure and site checks to investigate a possible release, Ecology established specific requirements regarding the selection of service providers, the determination of sample types, locations, and measurement methods, and what information must be in the final report. Records are to be kept for at least six years after the UST system is permanently closed or undergoes a change-in-service, versus the three years required by 40 CFR 280.74. Ecology requires that a sampling and analysis plan be submitted for review at least 30 days before any sampling is performed. WAC 173–360A–0730.

If a release is confirmed, then the UST system must be secured within 24 hours

of confirming the release to prevent further delivery or deposit of regulated substances until the defective UST system components are repaired, replaced or closed. WAC 173–360A–0750(2).

Prior to putting back into service an UST system that has been closed for 90 days or more, the State rule requires that the owner and operator complete a tank tightness test, inspections and tests of spill and overflow protection equipment, and release detection and containment testing and inspection. WAC 173–360A–0800(5)(b).

Only certified individuals may carry out UST system installation, closure, retrofit and tightness testing, and installation and maintenance of cathodic protection equipment. WAC 173–360A–0150(65), –0920, and –0930).

Site checks and site assessments can only be performed by a service provider who is certified by the International Code Council (ICC) via a Washington-specific site assessment certification or is licensed as a professional engineer or hydrogeologist in Washington. WAC 173–360A–0730(2) and –0930.

I. How does this action affect Indian country (18 U.S.C. 1151) in Washington?

The EPA's approval of Washington's Program does not extend to Indian country as defined in 18 U.S.C. 1151. Indian country generally includes lands within the exterior boundaries of the following Indian reservations located within Washington's state borders: Chehalis, Colville, Cowlitz, Hoh, Jamestown S'Klallam, Kalispel, Lower Elwha Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble, Puyallup, Quileute, Quinault, Samish, Sauk-Suiattle, Shoalwater Bay, Skokomish, Snoqualmie, Spokane, Squaxin Island, Stillaguamish, Suquamish (Port Madison), Swinomish, Tulalip, Upper Skagit, and Yakama Reservations; any land held in trust by the United States for an Indian tribe; and any other areas that are "Indian country" within the meaning of 18 U.S.C. 1151. Any lands removed from an Indian reservation status by Federal court action are not considered reservation lands even if located within the exterior boundaries of an Indian reservation. The EPA will retain responsibilities under RCRA for underground storage tanks in Indian country. See 40 CFR 281.12(a)(2). The one exception regards all USTs located on non-trust and non-restricted lands inside the boundaries of the Puyallup Reservation. The State of Washington has been delegated primary jurisdiction over these USTs as a result of a 1988 settlement agreement between the

Puyallup Tribe of Indians, local governments in Pierce County, the State of Washington, the United States, and certain property owners, ratified at 25 U.S.C. 1773.

II. Codification

A. What is codification?

Codification is the process of placing a state's statutes and regulations that comprise the state's approved UST program into the CFR. Section 9004(b) of RCRA, as amended, allows the EPA to approve State UST programs to operate in lieu of the Federal program. The EPA codifies its authorization of state programs in 40 CFR part 282 and incorporates by reference state regulations that the EPA will enforce under sections 9005 and 9006 of RCRA and any other applicable statutory provisions. The incorporation by reference of state authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the approved state program and state requirements that can be federally enforced. This effort provides clear notice to the public of the scope of the approved program in each state.

B. What is the history of codification of Washington's UST program?

The EPA incorporated by reference Washington's approved UST program in 40 CFR 282.97, effective October 8, 1993 (77 FR 25368, April 30, 2012). Through this action, the EPA is incorporating by reference and codifying Washington's state program in 40 CFR 282.97 to include the approved revisions.

C. What codification decisions have we made in this rule?

In this rule, the EPA is finalizing the regulatory text that incorporates by reference the federally authorized Washington UST Program. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the Washington rules described in the amendments to 40 CFR part 282 set forth below. The EPA has made, and will continue to make, these documents generally available through www.regulations.gov and at the EPA Region 10 office (see the **ADDRESSES** section of this preamble for more information).

One purpose of this **Federal Register** document is to codify Washington's approved UST program. The codification reflects the State program that would be in effect at the time the EPA's approved revisions to the Washington UST program addressed in

this direct final rule become final. If, however, the EPA receives substantive comment on this rule, then this codification will not take effect, and the State rules that are approved after the EPA considers public comment will be codified instead. By codifying the approved Washington program and by amending the Code of Federal Regulations, the public will more easily be able to discern the status of the federally approved requirements of the Washington program.

The EPA is incorporating by reference the Washington approved UST program in 40 CFR 282.97. Section 282.97(d)(1)(i)(A) and (B) incorporate by reference for enforcement purposes the State's relevant statutes and regulations. Section 282.97 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the UST program under subtitle I of RCRA.

D. What is the effect of EPA's codification of the federally authorized State UST Program on enforcement?

The EPA retains the authority under sections 9003(h), 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991b(h), 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake corrective action, inspections, and enforcement actions, and to issue orders in approved States. If the EPA determines it will take such actions in Washington, then the EPA will rely on Federal sanctions, Federal inspection authorities, and other Federal procedures rather than the state analogs. Therefore, though the EPA has approved the State procedures listed in 40 CFR 282.97(d)(1)(i), the EPA is not incorporating by reference Washington's procedural and enforcement authorities.

E. What State provisions are not part of the codification?

The public also needs to be aware that some provisions of the State's UST program are not part of the federally approved State program. Such provisions are not part of the RCRA Subtitle I program because they are "broader in coverage" than subtitle I of RCRA. 40 CFR 281.12(a)(3)(ii) states that where an approved state program has a greater scope of coverage than required by Federal law, the additional coverage is not part of the federally approved program. As a result, state provisions which are "broader in coverage" than the Federal program are not incorporated by reference for purposes of enforcement in 40 CFR part 282. Title

40 CFR 282.97(d)(1)(iii) lists for reference and clarity the Washington statutory and regulatory provisions which are broader in coverage than the Federal program and which are not, therefore, part of the approved program being codified in this rule. Provisions that are broader in coverage cannot be enforced by the EPA; the State, however, will continue to implement and enforce such provisions under State law.

III. Statutory and Executive Order (E.O.) Reviews

This action only applies to Washington's UST Program requirements pursuant to RCRA section 9004 and imposes no requirements other than those imposed by State law. It complies with applicable EOs and statutory provisions as follows:

A. Executive Order 12866 Regulatory Planning and Review, Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Unfunded Mandates Reform Act and Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Because this action approves and codifies pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

C. Executive Order 13132: Federalism

This action will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves and codifies state requirements as part of the State RCRA Underground Storage Tank Program without altering the relationship or the

distribution of power and responsibilities established by RCRA.

D. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant, as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

E. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a “significant regulatory action” as defined under Executive Order 12866.

F. National Technology Transfer and Advancement Act

Under RCRA section 9004(b), the EPA grants a state’s application for approval as long as the state meets the criteria required by RCRA. It would be inconsistent with applicable law for the EPA, when it reviews a state approval application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

G. Executive Order 12988: Civil Justice Reform

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

H. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order.

I. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). “Burden” is defined at 5 CFR 1320.3(b).

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule approves pre-existing state rules which are at least equivalent to, consistent with, and no less stringent than existing Federal requirements, and imposes no additional requirements beyond those imposed by state law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801–808, 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 document 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 in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). However, this action will be effective December 20, 2021 because it is a direct final rule.

Authority: This rule is issued under the authority of sections 2002(a), 7004(b), and 9004, 9005 and 9006 of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6974(b), and 6991c, 6991d, and 6991e.

List of Subjects in 40 CFR Part 282

Environmental protection, Administrative practice and procedure, Hazardous substances, Incorporation by

reference, State program approval, and Underground storage tanks.

Dated: September 30, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

For the reasons set forth in the preamble, the EPA is amending 40 CFR part 282 as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

■ 1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

■ 2. Add § 282.97 to read as follows:

§ 282.97 Washington State-Administered Program.

(a) *History of the approval of Washington’s program.* The State of Washington is approved to administer and enforce an underground storage tank program in lieu of the Federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State’s program, as administered by the Washington Department of Ecology (Ecology), was approved by the EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. The EPA published the notice of final determination approving the Washington underground storage tank base program effective on October 8, 1993. A subsequent program revision application was approved by the EPA and became effective on December 20, 2021.

(b) *Enforcement authority.* Washington has primary responsibility for administering and enforcing its federally approved underground storage tank program. However, the EPA retains the authority to exercise its corrective action, inspection, and enforcement authorities under sections 9003(h), 9005, and 9006 of subtitle I of RCRA, 42 U.S.C. 6991b(h), 6991d and 6991e, as well as under any other applicable statutory and regulatory provisions.

(c) *Retention of program approval.* To retain program approval, Washington must revise its approved program to adopt new changes to the Federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Washington obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart

and notice of any change will be published in the **Federal Register**.

(d) *Final approval.* Washington has final approval for the following elements of its program application originally submitted to the EPA and approved effective October 8, 1993, and the program revision application approved by the EPA effective on December 20, 2021:

(1) *State statutes and regulations—(i) Incorporation by reference.* The materials cited in this paragraph (d)(1) are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.* with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the EPA must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at EPA Region 10, 1200 Sixth Avenue, Suite 155, Seattle, Washington 98101, phone number (206) 553-6693. Copies of Washington's program application may be obtained from the Underground Storage Tank Program, Washington Department of Ecology, P.O. Box 4765, Olympia, Washington 98504. All approved material is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of the material at NARA, email fr.inspection@nara.gov or go to www.archives.gov/federal-register/cfr/ibr-locations.html.

(A) "Washington Statutory Requirements Applicable to the Underground Storage Tank Program," June 2021.

(B) "Washington Regulatory Requirements Applicable to the Underground Storage Tank Program," June 2021.

(ii) *Legal basis.* The EPA evaluated the statutes and regulations listed in appendix B to this part that provide the legal basis for the State's implementation of the underground storage tank program but are not incorporated by reference and do not replace Federal authorities.

(iii) *Broader in scope.* The specifically identified sections and rules applicable to the Washington underground storage tank program listed in appendix C to this part are broader in scope than the Federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(2) *Statement of legal authority.* The Attorney General Statement, signed on October 10, 2018, though not incorporated by reference, is referenced

as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the application for approval on June 30, 2021, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application on June 30, 2021, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 10 and the Washington Department of Ecology, signed by the EPA Regional Administrator on March 19, 2019, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

■ 3. Amend appendix A to part 282 by adding an entry for "Washington" in alphabetical order by State to read as follows:

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Washington

(a) The statutory provisions include:
 (1) Chapter 70A.355 RCW, "Underground Storage Tanks"; Sections 70A.355.010, "Definitions"; 70A.355.020, "Department's Powers and Duties—Rule-Making Authority", Subsections 020(1), 020(2), 020(3); 70A.355.030, "Environmentally Sensitive Areas"; 70A.355.090, "Underground storage tank account"; 70A.355.100, "Preemption"; 70A.355.900, "Captions not law"; 70A.355.901 "Severability—1989 c 346"; and 70A.355.902, "Effective Date—1989 c 346".

(b) The regulatory provisions include:

(1) Washington Administrative Code, Chapter 173-360A:
 173-360A-0100 Purpose of chapter
 173-360A-0110 Applicability of chapter
 173-360A-0120 Preemption of local programs
 173-360A-0130 Approval of more stringent local requirements
 173-360A-0150 Definitions, except subsections -150(24), -150(54), and -150(56)
 173-360A-0190 Severability
 173-360A-0230 Reporting requirements, except subsections -0230(1), (7), (8) and (9)

173-360A-0240 Recordkeeping requirements, except subsection -0240(5)
 173-360A-0260 Information sharing
 173-360A-0300 Installation of UST systems and components
 173-360A-0310 Performance standards for new UST systems and components
 173-360A-0320 Upgrade requirements for existing UST systems
 173-360A-0330 Upgrade requirements for previously deferred UST systems
 173-360A-0340 Performance standards for partially exempt UST systems
 173-360A-0350 Compatibility requirements for UST systems
 173-360A-0400 Transfer of regulated substances—Owners and operators
 173-360A-0405 Transfer of regulated substances—Product deliverers and waste oil collectors
 173-360A-0410 Change in regulated substances
 173-360A-0420 Operation and maintenance walkthrough inspections
 173-360A-0430 Operation and maintenance corrosion protection
 173-360A-0440 Operation and maintenance internal linings
 173-360A-0450 Operation and maintenance of containment sumps used for interstitial monitoring of piping
 173-360A-460 Operation and maintenance of spill prevention equipment
 173-360A-0470 Operation and maintenance of overfill protection equipment
 173-360A-0480 Operation and maintenance of release detection equipment
 173-360A-0500 Purpose and applicability
 173-360A-0510 Designation of Class A, Class B, and Class C operators
 173-360A-0520 Timing of operator training
 173-360A-0530 Requirements for operator training, except subsection -530(1)(b)(i)(A), 0530(1)(b)(i)(B), 0530(1)(b)(i)(C) and 0530(1)(b)(ii)
 173-360A-0540 Retraining requirements for Class A and Class B operators
 173-360A-0545 Operation and maintenance plans
 173-360A-0550 Emergency response requirements
 173-360A-0560 Documentation and recordkeeping
 173-360A-0600 General release detection requirements
 173-360A-0610 Release detection requirements for tanks
 173-360A-0615 Release detection requirements for piping
 173-360A-0620 Inventory control
 173-360A-0625 Weekly manual tank gauging
 173-360A-0630 Automatic tank gauging
 173-360A-0635 Tank tightness testing
 173-360A-0640 Automatic line leak detectors
 173-360A-0650 Line tightness testing
 173-360A-0655 Interstitial monitoring
 173-360A-0660 Vapor monitoring
 173-360A-0665 Groundwater monitoring
 173-360A-0670 Statistical inventory reconciliation
 173-360A-0675 Other release detection methods
 173-360A-0700 Reporting of suspected releases
 173-360A-0710 Investigation due to off-facility impacts

173-360A-0720 Release investigation and confirmation steps
 173-360A-0730 Site assessment requirements
 173-360A-0740 Reporting and cleanup of spills and overfills, except subsection -0740(1)(a) insofar as not to include groundwater contamination
 173-360A-0750 Reporting and cleanup of confirmed releases
 173-360A-0800 Temporary closure of UST systems
 173-360A-0810 Permanent closure of UST systems
 173-360A-0820 Change-in-service of UST systems
 173-360A-0830 Previously closed UST systems
 173-360A-1000 Applicability
 173-360A-1005 Definition of terms
 173-360A-1010 Period of financial responsibility
 173-360A-1015 Scope and amount of financial responsibility
 173-360A-1020 Allowable mechanisms and combination of mechanisms
 173-360A-1025 Substitution of mechanisms by owners or operators
 173-360A-1030 Termination of mechanisms by providers
 173-360A-1035 Responsibilities upon bankruptcy or other incapacity of owner or operator or provider of financial assurance
 173-360A-1040 Recordkeeping by owner and operators
 173-360A-1045 Reporting by owners and operators
 173-360A-1050 Use of standby trusts
 173-360A-1055 Use of local government guarantees without standby trusts
 173-360A-1060 Mechanism—Financial test of self-insurance
 173-360A-1061 Mechanism—Guarantee
 173-360A-1062 Mechanism—Insurance and risk retention group coverage
 173-360A-1063 Mechanism—Surety bond
 173-360A-1064 Mechanism—Letter of credit
 173-360A-1065 Mechanism—Trust fund
 173-360A-1066 Mechanism—Standby trust fund
 173-360A-1070 Mechanism—Local government bond rating test
 173-360A-1071 Mechanism—Local government financial test
 173-360A-1072 Mechanism—Local government guarantee
 173-360A-1073 Mechanism—Local government fund
 173-360A-1080 Appendix A—Letter from chief financial officer
 173-360A-1081 Appendix B—Guarantee
 173-360A-1082 Appendix C—Endorsement
 173-360A-1083 Appendix D—Certificate of insurance
 173-360A-1084 Appendix E—Performance bond
 173-360A-1085 Appendix F—Irrevocable standby letter of credit
 173-360A-1086 Appendix G—Trust agreement
 173-360A-1087 Appendix H—Certification of acknowledgement

173-360A-1088 Appendix I—Local government bond rating test—Letter from chief financial officer of general purpose local governments
 173-360A-1089 Appendix J—Local government bond rating test—Letter from chief financial officer of nongeneral purpose local governments
 173-360A-1090 Appendix K—Local government financial test—Letter from chief financial officer
 173-360A-1091 Appendix L—Local government guarantee with standby trust made by a state
 173-360A-1092 Appendix M—Local government guarantee with standby trust made by a local government
 173-360A-1093 Appendix N—Local government guarantee without standby trust made by a state
 173-360A-1094 Appendix O—Local government guarantee without standby trust made by a local government
 173-360A-1095 Appendix P—Local government fund—Letter from chief financial officer
 173-360A-1096 Appendix Q—Certification of financial responsibility
 173-360A-1097 Appendix R—Certification of valid claim
 (2) Washington Administrative Code, Chapter 173-340, “Model Toxics Control Act Cleanup Regulation”:
 173-340-450 Releases from underground storage tanks
 173-340-600 Public notice and participation
 * * * * *

■ 4. Add appendix B to part 282 to read as follows:

Appendix B to Part 282—State Requirements Not Incorporated by Reference in Part 282 of the Code of Federal Regulations

The EPA evaluated the following statutes and regulations that are part of the approved program but are not being incorporated by reference for enforcement purposes and do not replace Federal authorities.

Washington

(a) The statutory provisions include:
 (1) RCW 70A.355, “Underground Storage Tanks,” Sections 70A.355.005, 020(5), 020(6), 040(2), 050, 060, and 070.
 (2) RCW 43.21B, “Environmental Land Use & Hearing Office—Pollution Control Hearings Board” insofar as the provisions and procedures serve to implement the underground storage tank program.
 (b) The regulatory provisions, insofar as these sections identify specific authorities for the implementation, compliance monitoring and enforcement of the underground storage tank program, include:
 (1) WAC 173-360A (July 18, 2018), “Underground Storage Tank Regulations,” Sections:
 173-360A-0140, “Intergovernmental agreements”

173-360A-0150(24), “Facility compliance tags”
 173-360A-0150(54), “Product deliverer”
 173-360A-0150(56), “Red tag”
 173-360A-0220, “Facility compliance tags”
 173-360A-0250, “Compliance monitoring, investigation, and access”
 173-360A-0270, “Enforcement”
 173-360A-0280, “Delivery Prohibition”
 173-360A-0290, “Civil penalties”
 (2) WAC 371-08-485(2) and (3), “Practice and Procedure.”
 (3) Washington Superior Court Civil Rule 24(a)(2).

■ 5. Add appendix C to part 282 to read as follows:

Appendix C to Part 282—Other State Provisions Not Incorporated by Reference in Part 282 of the Code of Federal Regulations

The following statutory and regulatory provisions are “broader in scope” than the Federal program, are not part of the approved program, and are not incorporated by reference herein. These provisions are not federally enforceable.

Washington

(a) The statutory provisions include:
 (1) RCW 70A.355, “Underground Storage Tanks”: Sections 020(4), 020(7), 020(8), 040(1), 040(3) and 080.
 (2) RCW 70A.305, “Hazardous Waste Cleanup—Model Toxics Control Act” insofar as the provisions and procedures serve to implement the underground storage tank program.
 (3) RCW 70A.325, “Underground Petroleum Tanks” insofar as the provisions and procedures serve to implement the underground storage tank program.
 (4) RCW 70A.330, “Petroleum Storage Tank Systems Pollution Liability Protection Act” insofar as the provisions and procedures serve to implement the underground storage tank program.
 (5) RCW 70A.345, “Underground Storage Tank Revolving Loan and Grant Program” insofar as the provisions and procedures serve to implement the underground storage tank program.
 (6) RCW 82.23A, “Petroleum Products—Underground Storage Tank Program Funding” insofar as the provisions and procedures serve to implement the underground storage tank program.
 (b) The regulatory provisions include:
 (1) WAC 173-360A (July 18, 2018), “Underground Storage Tank Regulations,” Sections 0200, 0210, 0230(1), (7) and (8), 0240(5), 0530(1)(i)(A), 0530(1)(b)(i)(B), 0530(1)(b)(i)(C) and 0530(1)(b)(ii), 0740(1)(a), and 0900 through 0940.

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Proposed Rules

Federal Register

Vol. 86, No. 199

Tuesday, October 19, 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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 894

RIN 3206-AN91

FEDVIP: Extension of Eligibility to Certain Employees on Temporary Appointments and Certain Employees on Seasonal and Intermittent Schedules; Enrollment Clarifications and Qualifying Life Events

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed rule to expand eligibility for enrollment in the Federal Employees Dental and Vision Insurance Program (FEDVIP) to additional categories of Federal employees. This proposed rule expands eligibility for FEDVIP to certain Federal employees on temporary appointments and certain employees on seasonal and intermittent schedules that became eligible for Federal Employees Health Benefits (FEHB) enrollment beginning in 2015. This rule also expands access to FEDVIP benefits to certain firefighters on temporary appointments and intermittent emergency response personnel who became eligible for FEHB coverage in 2012. This proposed rule also updates the provisions on enrollment for active duty service members who become eligible for FEDVIP as uniformed service retirees pursuant to the National Defense Authorization Act of 2017 (FY17 NDAA). In addition, this rule proposes to add qualifying life events (QLEs) for enrollees who may become eligible for and enroll in dental and/or vision services from the Department of Veterans Affairs (VA). Lastly, the rule also proposes technical corrections and clarifications to the part.

DATES: OPM must receive comments on or before December 20, 2021.

ADDRESSES: You may submit comments, identified by docket number and/or

Regulatory Information Number (RIN) and title, by the following method:

- *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Julia Elam, Program Analyst, at julia.elam@opm.gov or (202) 606-2128.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

FEDVIP was created as a result of the passage of the Federal Employee Dental and Vision Benefits Enhancement Act of 2004, Public Law 108-496. This Act required OPM to make stand-alone dental and vision insurance available to Federal employees, retirees, and their dependents. As of August 3, 2021, FEDVIP has 5.4 million enrollees with approximately 7.3 million covered individuals. FEDVIP is available to eligible Federal civilian and U.S. Postal Service (USPS) employees, retirees (annuitants), survivor annuitants, compensationers, and their eligible family members (dependents); and certain TRICARE-eligible individuals (TEIs) who are authorized under Section 715 of Public Law 114-328, on an enrollee-pay-all basis; there is no government contribution toward premiums.

The program is administered by OPM in accordance with 5 U.S.C. chapters 89A and 89B and implementing regulations (5 CFR part 894). The authority to extend FEDVIP eligibility to additional groups of employees falls under OPM's regulatory authority at 5 U.S.C. 8962 and 5 U.S.C. 8992 to determine eligibility of employees based on the nature and type of employment.

Discussion of the Proposed Changes

Addition of Newly Eligible Groups

This rule will allow newly eligible individuals to enroll themselves and their family members in FEDVIP. Under current FEDVIP regulations at 5 CFR 894.302, Federal employees in certain

positions are not eligible to enroll in FEDVIP. This rule proposes to extend eligibility to enroll in FEDVIP to certain temporary Federal employees, and certain Federal employees on seasonal and intermittent schedules who are eligible for the FEHB. Consistent with Internal Revenue Code section 4980H, OPM expanded eligibility to enroll in the FEHB Program to these categories of Federal employees who are expected to work 130 hours per month, for at least 90 days, at 79 FR 62325 (October 17, 2014). This proposed rule expands eligibility to enroll in FEDVIP to this same group of employees under 5 CFR part 894 and allows them to enroll in FEDVIP.

In addition, the rule would allow certain temporary employees of the United States Postal Service (USPS) as well as certain USPS employees on seasonal and intermittent schedules expected to work 130 hours per month, for at least 90 days, to enroll for FEDVIP coverage as USPS does not offer separate dental and vision plans for this group.

Current FEDVIP regulations do not allow certain firefighters on temporary appointments and intermittent emergency response personnel for wildland fire protection to enroll. These employees are distinct from the categories described above because they might not meet the requirement of being expected to work 130 hours per calendar month for 90 days or more. In 2012, upon request by an employing agency, eligibility to enroll in the FEHB Program was extended to employees in positions that provide emergency response services for wildland fire protection, and to employees performing similar types of emergency response services if approved by OPM. This proposed rule similarly provides these employees eligibility to enroll in FEDVIP.

OPM seeks comments on how this expanded group of certain employees on temporary appointments and employees on seasonal and intermittent schedules, as well as certain firefighters and intermittent emergency response personnel, should first be offered an enrollment opportunity upon issuance of the final rule. We have proposed that enrollments for newly eligible employees would be accepted during a 60-day period from the date of issuance of the final rule, after the employing

office notifies employees of their eligibility to enroll in a FEDVIP plan. If an employee in this group is expected to work or does work 130 hours per calendar month for 90 days or more, then he or she is eligible to enroll upon notification by his or her employing office. If an employee is a firefighter or intermittent emergency response personnel, he or she is eligible upon notification of his or her employing office. Coverage will become effective for these newly eligible groups pursuant to 5 CFR 894.504. Employing offices must determine eligibility of new and current employees and upon determining eligibility, promptly offer employees made eligible by this rule an opportunity to enroll in FEDVIP so that coverage becomes effective upon issuance of the final rule.

Enrollment of Active Duty Service Members Who Experience a Status Change to Uniformed Services Retirees

This proposed rule clarifies when active duty service members who become uniformed services retirees may enroll in FEDVIP outside of open season. A sponsor on active duty becomes eligible for FEDVIP as a TEI, pursuant to Public Law 108–496, when the individual becomes a uniformed services retiree. Under current regulations at § 894.501(b), an individual may enroll within 60 days of becoming eligible. Under 5 CFR 894.504, the individual's enrollment is effective the first day of the pay period following the one in which the Administrator receives the enrollment. A sponsor who is on active duty that retires and becomes a TEI could experience a 30-day break in coverage if that individual enrolls when becoming eligible as a uniformed services retiree. OPM is adding a new paragraph, 5 CFR 894.501(e) to allow these active duty service members who will experience a status change to a uniformed services retiree to enroll in FEDVIP beginning 31 days before the service member loses other dental or vision coverage to 60 days after becoming eligible to enroll. We are also amending 5 CFR 894.504(d) to make the effective date for these individuals enrolling outside of open season to be no earlier than the date the active duty service member lost other coverage.

Addition of New QLEs and Technical Corrections

OPM is proposing to amend certain provisions in 5 CFR part 894 to add qualifying life events for enrollees to cancel a FEDVIP enrollment and decrease an enrollment type. During the 2018 Open Season and the period for

belated enrollments, OPM became aware of circumstances where enrollees who are both TRICARE-eligible and a Federal employee, wanted to cancel coverage because the enrollee or a dependent became eligible for VA dental or vision services. OPM is proposing a new QLE for an enrollee to cancel FEDVIP enrollment when the enrollee becomes eligible for such services and for a decrease in enrollment type when a family member who has been covered under an enrollment becomes eligible for VA dental and or vision services.

In 5 CFR 894.511, OPM proposes to add a new paragraph (c) that adds a QLE allowing a TEI sponsor to decrease an enrollment if a TEI family member who is enrolled becomes deployed to active military duty. Currently, this QLE in 5 CFR 894.511(b) only applies to Federal employees, annuitants or compensationers. In addition, the rule proposes to add a new paragraph (d) that adds a new QLE for an enrollee to decrease an enrollment type if a covered family member becomes eligible for dental or vision benefits from the VA.

In 5 CFR 894.601, OPM proposes a new paragraph (i) that addresses when FEDVIP coverage stops if a sponsor becomes eligible to cancel an enrollment outside of open season and elects to do so. If the sponsor cancels a self plus one or self and family enrollment, the sponsor must notify family members of changes in the enrollment. In 5 CFR 894.602, OPM proposes to add a qualifying life event for an enrollee to cancel their FEDVIP enrollment if the enrollee is determined to be eligible for and enrolls in dental or vision benefits through the VA. If the enrollee is a sponsor and cancels a self plus one or self and family enrollment in a FEDVIP dental plan, the sponsor meets one of the conditions in 5 CFR 894.309(a)(3)(iii), and must notify eligible family members about the change in enrollment. Then, an eligible family member would have to reenroll in a FEDVIP dental plan and cover all eligible family members, pursuant to 5 CFR 894.815(b) and 5 CFR 894.806.

In addition, this proposed rule includes technical corrections. These technical corrections include the following: Capitalization and italicization of certain defined terms throughout 5 CFR part 894; proposal to clarify that premium conversion applies to Federal employees and to update the definition of stepchild in 5 CFR 894.101; proposal to amend the reference to 5 CFR 890.102(c) in 5 CFR 894.302 so that it refers instead to 5 CFR 890.102(c)(1) through (8); a proposal to amend 5 CFR 894.201 to use the more

inclusive terminology of “enrollee” instead of the terms “employee” and “annuitant” since TEIs are also enrollees; and a proposal to remove 5 CFR 894.203 since the situations for changing a family member under a self plus one enrollment or changing to a self only enrollment are covered in 5 CFR 894.510 and 5 CFR 894.511. This rule also incorporates italicization of defined terms in 5 CFR 894.502.

Expected Impact of Proposed Changes

While this rule expands the number of individuals who are potentially eligible for FEDVIP, OPM does not believe this regulation will have a large impact on the broader dental and vision insurance markets. FEDVIP generally constitutes a smaller percentage of dental and vision insurance carrier's overall books of business. OPM has contracted with twelve dental carriers and five vision carriers to offer plans under FEDVIP. There are currently twenty-three dental plan options available across FEDVIP from these twelve dental carriers. Within the five vision carriers, there are currently ten vision plan options that are nationwide and internationally available to all potential enrollees.

OPM estimates that as of June 2021 there are approximately 86,000 Federal employees in the impacted categories that are eligible for FEHB that would also be eligible for FEDVIP under this proposed rule. However, using FEHB Program eligibility as a proxy for FEDVIP eligibility is limited since OPM cannot estimate the uptake of the eligible population to enroll in FEDVIP. Since OPM does not have extensive data on and cannot estimate the potential uptake of newly eligible individuals to determine the impact of this regulation, we are seeking comments on the following:

1. How will the regulation impact changes to enrollment in FEDVIP?
2. How will the allowance of new categories of employees impact FEDVIP?

Regulatory Impact Analysis

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute 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. A regulatory impact analysis must be prepared for major rules with

economically significant effects of \$100 million or more in any one year. While this rule does not reach the economic effect of \$100 million or more under Executive Order 12866, this rule has been designated as a “significant regulatory action,” under Executive Order 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

This rule involves an OMB approved collection of information subject to the PRA for the FEDVIP Enrollment System, known as BENEFEDS, OMB Number: 3206–0272 but does not impose any new reporting or record-keeping requirements subject to the Paperwork Reduction Act. The systems of record notice for this collection is: <https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-central-1-civil-service-retirement-and-insurance-records.pdf>.

List of Subjects in 5 CFR Part 894

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Military personnel, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Alexys Stanley,
Regulatory Affairs Analyst.

Accordingly, OPM proposes to amend 5 CFR part 894 as follows:

PART 894—FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM

- 1. The authority citation for part 894 continues to read as follows:

Authority: 5 U.S.C. 8962; 5 U.S.C. 8992; Subpart C also issued under section 1 of Pub. L. 110–279, 122 Stat. 2604 (2 U.S.C. 2051); and Sec. 894.601(b) also issued under Pub. L. 116–92, 133 Stat. 1198 (5 U.S.C. 8956 note).

Subpart A—Administration and General Provisions

- 2. Amend § 894.101 by revising the definitions of “Premium conversion” and “Stepchild” to read as follows:

§ 894.101 Definitions.

* * * * *

Premium conversion means the payment of FEDVIP premiums by an *employee* using pre-tax dollars. See § 892.102 of this chapter for a discussion of how *premium conversion* works.

* * * * *

Stepchild means your spouse’s child born within or outside marriage or his or her adopted child. The child of your spouse shall continue to be considered your stepchild after your divorce from your spouse or the death of your spouse so long as the child continues to live with you in a regular parent-child relationship.

* * * * *

- 3. Amend § 894.105 by revising paragraphs (b) and (c) to read as follows:

§ 894.105 Who may correct an error in my enrollment?

* * * * *

(b) OPM may order correction of an administrative error or other noncompliance with FEDVIP rules in this part if it receives evidence that it would be against equity (fairness) and good conscience not to order the correction. Corrections are made at the discretion of OPM and are not subject to review.

(c) If the correction gives you or a *family member* retroactive coverage, you

must pay the premiums for all periods of the retroactive coverage. Retroactive premiums will not be on a pre-tax basis (they are not subject to premium conversion).

Subpart B—Coverage and Types of Enrollment

- 4. Revise § 894.201 to read as follows:

§ 894.201 What types of enrollments are available under FEDVIP?

FEDVIP has three *types of enrollment*:

- (a) Self only, which covers only the *enrollee*;
- (b) Self plus one, which covers the *enrollee* plus one *family member*; and
- (c) Self and family, which covers the *enrollee* and all *family members*.

- 5. Amend § 894.202 by revising the section heading to read as follows:

§ 894.202 I am an enrollee; if I enroll for self plus one, may I decide which family member to cover?

* * * * *

§ 894.203 [Removed]

- 6. Remove § 894.203.

§ 894.204 [Redesignated as § 894.203]

- 7. Redesignate § 894.204 as § 894.203.
- 8. Revise newly redesignated § 894.203 to read as follows:

§ 894.203 May I be enrolled in more than one dental or vision plan at a time?

You may be enrolled or be covered in a FEDVIP dental plan and a separate FEDVIP vision plan at the same time. But no one may enroll or be covered as a family member in a FEDVIP dental or vision plan if he or she is covered under another person’s FEDVIP dental or vision self plus one or self and family enrollment, except as provided under § 890.302(a)(2) through (4) of this chapter, with respect to dual enrollments. If two parents of a TEI child are entitled to be a sponsor, they must choose one parent to be the child’s sponsor. Dual enrollments of TEIs are permitted as provided under § 890.302(a)(2) of this chapter as applicable to TEI family members.

Subpart C—Eligibility

- 9. Amend § 894.301 by:
 - a. Revising the section heading.
 - b. In paragraph (b), removing the word “or” at the end of the paragraph.
 - c. In paragraph (c)(2), removing the period of the end of the paragraph and adding “; or” in its place.
 - d. Adding paragraph (d).

The revision and addition read as follows:

§ 894.301 Am I eligible to enroll in FEDVIP as an employee?

* * * * *

(d) You are an *employee* in a position identified by OPM that provides emergency response services for wildland fire protection pursuant to 5 CFR 890.102(h); or you are an *employee* whose employing agency performs similar types of emergency response services pursuant to 5 CFR 890.102(i). OPM may limit the coverage of intermittent *employees* to the periods of time during which they are in a pay status pursuant to 5 CFR 890.102(i).

■ 10. Amend § 894.302 by:

■ a. Revising the introductory text.

■ b. Removing the undesignated paragraph following the introductory text.

■ c. In paragraph (e)(3):

■ i. Removing “§ 316.401 and § 316.403” and adding “§§ 316.401 and 316.403” in its place.

■ ii. Removing the word “or” at the end of the sentence.

■ d. In paragraph (e)(4), removing the period at the end of the sentence and adding “; or” in its place.

■ e. Adding paragraph (e)(5).

■ f. Revising paragraphs (f) and (g).

■ g. Adding paragraphs (l) and (m).

The revisions and additions read as follows:

§ 894.302 What is an excluded position?

Excluded positions are described in 5 U.S.C. 8901(1)(i), (ii), (iii), and (iv) and 5 CFR 890.102(c)(1) through (8). You are in an excluded position if you are:

* * * * *

(e) * * *

(5) You are an *employee* working on a temporary appointment and if you meet the conditions in 5 CFR 890.102(j), you are eligible to enroll in a FEDVIP plan upon notification by your employing office.

(f) Expected to work fewer than six months in each year. *Exceptions:* You are eligible if:

(1) You receive an appointment of at least one year’s duration as an Intern under 5 CFR 213.3402(a). To qualify, you must be expected to be in a pay status for at least one-third of the total period of time from the date of the first appointment to the completion of the work-study program.

(2) You are an *employee* working on a seasonal schedule of less than 6 months in a year, and if you meet the conditions in 5 CFR 890.102(j), you are eligible to enroll in a FEDVIP plan upon notification by your employing office.

(g) An intermittent *employee* (a non-full-time *employee* without a prearranged regular tour of duty). *Exception:* If you are an *employee*

working on an intermittent schedule and if you meet the conditions in 5 CFR 890.102(j), you are eligible to enroll in a FEDVIP plan upon notification by your employing office.

* * * * *

(l) For purposes of this subpart, “qualifying leave without pay hours” means hours of leave without pay for purposes of taking leave under the Family and Medical Leave Act for performance of duty in the Uniformed Services under the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*, for receiving medical treatment under Executive Order 5396 (July 7, 1930), and for periods during which workers compensation is received under the Federal Employees Compensation Act, 5 U.S.C. chapter 81. (m) Once an *employee* is properly enrolled under paragraphs (e) through (g) of this section and meets the conditions in 5 CFR 890.102(j), enrollment will not be terminated, regardless of his or her actual work schedule or employer expectations in subsequent years, unless the *employee* separates from service, receives a new appointment (in which case eligibility will be determined by the rules in this part applicable to the new appointment), or otherwise meets one of the circumstances for termination or cancellation of coverage in §§ 894.601 and 894.602.

Subpart D—Cost of Coverage

■ 11. Amend § 894.403 by revising paragraphs (b)(3) and (4) to read as follows:

§ 894.403 Are FEDVIP premiums paid on a pre-tax basis?

* * * * *

(b) * * *

(3) Your enrollment change was made effective retroactively which resulted in additional premium withholdings, unless it is as a result of birth or adoption of a *child*;

(4) You have been approved to pay premiums directly to the *Administrator*;

* * * * *

Subpart E—Enrollment and Changing Enrollment

■ 12. Revise § 894.501 to read as follows:

§ 894.501 When may I enroll?

You may enroll:

(a) During the annual open season;

(b) Within 60 *days* after you first become eligible as:

(1) A new *employee*;

(2) A previously ineligible *employee* who transfers to a covered position;

(3) A new survivor *annuitant*, if not already covered under FEDVIP;

(4) A Federal *employee* or USPS *employee* working on a temporary appointment as stated in § 894.302(e)(5); a Federal *employee* or USPS *employee* working on a seasonal schedule as stated in § 894.302(f); or a Federal *employee* or USPS *employee* working on an intermittent schedule as stated in § 894.302(g);

(5) An *employee* in a position identified by OPM that provides emergency response services for wildland fire protection pursuant to 5 CFR 890.102(h); or an *employee* whose employing agency performs similar types of emergency response services pursuant to 5 CFR 890.102(i);

(6) A *TEI certifying family member*, but only if, on your first date of eligibility to enroll, your *sponsor* is not a *TEI* or is deceased, or for FEDVIP dental coverage, if your *sponsor* is defined at 5 CFR 890.309(a)(3)(iii); or

(7) A *TEI former spouse*;

(c) Within 60 days of when you return to Federal employment following a break in service of at least 30 days;

(d) From 31 days before you or an eligible family member loses other dental or vision coverage to 60 days after a QLE that allows you to enroll;

(e) For a *sponsor* who becomes eligible as a *TEI*, from 31 days before you lose other dental or vision coverage as an active duty service member to 60 days after you become eligible to enroll as a uniformed services retiree who is a *TEI*;

(f) From 31 days before you get married to 60 days after;

(g) Within 60 days after returning to Federal employment after being on leave without pay if you did not have Federal dental or vision coverage prior to going on leave without pay, or your coverage was terminated or canceled during your period of leave without pay;

(h) Within 60 days of your *annuity* or *compensation* being restored after having been terminated; or

(i) For a *TEI*, within 60 days of your uniformed services pay or uniformed services retirement pay being restored after having been reduced, forfeited, or terminated.

■ 13. Amend § 894.502 by revising paragraphs (b) through (d) to read as follows:

§ 894.502 What are the Qualifying Life Events (QLEs) that allow me to enroll or become covered in FEDVIP outside of open season?

* * * * *

(b) Your *annuity* or *compensation* is restored after having been terminated;

(c) You return to pay status as an *employee* after being on leave without pay due to deployment to active military duty;

(d) You are an *employee* and you get married;

* * * * *

■ 14. Amend § 894.504 by:

■ a. Redesignating paragraphs (d) and (e) as paragraphs (e) and (f).

■ b. Adding new paragraph (d).

■ c. Revising newly redesignated paragraphs (e) and (f).

The addition and revisions read as follows:

§ 894.504 When is my enrollment effective?

* * * * *

(d) Outside of open season, if you are an active duty service member who becomes a uniformed services retiree (*TEI*) and enroll or are enrolled 31 days before you lose other dental or vision coverage, your enrollment is effective no earlier than the date you lost other coverage.

(e) A *QLE* enrollment or change is effective the 1st day of the pay period following the date of your *QLE*.

(f)(1) A belated open season enrollment or change is effective retroactive to the date it would have been effective if you had made a timely enrollment or request for a change.

(2) Any belated enrollment or change outside of open season that goes beyond the allowable 60-day enrollment timeframe is effective retroactive to the 1st day of the pay period following the one in which you became newly eligible or the date of your *QLE*.

(3) You must pay any retroactive premiums due to a belated enrollment or request for a change.

■ 15. Amend § 894.511 by adding paragraphs (c) and (d) to read as follows:

§ 894.511 What are the QLEs that are consistent with decreasing my type of enrollment?

* * * * *

(c) You are a *sponsor* and your *TEI* spouse deploys to active military duty.

(d) You are an *enrollee* and your *family member* or *TEI family member* becomes eligible for dental or vision benefits from the Department of Veterans Affairs.

■ 16. Revise § 894.512 to read as follows:

§ 894.512 What happens if I leave Federal employment and then return?

(a) Your FEDVIP coverage terminates at the end of the pay period in which you separate from Government employment. *Exception:* If you separate

for retirement or while in receipt of workers' *compensation* as defined in § 894.701, your FEDVIP coverage continues.

(b)(1) If you return to Federal employment after a break in employment of fewer than 30 *days*, and you were not previously enrolled in FEDVIP, you may not enroll until the next open season or unless you have a *QLE* that allows you to enroll.

(2) If you return to Federal employment after a break in service of fewer than 30 *days*, and you were previously enrolled in FEDVIP, you may reenroll in the same plan(s) and plan option and with the same *type of enrollment* you had before you separated. *Exceptions:*

(i) If you were enrolled in a dental or vision plan with a restricted geographic service area, and you have since moved out of the plan's service area, you may change to a different dental or vision plan that serves that area.

(ii) If you have since gained or lost an eligible *family member*, you may change your *type of enrollment* consistent with the change in the number of eligible *family members*.

(3) If you return to Federal employment as a new hire after a break in service of 30 *days* or more, you may enroll if you were not previously enrolled, change your dental or vision plan, or change your *type of enrollment*.

Subpart F—Termination or Cancellation of Coverage

■ 17. Amend § 894.601 by adding paragraph (i) to read as follows:

§ 894.601 When does my FEDVIP coverage stop?

* * * * *

(i) If you are a *sponsor* and during the course of your enrollment, you become eligible for dental or vision benefits from the Department of Veterans Affairs, you may cancel your enrollment. Your cancellation will become effective at the end of the pay period that you submit your request pursuant to § 894.602(c). If you cancel a self plus one or self and family enrollment, as *sponsor*, pursuant to § 894.815, you must notify your *family members* of changes in your enrollment. You will still be the *sponsor* but no longer the *enrollee*, and pursuant to § 894.806, your family members would only be eligible for dental coverage, and a *TEI certifying family member* would have to reenroll in and cover all *TEI family members* for dental coverage only.

■ 18. Revise § 894.602 to read as follows:

§ 894.602 May I cancel my enrollment at any time?

Generally, an *enrollee* may only cancel an enrollment during an open season. *Exceptions:* You may cancel your dental and/or vision enrollment if:

(a) You are an *employee* and transfer to an eligible position with a Federal agency that provides dental or vision coverage with 50 percent or more employer-paid premiums and the *employee* enrolls in that program.

(b) You are an *employee* and you or your spouse deploy to active military duty.

(c) You are an *enrollee* and during the course of your enrollment, you become eligible for and enroll in Department of Veterans Affairs (VA) dental or vision benefits. If you are an *enrollee* who is a *sponsor*, you must notify your *family members* of changes in your enrollment pursuant to § 894.815. Your family members will only be eligible for FEDVIP dental coverage since you are a *TEI-D* who is not enrolled in FEDVIP and receives VA dental services and meets one of the conditions in § 894.309(a)(3)(iii). See §§ 894.806 and 894.815(b). Upon cancellation of the enrollment, you will still be the *sponsor* but no longer the *enrollee*, and a *TEI certifying family member* must reenroll in and cover all *TEI family members* for FEDVIP dental coverage only and upon reenrollment may change from one dental plan to another.

(d) Cancellations under paragraphs (a) and (b) of this section will become effective at the end of the pay period that you submit your request, and cancellations under paragraph (c) of this section will become effective at the end of the pay period that your cancellation was approved.

Subpart G—Annuitants and Compensationers

■ 19. Amend § 894.704 by revising the section heading to read as follows:

§ 894.704 What happens if I retire from Federal employment and then come back to work for the Federal Government?

* * * * *

§§ 894.101, 894.301, 894.302, 894.308, 894.403, 894.404, 894.405, 894.406, 894.510, 894.601, 894.704, and 894.901 [Amended]

■ 20. In addition to the amendments above to 5 CFR part 894, in the table below, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears, and add in its place the text indicated in the right column:

Section	Remove	Add
Section 894.101 introductory text	enrollee	enrollee.
Section 894.101, definition of "Acquiring an eligible child", paragraph (4)	enrollee	enrollee.
Section 894.101, definition of "Acquiring an eligible child", paragraph (6)	enrollee's	enrollee's.
Section 894.101, definition of "Acquiring an eligible child", paragraph (6)	enrollee	enrollee.
Section 894.101, definition of "Annuitant"	employee	employee.
Section 894.101, definition of "Annuitant"	employees	employees.
Section 894.101, definition of "Child", paragraph (1)(iii)	enrollee	enrollee.
Section 894.101, definition of "Covered position"	employee	employee.
Section 894.101, definition of "Dependent"	enrollee	enrollee.
Section 894.101, definition of "Employee"	employee additionally	employee additionally.
Section 894.101, definition of "Employee"	employee of the District	employee of the District.
Section 894.101, definition of "Enrollment reconsideration"	Administrator's	Administrator's.
Section 894.101, definition of "Recognized natural child"	enrollee	enrollee.
Section 894.101, definition of "Regular parent-child relationship"	enrollee	enrollee.
Section 894.301(c)(1)	employee	employee.
Section 894.302(d)	employees	employees.
Section 894.302(k)(1) and (2)	employee	employee.
Section 894.308(a) and (b) introductory text	enrollee	enrollee.
Section 894.308(b)(2)	enrollee's	enrollee's.
Section 894.308(b)(3)	enrollee	enrollee.
Section 894.403(a)	employee	employee.
Section 894.404	employees	employees.
Section 894.405(a)	Administrator	Administrator.
Section 894.405(c)	enrollee	enrollee.
Section 894.406(c)	enrollee	enrollee.
Section 894.510(a) introductory text	type of enrollment	type of enrollment:
Section 894.510(c)(1)	type of enrollment	type of enrollment.
Section 894.601(b)	enrollee	enrollee.
Section 894.704(c)	employee	employee.
Section 894.901(a) and (b)	enrollees	enrollees.

[FR Doc. 2021-22281 Filed 10-18-21; 8:45 am]

BILLING CODE 6325-64-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2021-0249; FRL-8724-03-R9]

Rescission of Clean Data Determination and Call for Attainment Plan Revision for the Yuma, AZ 1987 PM₁₀ Moderate Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; availability of supplemental information and re-opening of comment period.

SUMMARY: On June 1, 2021, the Environmental Protection Agency (EPA) published in the *Federal Register* a proposal to rescind our previously issued clean data determination for the Yuma, Arizona "Moderate" nonattainment area for the 1987 24-hour national ambient air quality standard (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀). We also proposed to find that the Arizona State Implementation Plan (SIP) is substantially inadequate to attain or maintain the PM₁₀ standard and to

therefore issue a "SIP call" requiring Arizona to revise the SIP to address this inadequacy. Due to an administrative oversight, the contents of the rulemaking docket were not available for the full 30-day comment period. Therefore, the EPA is re-opening the comment period for the proposed rule for an additional 30 days. Furthermore, in response to a letter received during the initial comment period, we are also specifically seeking comment regarding the appropriate attainment date for the Yuma PM₁₀ nonattainment area.

DATES: The comment period for the proposed rule published at 86 FR 29219 on June 1, 2021, is reopened. Comments must be received on or before November 18, 2021.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2021-0249 at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from www.regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is

considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: John J. Kelly, Air Planning Office (AIR-2), EPA Region IX, (415) 947-4151, kelly.johnj@epa.gov.

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

On June 1, 2021, the EPA published in the *Federal Register* a proposal to rescind our previously issued clean data determination for the Yuma PM₁₀ nonattainment area.¹ We also proposed

¹ 86 FR 29219.

to find that the Arizona SIP is substantially inadequate to attain or maintain the PM₁₀ standard and to issue a SIP call requiring Arizona to revise the SIP to address this inadequacy. We proposed to require Arizona to submit this Moderate nonattainment plan SIP submission within 18 months of finalizing the SIP call and to set a new attainment date of no later than December 31, 2025, because the original maximum attainment date for this area under Clean Air Act (CAA) section 188(c)(1) was December 31, 1994 (approximately four years from the original designation).² We proposed a deadline for reasonably available control measures to be fully implemented in the area by January 1, 2025, but also recommended that reasonable controls be fully implemented as early as January 1, 2023. Earlier implementation of reasonable controls would allow high-wind dust events during the three-year period preceding the proposed attainment date potentially to be considered “natural events” under the EPA’s exceptional events rule.³

The public comment period for the proposed rule started on June 1, 2021, and ended on July 1, 2021. Due to an inadvertent administrative oversight, the EPA did not post all the documents contained in the docket until June 23, 2021. The EPA is re-opening the comment period for the proposed rule for an additional 30 days, to allow for a full comment period with access to the docket.

During the comment period, the EPA received comments from seven commenters including the Arizona Department of Environmental Quality (ADEQ). In its comment letter, ADEQ noted that the EPA’s authority to establish a new attainment date is contained in section 110(k)(5), which allows the EPA to adjust any dates applicable to the relevant requirements “as appropriate;” that such adjusted dates could include the attainment date if the original attainment date had elapsed; and that CAA section 188(c)(1) “establishes two alternative attainment deadlines for moderate PM₁₀ nonattainment areas: four years after designation for areas designated in 1990, and six years after designation for all other areas.”⁴ ADEQ asserted that the CAA does not require the EPA to set

the new maximum attainment date according to the shorter deadline and that “the six-year deadline would be more “appropriate” for the Yuma PM₁₀ nonattainment area.⁵ In particular, ADEQ asserted that the EPA’s recommended schedule for implementation of reasonable controls by January 1, 2023, “which envisions implementation nineteen months after EPA’s proposed finding is completely unrealistic.”⁶

In response to ADEQ’s comment, we are now also seeking comment on a possible alternative attainment date for the Yuma PM₁₀ nonattainment area. As noted by ADEQ, given that the original attainment date of December 31, 1994, has elapsed, CAA section 110(k)(5) provides the EPA with discretion to adjust this date “as appropriate.”⁷ We initially proposed an attainment date of December 31, 2025, based on the fact that the Yuma area’s original attainment date was approximately four years from its designation as a nonattainment area in 1990. However, as also noted by ADEQ, for other Moderate PM₁₀ nonattainment areas, CAA section 188(c)(1) sets a maximum attainment date of the end of the sixth calendar year after the area’s designation as nonattainment. Therefore, we are specifically seeking comment on whether we should set a maximum attainment date of December 31, 2027 (roughly six years from the expected SIP call effective date), rather than December 31, 2025 (roughly four years from the expected SIP call effective date), for the Yuma PM₁₀ nonattainment area, if we finalize our proposed finding of inadequacy and SIP call.

We are also again soliciting public comments on all issues discussed in our June 1, 2021 proposal. We will accept comments from the public on that proposal until the date listed in the DATES section above. We will consider all comments received during both the initial comment period and this second comment period before taking final action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

⁵ Id. (quoting CAA section 110(k)(5)).

⁶ Id. (emphasis in original).

⁷ CAA section 110(k)(5) (“Any finding under this paragraph shall, to the extent the Administrator deems appropriate, subject the State to the requirements of this chapter to which the State was subject when it developed and submitted the plan for which such finding was made, except that the Administrator may adjust any dates applicable under such requirements as appropriate (except that the Administrator may not adjust any attainment date prescribed under part D of this subchapter, unless such date has elapsed).”).

reference, Intergovernmental relations, Particulate matter, Pollution.

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

Dated: October 5, 2021.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 2021–22167 Filed 10–18–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 305

RIN 0970–AC86

Paternity Establishment Percentage Performance Relief

AGENCY: Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: Due to the impact of the COVID–19 public health emergency on state child support program operations, the Office of Child Support Enforcement (OCSE) proposes to modify the Paternity Establishment Percentage (PEP) from the 90 percent performance threshold to 50 percent for Federal Fiscal Years (FFY) 2020 and 2021 in order for a state to avoid a financial penalty. OCSE also proposes to provide that adverse findings of data reliability audits of a state’s paternity establishment data will not result in a financial penalty.

DATES: Consideration will be given to written comments on this notice of proposed rulemaking (NPRM) received on or before November 18, 2021.

ADDRESSES: You may submit comments, identified by [docket number and/or Regulatory Information Number (RIN) number], by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Written comments may be submitted to: Office of Child Support Enforcement, Attention: Director of Policy and Training, 330 C Street SW, Washington, DC 20201.

Instructions: All submissions received must include the agency name and docket number or RIN for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

² 86 FR 29221.

³ Id. at footnote 40 (citing 40 CFR 50.14(b)(5)(ii)).

⁴ Letter dated June 30, 2021 from Daniel Czecholinski, Air Quality Division Director, ADEQ, RE: Proposed Rescission of Clean Data Determination and Call for Attainment Plan Revision for the Yuma, AZ PM₁₀ Moderate Nonattainment Area, 2.

FOR FURTHER INFORMATION CONTACT:

Eliza Lowe, Senior Policy Specialist, the OCSE Division of Policy and Training, at ocse.dpt@acf.hhs.gov. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 between 8 a.m. and 7 p.m. Eastern Time.

SUPPLEMENTARY INFORMATION:**Submission of Comments**

Comments should be specific, address issues raised by the proposed rule, and explain reasons for any objections or recommended changes. Additionally, we will be interested in comments that indicate agreement with the proposals. We will not acknowledge receipt of the comments we receive. However, we will review and consider all comments that are germane and are received during the comment period. We will respond to these comments in the preamble to the final rule. In this NPRM, we specifically seek public comment on the timeframe for the relief proposed, and whether the relief period should extend to include FFY 2022.

Statutory Authority

This NPRM is published under the authority granted to the Secretary of Health and Human Services by section 1102 of the Social Security Act (the Act) (42 U.S.C. 1302). Section 1102 of the Act authorizes the Secretary to publish regulations, not inconsistent with the Act, as may be necessary for the efficient administration of the functions with which the Secretary is responsible under the Act. The proposed relief from the Paternity Establishment Percentage performance penalty under this NPRM is based on statutory authority granted under section 452(g)(3)(A) of the Act (42 U.S.C. 652(g)(3)(A)).

Justification

The purpose of this proposed rule is to provide targeted and time-limited relief to states from penalties due to the impact of the national public health emergency (PHE) caused by COVID-19 on state program performance. The pandemic has had an enormous adverse impact on child support services delivered by states under Title IV-D of the Act. Due to disruptions to state child support operations and to court operations during the PHE, states are experiencing significant workload burdens and service backlogs.

In particular, states have indicated that the PHE has created numerous challenges in their ability to establish paternity/parentage in child support cases. Establishing paternity, a core function of the child support program as stated in section 452(a)(1) of the Act, is

an essential step in securing a support order and ultimately support for a child. Because of the importance of paternity/parentage establishment in the success of the child support program, a state's paternity establishment performance, measured using the Paternity Establishment Percentage (PEP), is a federally-required performance measure under section 452(g) of the Act.

While states have some discretion under their Title IV-D State Plan for their paternity and parentage establishment procedures and have developed programs that range from highly-administrative to more judicially-based, they also have commonalities in these procedures. States are required, for example, to have hospital-based, voluntary paternity acknowledgement programs to establish parentage for non-marital birth families in uncontested cases and to have procedures for genetic testing in contested cases.

The pandemic has made it difficult for state child support programs to perform many of the in-person functions needed to establish paternity/parentage. Barriers to this process include the limitations of on-site genetic-testing operations, office-staffing issues due to staff telework or illness, and people's inability to visit offices for case intake or genetic testing. In addition, many hospitals have limited visitation policies during the PHE, which led many states to suspend their hospital-based voluntary paternity/parentage establishment programs. Finally, in many jurisdictions, courts halted certain civil proceedings, including child support cases requiring paternity/parentage establishment.¹ While most courts are now operational, child support cases remain backlogged.² The situation continues to impact state's paternity establishment performance for FFY 2021.

Since the start of the pandemic in early 2020, states have appealed for relief from program requirements in order to support their operations during the crisis. OCSE is able to provide certain flexibilities for administrative requirements under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) (See OCSE Dear Colleague Letter 20-04: Flexibilities for State and Tribal Child Support Agencies during COVID-19

¹ Hurst, John, "PEP in a Pandemic Environment," NCSEA Child Support CommuniQue, (April, 2021) and Fickler, Wade and Sarah Scherer, "The NCSL Blog: COVID-19's Snowballing Effect on Child Support, Custody, Visitation, Economic Security" (April 21, 2020).

² Ibid.

Pandemic³). However, these flexibilities do not extend to relief for financial penalties related to performance or adverse data reliability audit findings. States are concerned that PEP-related financial penalties, which like all child support performance penalties are imposed in the form of a reduction in the Temporary Assistance for Needy Families (TANF) program funding to states, place an undue burden on state budgets and threaten funding that supports the very families who are most in need during this time of crisis.

The adverse impact of the pandemic on paternity establishment is evident in the data. According to OCSE's FFY 2020 data, which are based on data that states submit and OCSE compiles, 41 out of the 54 states (50 states and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands) experienced a decrease in their paternity establishment performance as measured by their PEP percentage. More problematic, according to these data, as many as 18 states appear to have failed to meet the 90 percent threshold and may be subject to financial penalties if they fail to take sufficient corrective action to achieve the appropriate PEP performance level in the subsequent year.

This regulatory action is time sensitive because it must be in effect before states are subject to penalties and adverse data reliability audit findings. States are desperately seeking confirmation from OCSE that they will have relief from these penalties against their state TANF grants. Such penalties would be an overwhelming burden on state budgets and threaten critical funding needed during this COVID-19 PHE.

Background: PEP Performance Requirement

The PEP performance requirement, which is part of the overall performance, audit, penalties, and incentives system for child support, is established under 452(g) of the Act and 45 CFR 305.40. Section 452(a)(4)(C)(i) of the Act requires the Secretary to determine whether State-reported data used to determine the performance levels are complete and reliable. Additionally, section 409(a)(8)(A) of the Act and 45 CFR 305.61(a)(1) provides for a financial penalty if there is a failure to achieve the required level of performance or an audit determines that the data is incomplete or unreliable.

³ <https://www.acf.hhs.gov/css/policy-guidance/flexibilities-state-and-tribal-child-support-agencies-during-covid-19-pandemic>.

The minimum acceptable level of performance for the PEP is 90 percent or an improvement of 2 to 6 percentage points over the previous year's level of performance. Section 409(a)(8) of the Act and 45 CFR 305.61(a)(2) impose automatic corrective action for the subsequent fiscal year. A state also must submit complete and reliable data used in the PEP calculation, which will be audited according to 45 CFR 305.60.

If a state fails to meet the annual 90 percent PEP standard, or to show improvement in the subsequent year (2 to 6 percentage points), the amount of the initial penalty will be equal to one percent of the adjusted State Family Assistance Grant for the TANF program. A penalty against the TANF grant will also be imposed if the state fails to submit complete and reliable PEP data and there is an adverse data reliability audit finding for PEP in the subsequent year. The penalty will continue to be assessed in accordance with section 409(a)(8)(B) of the Act and 45 CFR 305.61 until the state is determined to have submitted complete and reliable data and achieved the required performance level. In accordance with 45 CFR 262.1(e)(1), the state must expend additional state funds equal to the amount of the penalty (which will not count toward the maintenance-of-effort requirement under TANF) the year after the TANF penalty is assessed.

In recent years prior to the pandemic, OCSE has imposed an average of one penalty for PEP performance annually, as nearly all states have consistently met or exceeded the PEP performance measure. This indicates that the failure in performance in FFY 2020 is due to the unprecedented circumstances of the PHE. In addition, in the last ten years, OCSE has imposed no penalties due to adverse data reliability audit findings related to the PEP measure.

Proposed PEP Penalty Relief

OCSE proposes providing relief through this regulation by modifying the requirements related to the PEP performance measure. Section 452(g)(3) of the Act authorizes the Secretary "to take into account such additional variables as the Secretary identifies (including the percentage of children in a State who are born out of wedlock or for whom support has not been established) that affect the ability of a State to meet the requirements of [section 452(g) of the Act]." OCSE proposes that the effect of the COVID-19 PHE on states is one such additional variable, due to the unprecedented nature and scope of the pandemic's impact on the child support program as described above. Therefore, OCSE

proposes modifying the required PEP to a lower performance threshold and setting aside adverse data reliability audit findings related to PEP, thereby allowing states that are not able to meet data performance and data reliability audit requirements to avoid the financial penalty for the years when the pandemic had its greatest impact on the child support program.

OCSE proposes modifying the PEP threshold of 90 percent to a lower threshold of 50 percent for FFYs 2020 and 2021. The rationale for choosing 50 percent is based on the value of this percentage in Table 1 under 45 CFR 305.33, Determination of applicable percentages based on performance levels. Fifty percent is the lowest possible PEP level in the table that still has performance value because it is the lowest PEP performance for which a state still gets credit in the calculation of incentives. Below 50 percent, the state's applicable percentage for PEP performance is valued at zero. In addition, we propose a 50 percent threshold because, according to OCSE's FFY 2020 data, no state has a FFY 2020 PEP level below 65 percent. Therefore, a PEP level of 50 percent will ensure that no state will be subject to a financial penalty while state agency operations are disrupted due to the ongoing PHE.

This proposed rule is time limited and data informed to provide relief narrowly and specifically in response to the ongoing PHE. We propose modifying the PEP threshold for FFYs 2020 and 2021 to align with the timeframe when states experienced the greatest impact of the public health emergency. After the relief period, starting for FFY 2022, the PEP performance thresholds will revert back to the usual levels described under 45 CFR 305.40(a)(1), and states will once again be subject to penalties for adverse data reliability audit findings related to the PEP measure after an automatic corrective action year as specified in 45 CFR 305.42. In this NPRM, we specifically seek public comment on the timeframe for the relief proposed, and whether the relief period should extend to include FFY 2022.

Finally, this proposed relief maintains the integrity of the system of performance, audit, penalties, and incentives that has driven success and accountability in the child support program for over two decades. The proposed regulation provides relief from the PEP measure and data reliability audit penalties but does not otherwise change the process for other performance measures, data collection and reporting, audits, or incentives.

Section-by-Section Discussion of the Provisions of This Proposed Rule

Section 305.61: Penalty for Failure To Meet IV–D Requirements.

We propose to add a new provision to Part 305 Program Performance Measures, Standards, Financial Incentives and Penalties, to provide short-term relief from financial penalties related to the paternity establishment percentage measure, due to the impact of the COVID-19 pandemic on state IV–D operations. We propose adding a new paragraph (e) to § 305.61, Penalty for failure to meet IV–D requirements, to modify the criteria by which states are subject to financial penalties for the PEP requirements. The proposed modified criteria are that the acceptable performance level of paternity establishment percentage under § 305.40(a)(1) is reduced from 90 percent to 50 percent and the adverse findings of data reliability audits of a state's paternity establishment data under § 305.60 will not result in a financial penalty. The proposed modifications are applicable to FFYs 2020 and 2021.

In summary, the rationale for this NPRM, which proposes modifying the PEP requirements, is based on the statutory allowance under section 452(g)(3)(A) of the Act that the Secretary may consider additional variables that affect a state's ability to meet PEP requirements due to the COVID-19 PHE. However, the proposed modifications are only for FFYs 2020 and 2021. In addition, the proposed modifications are based on data that indicate PEP declined for 41 states during the pandemic, and approximately one third of states will be subject to a financial penalty related to these declines if they do not take sufficient corrective action in the subsequent corrective action year. During this COVID-19 PHE, OCSE has carefully considered the impact of the pandemic on state performance. The proposed regulation limits adding further burden on states by providing relief from penalties against state public assistance funding.

Paperwork Reduction Act

No new information collection requirements are imposed by these regulations.

Regulatory Flexibility Analysis

The Secretary certifies that, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), this rule will not result in a significant impact on a substantial number of small entities. The primary impact is on State governments. State

governments are not considered small entities under the Regulatory Flexibility Act.

Regulatory Impact Analysis

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule meets the standards of Executive Order 13563 because it creates a short-term public benefit, at minimal cost to the Federal Government, by not imposing penalties against a state's TANF grant, during a time when public assistance funds are critically needed.

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this NPRM is significant and was accordingly reviewed by OMB.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects (\$100 million or more in any one year). ACF does not anticipate that this proposed rulemaking is likely to have an economic impact of \$100 million or more in any one year, and therefore does not meet the definition of "economically significant" under Executive Order 12866. Accordingly, OIRA has determined that this rulemaking is "not major" under Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act).

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an annual expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation). That threshold level is currently approximately \$164 million. This rule does not impose any mandates on state, local, or tribal governments, or the

private sector, that will result in an annual expenditure of \$164 million or more.

Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a proposed policy or regulation may affect family well-being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. This regulation does not impose requirements on states or families. This regulation will not have an adverse impact on family well-being as defined in the legislation.

Executive Order 13132

Executive Order 13132 prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule does not have federalism impact as defined in the executive order.

List of Subjects in 45 CFR Part 305

Child support, Program performance measures, standards, financial incentives, and penalties.

(Catalog of Federal Domestic Assistance Programs No. 93.563, Child Support Enforcement Program.)

JooYeun Chang,

Acting Assistant Secretary for Children and Families.

Xavier Becerra,

Secretary.

For the reasons stated in the preamble, the Department of Health and Human Services proposes to amend 45 CFR part 305 as set forth below:

PART 305—PROGRAM PERFORMANCE MEASURES, STANDARDS, FINANCIAL INCENTIVES, AND PENALTIES

- 1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 609(a)(8), 652(a)(4) and (g), 658a, and 1302.

- 2. In § 305.61 revise paragraph (e) to read as follows:

§ 305.61 Penalty for failure to meet IV-D requirements.

* * * * *

(e) *COVID-19 paternity establishment percentage penalty relief.* Due to the adverse impact of the COVID-19 pandemic on State IV-D operations, the criteria by which states are subject to financial penalties for the paternity establishment percentage under paragraph (a) of this section are temporarily modified for fiscal years 2020 and 2021 as follows:

(1) The acceptable level of paternity establishment percentage performance under § 305.40(a)(1) is modified for fiscal years 2020 and 2021 from 90 percent to 50 percent, and

(2) The adverse findings of data reliability audits of a State's paternity establishment data under § 305.60 will not result in a financial penalty for fiscal years 2020 and 2021.

* * * * *

[FR Doc. 2021-22553 Filed 10-18-21; 8:45 am]

BILLING CODE 4184-42-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R8-ES-2021-0060; FF09E21000 FXES1111090FEDR 223]

RIN 1018-BE49

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southern Sierra Nevada Distinct Population Segment of Fisher

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to designate critical habitat for the federally endangered Southern Sierra Nevada distinct population segment (DPS) of fisher (*Pekania pennanti*) under the Endangered Species Act of 1973, as amended (Act). In total, we propose to designate approximately 554,454 acres (ac) (224,379 hectares (ha)) in six units in California as critical habitat for the Southern Sierra Nevada DPS of fisher. We also announce the availability of a draft economic analysis of the proposed critical habitat designation.

DATES: We will accept comments received or postmarked on or before December 20, 2021. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for a public hearing, in writing, at the address

shown in **FOR FURTHER INFORMATION CONTACT** by December 3, 2021.

ADDRESSES:

Written comments: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the docket number or RIN for this rulemaking (presented above in the document headings). For best results, do not copy and paste either number; instead, type the docket number or RIN into the Search box using hyphens. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on "Comment."

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R8-ES-2021-0060, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: The coordinates or plot points or both from which the critical habitat maps are generated are included in the decision file and are available at <http://www.regulations.gov> under Docket No. FWS-R8-ES-2021-0060. Any additional supporting information that we developed for this critical habitat designation will be available at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Michael Fris, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Rm. W-2605, Sacramento, CA 95825; telephone 916-414-6600. Persons who use a telecommunications device for the deaf (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, when we determine that any species is an endangered or threatened species, we are required to designate critical habitat, to the maximum extent prudent and determinable. Designations of critical habitat can be completed only by issuing a rule.

What this document does. This document proposes to designate critical habitat for the federally endangered Southern Sierra Nevada DPS of fisher in portions of six counties (Tulare, Kern, Fresno, Madera, Mariposa, and Tuolumne) in the State of California. Please note that, under the Act, the term "species" includes any subspecies of fish or wildlife or plants, and any distinct population segment (DPS) of any species of vertebrate fish or wildlife, which interbreeds when mature. Therefore, in this document, we may refer to the Southern Sierra Nevada DPS of fisher as a "DPS" or as a "species."

The basis for our action. Under section 4(a)(3) of the Act, if we determine that a species is an endangered or threatened species we must, to the maximum extent prudent and determinable, designate critical habitat. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat. The Secretary may exclude an area from the critical habitat designation if we determine that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless we determine, based on the best scientific data available, that the failure to designate such area will result in the extinction of the species.

Abbreviations and Acronyms Used in This Proposed Rule

For the convenience of the reader, a list of the abbreviations and acronyms used in this proposed rule follows:

Act = Endangered Species Act (16 U.S.C. 1531 *et seq.*)
 BIA = Bureau of Indian Affairs
 BLM = Bureau of Land Management
 Cal Fire = California Department of Forestry and Fire Protection
 CBI = Conservation Biology Institute
 CFR = Code of Federal Regulations

DEA = draft economic analysis
 DoD = Department of Defense
 DPS = distinct population segment
 FR = Federal Register
 IEC = Industrial Economics, Incorporated
 IEM = incremental effects memorandum
 INRMP = integrated natural resources management plan
 IRMP = integrated resources management plan (Tule River Indian Tribe of the Tule River Reservation, California)
 NEPA = National Environmental Policy Act (42 U.S.C. 4321 *et seq.*)
 NPS = National Park Service
 SCE = Southern California Edison Service = U.S. Fish and Wildlife Service
 SSA = species status assessment
 SSN = Southern Sierra Nevada
 USFS = U.S. Forest Service
 WUI = wildland-urban interface

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule.

We particularly seek comments concerning:

(1) The reasons why we should or should not designate habitat as "critical habitat" under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including information to inform the following factors that the regulations identify as reasons why designation of critical habitat may be not prudent:

(a) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species;

(b) The present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from consultations under section 7(a)(2) of the Act;

(c) Areas within the jurisdiction of the United States provide no more than negligible conservation value, if any, for a species occurring primarily outside the jurisdiction of the United States; or

(d) No areas meet the definition of critical habitat.

(2) Specific information on:

(a) The amount and distribution of habitat for the SSN DPS of fisher;

(b) What areas, that were occupied at the time of listing (85 FR 29532; May 15, 2020) and that contain the physical and

biological feature essential to the conservation of the species, should be included in the designation and why;

(c) Any additional areas occurring within the range of the species in Tulare, Kern, Fresno, Madera, Mariposa, and Tuolumne counties in California that should be included in the designation because they (1) are occupied at the time of listing and contain the physical or biological feature that is essential to the conservation of the species and that may require special management considerations, or (2) are unoccupied at the time of listing and are essential for the conservation of the species;

(d) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change; and

(e) What areas not occupied at the time of listing are essential for the conservation of the species. We particularly seek comments:

(i) Regarding whether occupied areas are adequate for the conservation of the species; and

(ii) Providing specific information regarding whether or not unoccupied areas would, with reasonable certainty, contribute to the conservation of the species and contain the physical and biological feature essential to the conservation of the species; and

(iii) Explaining whether or not unoccupied areas fall within the definition of "habitat" at 50 CFR 424.02 and why.

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(4) Information on the projected and reasonably likely impacts of climate change on the SSN DPS of fisher's proposed critical habitat.

(5) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the benefits of including or excluding specific areas.

(6) Information on the extent to which the description of probable economic impacts in the draft economic analysis is a reasonable estimate of the likely economic impacts and any additional information regarding probable economic impacts that we should consider.

(7) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act; whether the benefits of potentially excluding any specific area outweigh the benefits of including that area under

section 4(b)(2) of the Act; and, in particular, whether any areas should be considered for exclusion under section 4(b)(2) of the Act based on a conservation program or plan, and why. These may include Federal, Tribal, State, county, local, or private lands with permitted conservation plans covering the species in the area such as habitat conservation plans, safe harbor agreements, or conservation easements, or non-permitted conservation agreements and partnerships that are under development. Detailed information regarding these plans, agreements, easements, and partnerships is also requested, including:

(a) The location and size of lands covered by the plan, agreement, easement, or partnership;

(b) The duration of the plan, agreement, easement, or partnership;

(c) Who holds or manages the land;

(d) What management activities are conducted;

(e) What land uses are allowable; and

(f) If management activities are beneficial to the SSN DPS of fisher and its habitat.

(8) Ongoing or proposed conservation efforts that could result in direct or indirect ecological benefits to the associated habitat for the SSN DPS of fisher. We would evaluate whether these efforts provide an ecological benefit to the DPS and contribute to the recovery of the species, and if so, these areas could be considered for exclusion from the final critical habitat designation.

(9) Whether we could improve or modify our approach to designating critical habitat in any way to provide for greater public participation and understanding, or to better accommodate public concerns and comments.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include. If you request the exclusion of any areas from the final designation, please provide credible information regarding the existence of a meaningful economic or other relevant impact supporting the benefit of exclusion of that particular area. Also, please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(2) of the Act directs that the Secretary shall designate critical habitat on the basis of the best scientific information available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information for public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>.

Because we will consider all comments and information we receive during the comment period, our final determinations may differ from this proposal. Based on the new information we receive (and any comments on that new information), our final critical habitat designation may not include all areas proposed, may include some additional areas that meet the definition of critical habitat, and may exclude some areas if we find the benefits of exclusion outweigh the benefits of inclusion.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. For the immediate future, we will provide these public hearings using webinars that will be announced on the Service's website, in addition to the **Federal Register**. The use of these virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

It is our intent to discuss only those topics directly relevant to the designation of critical habitat for the SSN DPS of fisher in this document. For more information on the DPS, general information about fisher habitat, and previous Federal actions associated with

listing fishers that occur in the Sierra Nevada portion of the species' range, refer to the final listing rule published in the **Federal Register** on May 15, 2020 (85 FR 29532) and associated supporting documents, available online at <http://www.regulations.gov> under Docket No. FWS-R8-ES-2018-0105.

Supporting Documents

An analysis was completed for the fisher in 2016 (Service 2016a, entire), prior to the full implementation of the current Species Status Assessment Framework, ver. 3.4 (Service 2016b, entire). At this time, the best available information regarding a full status assessment for the SSN DPS of fisher is a combination of the 2016 species report (Service 2016a, entire) and the analysis and information presented in the final listing rule (85 FR 29532; May 15, 2020). Additionally, a team of Service biologists, in consultation with other species experts, collected and analyzed the best available information (including the information presented in the 2016 species report and final listing rule and any new information available since the SSN DPS was listed as an endangered species) to support this proposed critical habitat designation. As such, the science used and presented in this proposed rule represents a compilation of the best scientific information available.

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 are seeking the expert opinions of at least three appropriate specialists regarding the science that informs this proposed rule. The purpose of peer review is to ensure that the science behind our critical habitat designation is based on scientifically sound data, assumptions, and analyses. We will consider any comments we receive, as appropriate, before making a final agency determination.

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.*, range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.*, migratory corridors, seasonal habitats, and habitats used periodically, but not solely, by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the Federal agency would be required to consult with the Service under section 7(a)(2) of the Act. However, even if the Service were to conclude that the proposed activity would result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement

“reasonable and prudent alternatives” to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features that occur in specific occupied areas, we focus on the specific features that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. The implementing regulations at 50 CFR 424.12(b)(2) further delineate unoccupied critical habitat by setting out three specific parameters: (1) When designating critical habitat, the Secretary will first evaluate areas occupied by the species; (2) the Secretary will only consider unoccupied areas to be essential where a critical habitat designation limited to geographical areas occupied by the species would be inadequate to ensure the conservation of the species; and (3) for an unoccupied area to be considered essential, the Secretary must determine that there is a reasonable certainty both that the area will contribute to the conservation of the species and that the area contains one or more of those physical or biological features essential to the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of

the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information from a species status assessment (SSA) report and information developed during the listing process for the species; however, for this species, because the SSA framework was not yet available, we applied a slightly different framework using the 2016 species report and the analysis and information presented in the final listing rule (85 FR 29532; May 15, 2020). Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

As the regulatory definition of "habitat" reflects (50 CFR 424.02), habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their

actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in section 9 of the Act. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary shall designate critical habitat at the time the species is determined to be an endangered or threatened species. Our regulations (50 CFR 424.12(a)(1)) state that the Secretary may, but is not required to, determine that a designation would not be prudent in the following circumstances:

- (i) The species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat to the species;
- (ii) The present or threatened destruction, modification, or curtailment of a species' habitat or range is not a threat to the species, or threats to the species' habitat stem solely from causes that cannot be addressed through management actions resulting from consultations under section 7(a)(2) of the Act;
- (iii) Areas within the jurisdiction of the United States provide no more than negligible conservation value, if any, for a species occurring primarily outside the jurisdiction of the United States;
- (iv) No areas meet the definition of critical habitat; or
- (v) The Secretary otherwise determines that designation of critical habitat would not be prudent based on the best scientific data available.

There is currently no imminent threat of overutilization for commercial, recreational, scientific, or educational purposes (see 16 U.S.C. 1533(a)(1)(B)) identified for the SSN DPS of fisher, and identification and mapping of critical habitat is not expected to initiate any such threat. Threats of taking or other

human activity are not expected to increase due to the identification of critical habitat; habitat impacts are a threat to the species, as noted in the final listing determination for the SSN DPS of fisher (85 FR 29532; May 15, 2020), and we stated that these effects are from causes that can be addressed through management actions resulting from consultations under section 7(a)(2) of the Act. The species occurs solely within the United States, and available habitat, particularly those areas that meet the definition of critical habitat, provides significant conservation value.

Overall, our analysis of the best available scientific and commercial information indicates there are areas within the range of the DPS that meet the definition of critical habitat. Therefore, because none of the circumstances enumerated in our regulations at 50 CFR 424.12(a)(1) have been met and because the Secretary has not identified other circumstances for which this designation of critical habitat would be not prudent, we have determined that the designation of critical habitat for the SSN DPS of fisher is prudent.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we must find whether critical habitat for the SSN DPS of fisher is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist:

- (i) Data sufficient to perform required analyses are lacking; or
 - (ii) The biological needs of the species are not sufficiently well known to identify any area that meets the definition of "critical habitat."
- When critical habitat is not determinable, the Act allows the Service an additional year to publish a critical habitat designation (16 U.S.C. 1533(b)(6)(C)(ii)).

We reviewed the available information pertaining to the biological needs of the species and habitat characteristics where the species is located. This and other information represent the best scientific data available and led us to conclude that the designation of critical habitat is determinable for the SSN DPS of fisher.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate critical habitat from within the geographical area occupied

by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection. The regulations at 50 CFR 424.02 define “physical or biological features essential to the conservation of the species” as the features that occur in specific areas and that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of the species might include gravel of a particular size required for spawning, alkali soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, the Service may consider an appropriate quality, quantity, and spatial and temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

We derive the specific physical or biological features essential for the SSN DPS of fisher from studies of the species’ habitat, ecology, and life history, which are described more fully in the final listing rule (85 FR 29532;

May 15, 2020) and the species report (Service 2016a, entire) that was developed to supplement the proposed listing rule (79 FR 60419; October 7, 2014) and revised proposed listing rule (84 FR 60278; November 7, 2019).

Summary of Essential Physical or Biological Features

We have determined that there is one feature, which is considered both physical and biological, that is essential to the conservation of the SSN DPS of fisher. We derive this feature from studies of the species’ habitat, ecology, and life history as described below. Additional information can be found in the final listing rule (85 FR 29532; May 15, 2020) and the species report (Service 2016a, entire) that was developed in conjunction with the proposed listing rule. These background documents are available on <http://www.regulations.gov> under Docket No. FWS–R8–ES–2021–0060.

We have determined that the following feature, which is considered both physical and biological in character, is essential to the conservation of the SSN DPS of fisher: Suitable, high-quality denning habitat that includes intermixed foraging and dispersal areas. Such habitat provides structural features for parturition, raising kits, protection from adverse weather conditions, facilitation of safe movement, sites to rest and thermoregulate, foraging opportunities, and cover to reduce predation risk for adults and young. The characteristics of this physical and biological feature include:

(a) Forest types described as Douglas fir (*Pseudotsuga menziesii*), eastside pine, Jeffrey pine (*Pinus jeffreyi*), montane hardwood-conifer, montane hardwood, montane riparian, ponderosa pine (*Pinus ponderosa*), Sierran mixed conifer, or white fir (*Abies concolor*) of California Wildlife Habitat Relationships size and density classes 4D, 5M, 5D, or 6 (Mayer and Laudenslayer 1988, entire; Thompson et al. 2020, p. 7).

(b) Forest stands in or near drainages with clusters of large, mature trees and snags, high canopy cover (generally greater than or equal to 60 percent), complex horizontal and vertical forest structure (e.g., multilayered canopy, moderate shrub cover, downed wood, vegetation of varying age classes), a moderate intermix of California black oak (*Quercus kelloggii*), and fairly steep slopes (greater than or equal to 17 percent) (Zhao et al. 2012, p. 117; Spencer et al. 2015, pp. 33–35; Green et al. 2019, entire).

(c) Multiple large diameter trees (live or dead), such as conifers greater than or equal to 35 inches (in) (89 centimeters (cm)) and hardwoods greater than or equal to 25 in (63 cm) in diameter (Spencer et al. 2015, p. 39), with cavities that provide secure natal and maternal den sites (Green et al. 2019, p. 136). Some of these large diameter trees or snags should also have branch platforms, broken top platforms, mistletoe (*Arceuthobium* spp.) infections, and other deformities or structures that provide resting sites (Green et al. 2019, p. 136).

(d) Shrub and tree clumps, large downed logs, and other structures that provide continuous dense cover or patches of dense cover that are close together to provide protection from predators (Spencer et al. 2015, p. 33; Green 2017, pp. 101–102).

(e) Intermixed foraging areas that typically include a diversity of vegetation types and seral stages to support a variety of prey species (such as western gray squirrels (*Sciurus griseus*), Douglas squirrels (*Tamiasciurus douglasii*), California ground squirrels (*Otospermophilus beecheyi*), dusky-footed woodrats (*Neotoma fuscipes*), and other small mammals) (Spencer et al. 2015, p. 30), and structures that provide fishers resting sites and protection from predators.

(f) Intermixed dispersal areas that provide connectivity between patches of denning habitat to allow for movement of individuals within subpopulations. Dispersal areas must contain structures and habitat characteristics that facilitate resting and safe movement (Spencer et al. 2015, p. 52). These habitat characteristics and structures include some overhead cover from trees or shrubs (i.e., greater than 30 percent for male dispersal and greater than 60 percent for female dispersal (Tucker et al. 2017, pp. 14–15; Spencer et al. 2016, p. 10)), snags, downed logs, or other components to protect fishers from predation and allow for sufficient resting opportunities.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features that are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of the SSN DPS of fisher may require special management considerations or protection to reduce the threats to the

species; these threats are fully described in the final listing rule (85 FR 29532; May 15, 2020, pp. 85 FR 29564–29569). We determined that the ongoing threats that result in losses of individual fishers or impede population growth of the SSN DPS include: (1) Loss and fragmentation of habitat from high severity wildfire; wildfire suppression (*i.e.*, long-term/historical absence of beneficial, low severity forest fires typically resulting in reduced fuels and healthy forest stands that subsequently have a greater likelihood of withstanding catastrophic, high severity wildfires); climate change; tree mortality from drought, disease, and insect infestation; vegetation management; and development; and (2) potential direct impacts to individuals (*e.g.*, increased mortality, decreased reproductive rates, increased stress/hormone levels, alterations in behavioral patterns) from wildfire, increased temperatures, increased tree mortality, disease and predation, exposure to toxicants, vehicle collisions, and potential effects associated with small population size.

Special management considerations or protection are required within critical habitat areas to address these threats. Management activities that could ameliorate these threats include, but are not limited to: (1) Implementing beneficial forest management practices, especially the use of prescribed fire that reduces fuel load and improves overall forest health, which reduces the risk of catastrophic wildfire and improves habitat resiliency; (2) minimizing habitat disturbance, fragmentation, and destruction from vegetation management and other habitat-altering activities through the use of best management at multiple scales (*e.g.*, stand scale, home-range scale, and landscape scale); (3) maintaining and promoting dense canopy cover, large trees, and other habitat components that fishers require for reproduction or protection from predation; (4) maintaining and enhancing habitat connectivity; (5) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants; and (6) improving the efficacy of existing road-crossing structures and installing new wildlife road crossings on major roadways. These management activities would protect the physical and biological feature for the SSN DPS of fisher by reducing the threats acting on the species and maintaining the forest structure and characteristics that are necessary for fishers to fulfill their life-history needs.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are not currently proposing to designate any areas outside the geographical area occupied by the species because we have not identified any unoccupied areas that meet the definition of critical habitat. We determined that occupied areas are sufficient for contributing to the conservation of the SSN DPS of fisher, following our evaluation of all suitable habitat across the DPS's range that has documented use by fishers.

For areas within the geographic area occupied by the species at the time of listing, we employed the following basic steps to delineate critical habitat (which are described in detail in the text following this list):

(1) We compiled fisher detection data and determined the geographic area that was occupied by the species at the time of listing (see *Occupancy Analysis*, below).

(2) Using the best available science, including habitat models and reasonable inferences regarding female home range size, we conducted a habitat analysis to identify essential patches of fisher habitat (see *Habitat Analysis*, below).

(3) Based on the results of these analyses, we delineated six discrete critical habitat units (including one unit—Unit 3—that is subdivided into three subunits) separated by evidence of genetic discontinuity and gaps in contiguous denning habitat associated with major river canyons (see *Mapping Critical Habitat Units*, below).

Data Sources

For our occupancy analysis, habitat analysis, and subsequent unit delineations, we used a variety of data sources that provide information regarding the occupied range of the fisher, the spatial extent of suitable fisher habitat, and habitat condition, including:

(1) Fisher observation data from the U.S. Forest Service (USFS) Natural Resource Information System, Sierra Nevada Adaptive Management Project—Sugar Pine Fisher Project, USFS Sierra

Nevada Carnivore Monitoring Program, and National Park Service (NPS) databases;

(2) Models developed by the Conservation Biology Institute (CBI), including the Pre-Drought Fisher Denning Habitat Suitability Model, Post-Drought Fisher Denning Habitat Suitability Model, and Post-Drought Fisher Landscape-Scale Habitat Suitability Model;

(3) Housing density data (part of the Wildlife Urban Interface dataset) from the California Department of Forestry and Fire Protection's (Cal Fire) Fire and Resource Assessment Program; and

(4) Lake, reservoir, and pond dataset from California Department of Fish and Wildlife.

Occupancy Analysis

We used recent fisher observation data to identify the geographic area occupied by the species at the time of listing. We reviewed USFS and NPS fisher detection data including visual observations, remote camera detections, scat and hair samples, tracks, and radio telemetry locations from 1990–2020. This timeframe overlaps with the beginning of extensive surveying and monitoring efforts in the Sierra Nevada that continue today (Zielinski et al. 1995, entire) and recent northward population expansion of fishers that has occurred over the last few decades (Tucker et al. 2014, p. 131). Fisher occupancy has remained relatively stable throughout the southern Sierra Nevada from 2002 through 2019 (Zielinski et al. 2013, pp. 8–10; Tucker 2019, pers. comm.), indicating that, in general, sites that were previously occupied remain occupied today.

Based on these data, we determined that the northern extent of the geographic area occupied at the time of listing was the Tuolumne River in Yosemite National Park (Mariposa County) and the southern limit was the Greenhorn Mountains in Sequoia National Forest (Kern County). The eastern limit of the current species' range is the high-elevation, granite-dominated mountains and the western limit is the low-elevation extent of mixed-conifer forest.

We are not proposing to designate any areas outside of the geographic area occupied by the species at the time of listing because we did not find any unoccupied areas to be essential for the conservation of the species. We determined that a critical habitat designation limited to the geographic areas occupied by the species is adequate to ensure the conservation of the species. The occupied areas identified for designation are those areas

that require some form of protection to achieve recovery, and they contribute to the DPS's resiliency, redundancy, and representation across its range.

Habitat Analysis

We used several habitat models developed by CBI to better understand the broad-scale spatial extent of denning habitat. Our analysis was largely focused on denning habitat because this habitat type is essential for female survival and reproduction, and denning structures are considered the most limiting habitat element for fishers (Spencer et al. 2015, p. 33). Denning habitat also supports other life-history activities necessary for female and male survival, such as foraging, resting, and dispersal. The models used for our analysis may overestimate current denning habitat quality in certain fine-scale areas, but these fine-scale areas are expected to support foraging and dispersal and would be included in established and potential fisher home ranges. Therefore, protecting and enhancing the broad-scale spatial extent of denning habitat, including the fine-scale foraging and dispersal areas, is vital to conservation and recovery of the species.

We used a combined output from CBI's Pre-Drought Fisher Denning Habitat Suitability Model (Spencer et al. 2015, pp. A-8–A-12) and the Post-Drought Fisher Denning Habitat Suitability Model (Thompson et al. 2020, p. 6) to identify the broad-scale spatial extent of denning habitat. The pre-drought denning model used den locations and an array of environmental predictors from 2013 or earlier but did not account for recent drought, tree mortality, and wildfires that have significantly altered the landscape within the DPS. Fishers' response to these landscape-scale changes is not yet fully understood, but preliminary findings indicate that females are still denning in many areas that previously supported breeding fishers, despite the changes to the landscape (Green 2020a, pers. comm.). The availability of live forest has decreased across the landscape, but these data suggest that areas that previously supported denning fishers still support the best available habitat, even in an altered state (Green 2020b, pp. 17–18). Experts believe that this pattern may justify continued use of pre-drought data for modeling and analyses (Green 2020b, p. 18). The post-drought denning model includes more recent canopy cover data (*i.e.*, this model may reflect current habitat conditions more accurately), but recent den location data were not available to be incorporated into the updated model.

Therefore, we determined that a combined output from these two denning models captures areas that previously supported, and likely still support, denning fishers and areas that currently provide the best available habitat. In other words, the combined output represents the best prediction of suitable denning habitat currently available.

The Kern Plateau, which contains a known breeding population of fishers, has unique environmental conditions due to differences in climate, geology, and vegetation compared to the west-slope of the Sierra Nevada (Spencer et al. 2015, p. 44). These unique conditions result in true differences in denning habitat value on the Kern Plateau compared to the rest of the fisher's range (Spencer et al. 2015, p. 35). For this reason, the denning models fail to accurately predict denning habitat in this part of the range. To ensure that essential areas of suitable habitat on the Kern Plateau are considered for inclusion in critical habitat, we used CBI's Post-Drought Fisher Landscape-Scale Habitat Suitability Model, which predicts the probability of fisher occurrence (also interpreted as a measure of habitat quality) (Spencer et al. 2015, pp. A-1—A-4). Areas that are strongly selected for by fishers have a predicted probability of fisher occupancy (*i.e.*, habitat suitability) of 0.41 and higher (Spencer et al. 2015, p. 42). For the purposes of our analysis, we consider habitat above this threshold to be "high-quality habitat." Using the post-drought habitat suitability model, we identified all high-quality habitat on the Kern Plateau. We compared this high-quality habitat with fisher detection data and determined that this output is an appropriate surrogate for denning habitat on the Kern Plateau.

To determine if a patch of denning habitat, or high-quality habitat in the case of the Kern Plateau, is essential to the conservation of the species, we considered the size of the patch in relation to fisher ecology. We compared patch size with female territory size to determine the minimum size patch necessary to aid in the conservation of the species. Based on an analysis of female home ranges, species experts identified an average female breeding territory size of 2,471 acres as the appropriate scale to assess fisher habitat (Spencer et al. 2016, p. 27). This average territory size takes into account overlap between neighboring female home ranges and variation in habitat quality. This territory size is also similar to the average size of a female fisher's core use area, which is the portion of the home

range where an animal spends a majority of its time (Spencer et al. 2015, pp. 17–18). For the purposes of our analysis, we rounded this territory size up and consider a female home range size to be 2,500 acres. We determined patches of denning habitat that are of an appropriate size to support a subpopulation (*i.e.*, at least five female fishers based on analyses conducted by Spencer et al. (2015, pp. 41–42)) as essential to the conservation of the species. Therefore, patches of denning habitat 12,500 ac (5,059 ha) or larger are included in the proposed critical habitat designation. We also included one additional patch that plays an important role for the DPS despite being smaller than the area we determined was necessary to directly support a subpopulation. While this patch is only able to support three females, it is located within the average juvenile female dispersal distance (3.04 miles (Spencer et al. 2015, p. 20)) of two subpopulations with high occupancy rates. The location and significant amount of contiguous denning habitat provides important connectivity between the two robust subpopulations, highlighting its importance for the conservation of the DPS.

The models used for our analysis resulted in outputs with several "holes" where modeled denning habitat quality dropped below a threshold set by the modelers based on their understanding of denning habitat selection by fishers. Based on our review of aerial imagery, canopy cover, and other data, the habitat within these holes is still expected to support fisher foraging or dispersal. Due to their proximity to denning habitat and their ability to support other fisher life-history needs, we determined that the habitat within these holes can play an essential role in an established home range or for a dispersing female or male fisher. Therefore, we determined that these areas contain the physical and biological feature essential to the conservation of the SSN DPS of fisher and are included in the proposed critical habitat designation.

Within the areas modeled as denning habitat, and the additional areas that support foraging and dispersal, we identified and removed certain areas that do not contain the physical and biological feature or are not essential to the conservation of the species. First, we removed all lakes, reservoirs, and ponds from the proposed designation because these features do not contain fisher habitat. Next, we identified areas with high human activity (*i.e.*, areas with houses and buildings) that, although they may support fishers and their

habitat, are not essential to the conservation of the species. Fishers are less likely to den in areas with high levels of human activity, such as immediately adjacent to human structures (Spencer et al. 2017, p. 4). Furthermore, areas surrounding homes and buildings generally have been and will be treated heavily to reduce the risk of fire to lives and property. These intense fuels treatments (such as removing all ground vegetation within the defensible space surrounding a building) typically result in reduced habitat quality for fishers. We used housing density data from Cal Fire to identify areas with greater than zero housing units per acre and removed these areas of low quality habitat from the proposed designation.

Mapping Critical Habitat Units

Consistent with previous analyses conducted for the Southern Sierra Nevada Fisher Conservation Assessment (Spencer et al. 2015, pp. 41–52, A–4–A–5), six discrete units (including one unit—Unit 3—that is subdivided into three subunits) were delineated based on evidence of genetic discontinuity and gaps between patches of modeled denning habitat, typically associated with major river canyons. Unit 1 (Kern Plateau) and Unit 2 (South Sequoia) were separated based on a break in modeled habitat continuity along the Kern River Canyon. Unit 2 abuts Unit 3 (North Sequoia), but the units were delineated based on evidence of genetic discontinuity (Tucker et al. 2014, pp. 129–132; Spencer et al. 2015, pp. 10, 46). Consistent with Spencer et al. (2015, pp. 41, 46), we used Bear Creek in Mountain Home Demonstration State Forest to separate Units 2 and 3 (Subunit 3A). Breaks in contiguous patches of denning habitat separated Subunit 3A (Dillonwood Grove) from Subunit 3B (Homes Nose–Paradise Peak), and Subunit 3B from Subunit 3C (Muir Grove). Unit 3 (Subunit 3C) and Unit 4 (South Sierra) are separated by a gap in suitable habitat and evidence of genetic subdivision associated with the Kings River Canyon (Tucker et al. 2014,

pp. 129–132). Unit 4 and Unit 5 (North Sierra) are separated by the San Joaquin River and the associated discontinuity of suitable fisher habitat. Tucker et al. (2014, pp. 131–132) found slight genetic separation between the areas mapped as Unit 4 and Unit 5. Finally, Unit 5 and Unit 6 (Stanislaus) are separated by the break in modeled habitat along the Merced River.

Finally, we used a geoprocessing tool to smooth the boundaries of the units to improve implementation of the proposed designation. This will simplify analyses to determine if a particular location or project area falls within the designation. This exercise had a negligible impact on the area proposed as critical habitat.

When determining proposed critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings (including 100 feet (30.5 meters) of defensible space surrounding buildings), pavement, and other structures because such lands lack the physical and biological feature necessary for the SSN DPS of fisher. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Additionally, the dataset we relied on to remove human structures from the proposed designation may have inadvertently omitted some houses and communities. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat. Therefore, if the critical habitat is finalized as proposed, a Federal action involving these lands would not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical and biological feature in the adjacent critical habitat.

We propose to designate as critical habitat lands that we have determined were occupied at the time of listing and

that contain the physical and biological feature that is essential to support life-history processes of the species.

Six units (including one unit—Unit 3—that is subdivided into three subunits) are proposed for designation based on the physical and biological feature being present to support the fisher’s life-history processes. All of the units contain the identified physical and biological feature (and all characteristics of the physical and biological feature) and support multiple life-history processes.

The proposed critical habitat designation is defined by the maps, as modified by any accompanying regulatory text, presented at the end of this document under Proposed Regulation Promulgation. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public on <http://www.regulations.gov> at Docket No. FWS–R8–ES–2021–0060.

Proposed Critical Habitat Designation

We are proposing six units as critical habitat for the SSN DPS of fisher. All units are considered occupied at the time of listing. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for the SSN DPS of fisher. The six areas we propose as critical habitat (from south to north) are: (1) Kern Plateau; (2) South Sequoia; (3) North Sequoia, including three subunits; (4) South Sierra; (5) North Sierra; and (6) Stanislaus. Table 1 shows the proposed critical habitat units and the approximate area of each unit. Units 4 and 5 overlap with portions of designated critical habitat for the federally threatened Yosemite toad (*Anaxyrus canorus*) (see 50 CFR 17.95(d) and 81 FR 59046, August 26, 2016).

TABLE 1—PROPOSED CRITICAL HABITAT UNITS FOR THE SSN DPS OF FISHER (SOUTH TO NORTH)

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)	Occupied?
Unit 1—Kern Plateau	Federal	64,131 (25,953)	Yes
	State	0	
	Tribal	0	
	Unclassified/Private	654 (265)	
	Total	64,785 (26,218)	

TABLE 1—PROPOSED CRITICAL HABITAT UNITS FOR THE SSN DPS OF FISHER (SOUTH TO NORTH)—Continued
 [Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)	Occupied?	
Unit 2—South Sequoia	Federal	93,106 (37,679)	Yes	
	State	2,147 (869)		
	Tribal *	16,246 (6,574)		
	Unclassified/Private	4,138 (1,674)		
	Total	115,637 (46,797)		
Unit 3—North Sequoia	Federal	12,943 (5,238)	Yes	
	Subunit 3A: Dillonwood Grove	State		1,315 (532)
	Tribal	0		
	Unclassified/Private	967 (391)		
	Total	15,225 (6,161)		
Unit 3—North Sequoia	Federal	9,369 (3,791)	Yes	
	Subunit 3B: Homes Nose-Paradise Peak	State		0
	Tribal	0		
	Unclassified/Private	0		
	Total	9,369 (3,791)		
Unit 3—North Sequoia	Federal	85,526 (34,611)	Yes	
	Subunit 3C: Muir Grove	State		386 (156)
	Tribal	0		
	Unclassified/Private	2,170 (878)		
	Total	88,082 (35,645)		
Unit 4—South Sierra	Federal	46,123 (18,665)	Yes	
	State	0		
	Tribal	0		
	Unclassified/Private	14,900 (6,030)		
	Total	61,023 (24,695)		
Unit 5—North Sierra	Federal	137,430 (55,616)	Yes	
	State	0		
	Tribal	0		
	Unclassified/Private	9,800 (3,966)		
	Total	147,230 (59,582)		
Unit 6—Stanislaus	Federal	52,304 (21,167)	Yes	
	State	0		
	Tribal	0		
	Unclassified/Private	798 (323)		
	Total	53,102 (21,490)		
Total	Federal	500,933 (202,721)	Yes	
	State	3,848 (1,557)		
	Tribal	16,246 (6,574)		
	Unclassified/Private	33,426 (13,527)		
	Total	554,454 (224,379)		

Note: Area sizes may not sum due to rounding.

* These lands are held in Federal trust status by the Bureau of Indian Affairs (BIA) for the Tule River Indian Tribe of the Tule River Reservation, California.

We present brief descriptions of all units and subunits, and reasons why they meet the definition of critical habitat for the SSN DPS of fisher, below.

Unit 1: Kern Plateau

Unit 1 consists of 64,785 ac (26,218 ha) of lands in the Sierra Nevada mountains in Tulare County, California.

Unit 1 is situated on the Kern Plateau, east of the Kern River, west of South Fork Kern River and Kennedy Meadows, north of Sirretta Peak, and south of Templeton Mountain. Lands within this unit include approximately 64,131 ac (25,953 ha; 99 percent) in Federal ownership (Inyo National Forest and Sequoia National Forest, USFS) and 654

ac (265 ha; 1 percent) in private ownership. General land use within this unit includes forest management (e.g., timber harvest, fuels reduction, hazard tree management, forest restoration, prescribed fire), grazing, and recreation.

Unit 1 is occupied by the fisher and contains the physical and biological feature essential to the conservation of

the species. This unit is the only unit not on the west slope of the Sierra Nevada; is located on the Kern Plateau, which supports unique environmental conditions compared to the rest of the fisher's range due to differences in climate, geology, and vegetation; and has a complex mosaic of mixed-age forest stands intermixed with open areas and shrublands (Spencer et al. 2015, p. 44). Additionally, fishers in this unit occupy higher elevations than in other units, likely due to the lesser accumulation of snow on the Kern Plateau (Spencer et al. 2015, p. 44). The unique environmental conditions of this unit provide important redundancy and representation for the DPS.

Threats identified within this unit include wildfire and wildfire suppression; climate change; tree mortality from drought, disease, and insect infestation; vegetation management; exposure to toxicants; and potential for effects associated with small population size. Special management considerations or protection measures to reduce or alleviate the threats may include: (1) Implementing forest management practices, especially the use of prescribed fire, that reduce the risk of catastrophic wildfire and improve habitat resiliency in and adjacent to fisher habitat; (2) minimizing habitat disturbance, fragmentation, and destruction (at the stand scale, home-range scale, and landscape scale) from vegetation management activities through the use of conservation measures; and (3) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants. Federal lands in this unit are managed under the Land Management Plan for the Inyo National Forest (USFS 2019, entire) and the Sierra Nevada Forest Plan Amendment (USFS 2004, entire).

Unit 2: South Sequoia

Unit 2 consists of 115,637 ac (46,797 ha) of lands in the Sierra Nevada mountains in Kern and Tulare Counties, California. This unit extends northward from the southwestern tip of the Sierra Nevada and Greenhorn Mountains until it abuts Subunit 3A to the north, where there is evidence of genetic discontinuity between the two subpopulations in the area of Mountain Home Demonstration State Forest (Mountain Home) (Tucker et al. 2014, pp. 129–131). Bear Creek in the Tule River Watershed serves as the northern boundary of Unit 2 from the western edge of the unit to a wildland-urban interface (WUI) associated with Mountain Home. The boundary follows

the northern border of this WUI and then continues to the northeast until the eastern edge of the unit. The unit lies north and west of the Kern River and east of Springville and California Hot Springs. Lands within this unit include approximately 92,924 ac (37,605 ha; 80 percent) managed by USFS (Sequoia National Forest, Giant Sequoia National Monument) and 182 ac (74 ha; less than 1 percent) managed by the Bureau of Land Management (BLM). Also, there are 2,147 ac (869 ha; 2 percent) in State ownership (Cal Fire and State Lands Commission), 16,246 ac (6,574 ha; 14 percent) that are Tribal lands (*i.e.*, the Tule River Indian Tribe of the Tule River Reservation, California), and 4,138 ac (1,674 ha; 4 percent) in private ownership. We are considering excluding the 16,246 ac (6,575 ha) of the Tule River Reservation based on the Tribe's long history of managing natural resources on the Reservation. General land use within this unit includes forest management (*e.g.*, timber harvest, fuels reduction, hazard tree management, forest restoration, prescribed fire), grazing, recreation, residential development, and management for protection of natural resources.

Unit 2 is occupied by the fisher and contains the physical and biological feature essential to the conservation of the species. This unit is important for the resiliency, redundancy, and representation of the DPS because it supports the highest recorded fisher occupancy rates (Tucker 2020, pers. comm.), the highest predicted average habitat quality (Spencer et al. 2015, p. 46), and the highest genetic diversity (Tucker et al. 2014, entire) in the DPS. This unit supports habitat features and conditions that are optimal for successful denning, such as scattered giant sequoia groves and relatively abundant old-growth mixed-conifer forest with large sugar pines, high basal areas, high diversity of tree diameter classes, and dense canopy cover (greater than 70 percent) (Spencer et al. 2015, p. 46).

Threats identified within this unit include wildfire and wildfire suppression; climate change; tree mortality from drought, disease, and insect infestation; vegetation management; exposure to toxicants; potential for effects associated with small population size; disease and predation; and vehicle collisions. Special management considerations or protection measures to reduce or alleviate the threats may include: (1) Implementing forest management practices, especially the use of prescribed fire, that reduce the risk of catastrophic wildfire and improve

habitat resiliency in and adjacent to fisher habitat; (2) minimizing habitat disturbance, fragmentation, and destruction (at the stand scale, home-range scale, and landscape scale) from vegetation management activities through the use of conservation measures; (3) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants; and (4) improving the efficacy of existing road-crossing structures and installing new wildlife road crossings on major roadways. Federal lands in this unit are managed under the Sierra Nevada Forest Plan Amendment (USFS 2004, entire), the Giant Sequoia National Monument Management Plan (USFS 2012, entire), and the Approved Resource Management Plan for the Bakersfield Field Office (BLM 2014, entire).

Unit 3: North Sequoia

Unit 3 consists of 112,676 ac (45,597 ha) of lands in the Sierra Nevada mountains in Tulare and Fresno Counties, California. Unit 3 is composed of three subunits.

Subunit 3A: Dillonwood Grove

Subunit 3A consists of 15,225 ac (6,161 ha) of lands in the Sierra Nevada mountains in Tulare County, California. This subunit is located west of Moses Mountain, east of Battle Mountain, and south of Homes Nose, and it abuts Unit 2 to the south (see the boundary description for Unit 2, above). Lands within this subunit include approximately 7,337 ac (2,969 ha; 48 percent) managed by USFS (Giant Sequoia National Monument and Sequoia National Forest) and 5,606 ac (2,269 ha; 37 percent) managed by NPS (Sequoia and Kings Canyon National Parks). Also, there are 1,315 ac (532 ha; 9 percent) in State ownership (Cal Fire) and 967 ac (391 ha; 6 percent) in private ownership. General land use within this subunit includes forest management (*e.g.*, timber harvest, fuels reduction, hazard tree management, forest restoration, prescribed fire), grazing, recreation, and management for protection of natural resources.

Subunit 3A is occupied by the fisher and contains the physical and biological feature essential to the conservation of the species. This subunit supports high fisher occupancy rates (Tucker 2020, pers. comm.), suggesting it supports relatively high population densities (Spencer et al. 2015, p. 46) compared to other areas within its range, which provides resiliency for the DPS. This subunit has high predicted habitat value due to mature forest conditions and numerous giant sequoia groves and other mixed-coniferous forests with

high basal area, dense canopies, and abundant black oaks which support denning features (Spencer et al. 2015, p. 46).

Threats identified within this subunit include wildfire and wildfire suppression; climate change; tree mortality from drought, disease, and insect infestation; vegetation management; exposure to toxicants; potential for effects associated with small population size; disease and predation; and vehicle collisions. Special management considerations or protection measures to reduce or alleviate the threats may include: (1) Implementing forest management practices, especially the use of prescribed fire, that reduce the risk of catastrophic wildfire and improve habitat resiliency in and adjacent to fisher habitat; (2) minimizing habitat disturbance, fragmentation, and destruction (at the stand scale, home-range scale, and landscape scale) from vegetation management activities through the use of conservation measures; (3) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants; and (4) improving the efficacy of existing road-crossing structures and installing new wildlife road crossings on major roadways. Federal lands in this subunit are managed under the Sierra Nevada Forest Plan Amendment (USFS 2004, entire), the Giant Sequoia National Monument Management Plan (USFS 2012, entire), and the Sequoia and Kings Canyon National Parks General Management Plan (NPS 2012, entire).

Subunit 3B: Homes Nose-Paradise Peak

Subunit 3B consists of 9,369 ac (3,791 ha) of lands in the Sierra Nevada mountains in Tulare County, California. This subunit is located north and west of Homes Nose, east of Case Mountain, and south of Paradise Peak, and it crosses the East Fork Kaweah River. Lands within this subunit include approximately 9,283 ac (3,757 ha; 99 percent) managed by NPS (Sequoia and Kings Canyon National Parks) and 86 ac (35 ha; 1 percent) managed by BLM. General land use within this subunit includes forest management (*e.g.*, timber harvest, fuels reduction, hazard tree management, forest restoration, prescribed fire), grazing, recreation, and management for protection of natural resources.

Subunit 3B is occupied by the fisher and contains the physical and biological feature essential to the conservation of the species. This subunit has high predicted habitat value due to mature forest conditions and numerous giant sequoia groves and other mixed-

coniferous forests with high basal area, dense canopies, and abundant black oaks which support denning features (Spencer et al. 2015, p. 46).

Threats identified within this subunit include wildfire and wildfire suppression; climate change; tree mortality from drought, disease, and insect infestation; vegetation management; exposure to toxicants; potential for effects associated with small population size; disease and predation; and vehicle collisions. Special management considerations or protection measures to reduce or alleviate the threats may include: (1) Implementing forest management practices, especially the use of prescribed fire, that reduce the risk of catastrophic wildfire and improve habitat resiliency in and adjacent to fisher habitat; (2) minimizing habitat disturbance, fragmentation, and destruction (at the stand scale, home-range scale, and landscape scale) from vegetation management activities through the use of conservation measures; (3) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants; and (4) improving the efficacy of existing road-crossing structures and installing new wildlife road crossings on major roadways. Federal lands in this subunit are managed under the Sequoia and Kings Canyon National Parks General Management Plan (NPS 2012, entire) and the Approved Resource Management Plan for the Bakersfield Field Office (BLM 2014, entire).

Subunit 3C: Muir Grove

Subunit 3C consists of 88,082 ac (35,645 ha) of lands in the Sierra Nevada mountains in Tulare and Fresno Counties, California. This subunit lies north of Paradise Peak, extending northwest across the North Fork Kaweah River to the Kings River Canyon. A sinuous arm of the unit extends east along the southern edge of the Kings River Canyon to approximately Cedar Grove. Lands within this subunit include approximately 44,793 ac (18,127 ha; 51 percent) managed by USFS (Giant Sequoia National Monument, Sequoia National Forest, and Sierra National Forest) and 40,733 ac (16,484 ha; 46 percent) managed by NPS (Sequoia and Kings Canyon National Parks). Also, there are 386 ac (156 ha; less than 1 percent) in State ownership (State Lands Commission) and 2,170 ac (878 ha; 2 percent) in private ownership. General land use within this subunit includes forest management (*e.g.*, timber harvest, fuels reduction, hazard tree management, forest restoration,

prescribed fire), grazing, recreation, and management for protection of natural resources.

Subunit 3C is occupied by the fisher and contains the physical and biological feature essential to the conservation of the species. This subunit supports high fisher occupancy rates (Tucker 2020, pers. comm.), suggesting it supports relatively high population densities (Spencer et al. 2015, p. 46) compared to other areas within its range, which provides resiliency for the DPS. This subunit has high predicted habitat value due to mature forest conditions and numerous giant sequoia groves and other mixed-coniferous forests with high basal area, dense canopies, and abundant black oaks which support denning features (Spencer et al. 2015, p. 46).

Threats identified within this subunit include wildfire and wildfire suppression; climate change; tree mortality from drought, disease, and insect infestation; vegetation management; exposure to toxicants; potential for effects associated with small population size; disease and predation; and vehicle collisions. Special management considerations or protection measures to reduce or alleviate the threats may include: (1) Implementing forest management practices, especially the use of prescribed fire, that reduce the risk of catastrophic wildfire and improve habitat resiliency in and adjacent to fisher habitat; (2) minimizing habitat disturbance, fragmentation, and destruction (at the stand scale, home-range scale, and landscape scale) from vegetation management activities through the use of conservation measures; (3) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants; and (4) improving the efficacy of existing road-crossing structures and installing new wildlife road crossings on major roadways. Federal lands in this subunit are managed under the Sierra Nevada Forest Plan Amendment (USFS 2004, entire), the Giant Sequoia National Monument Management Plan (USFS 2012, entire), and the Sequoia and Kings Canyon National Parks General Management Plan (NPS 2012, entire).

Unit 4: South Sierra

Unit 4 consists of 61,023 ac (24,695 ha) of lands in the Sierra Nevada mountains in Fresno County, California. Patterson Mountain marks the approximate southern tip of Unit 4, which then continues to the northwest approximately to Pine Ridge. From there, the unit forms a nearly complete ring around Shaver Lake. The San

Joaquin River and Big Creek are immediately north of the unit. Lands within this unit include approximately 46,123 ac (18,665 ha; 76 percent) in Federal ownership (Sierra National Forest, USFS) and 14,900 ac (6,030 ha; 24 percent) in private ownership. Of the private lands in this unit, we are considering excluding 10,254 ac (4,150 ha) owned by Southern California Edison Company based on their forest management practices that are compatible with fisher conservation by providing suitable fisher habitat and reducing threats to the DPS. General land use within this unit includes forest management (e.g., timber harvest, fuels reduction, hazard tree management, forest restoration, prescribed fire), grazing, recreation, and residential development.

Unit 4 is occupied by the fisher and contains the physical and biological feature essential to the conservation of the species. This unit is located between the areas with high occupancy rates to the south and the recently re-colonized areas to the north, indicating the habitat in this unit is essential for continued population and range expansion. Approximately 3,089 ac (1,250 ha) of the unit overlap with designated critical habitat for the federally threatened Yosemite toad (see 50 CFR 17.95(d) and 81 FR 59046, August 26, 2016).

Threats identified within this unit include wildfire and wildfire suppression; climate change; tree mortality from drought, disease, and insect infestation; vegetation management; exposure to toxicants; potential for effects associated with small population size; disease and predation; and vehicle collisions. Special management considerations or protection measures to reduce or alleviate the threats may include: (1) Implementing forest management practices, especially the use of prescribed fire, that reduce the risk of catastrophic wildfire and improve habitat resiliency in and adjacent to fisher habitat; (2) minimizing habitat disturbance, fragmentation, and destruction (at the stand scale, home-range scale, and landscape scale) from vegetation management activities through the use of conservation measures; (3) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants; and (4) improving the efficacy of existing road-crossing structures and installing new wildlife road crossings on major roadways. Federal lands in this unit are managed under the Sierra Nevada Forest Plan Amendment (USFS 2004, entire).

Unit 5: North Sierra

Unit 5 consists of 147,230 ac (59,582 ha) of lands in the Sierra Nevada mountains in Madera and Mariposa Counties, California. Unit 5 lies north and west of the San Joaquin River, east of Bass Lake and California State Route 49, and south of the Merced River and the unincorporated community of El Portal. Lands within this unit include approximately 106,240 ac (42,994 ha; 72 percent) managed by USFS (Sierra National Forest), 31,008 ac (12,548 ha; 21 percent) managed by NPS (Yosemite National Park), 157 ac (64 ha; less than 1 percent) managed by BIA (a public domain allotment held in trust status; not affiliated with a recognized Tribe), and 25 ac (10 ha; less than 1 percent) managed by BLM. Also, there are 9,800 ac (3,966 ha; 7 percent) in private ownership. General land use within this unit includes forest management (e.g., timber harvest, fuels reduction, hazard tree management, forest restoration, prescribed fire), grazing, recreation, and residential development.

Unit 5 is occupied by the fisher and contains the physical and biological feature essential to the conservation of the species. This unit supports relatively high predicted habitat quality with a high proportion of shade-tolerant incense cedar and white fir that fishers use for denning and resting (Spencer et al. 2015, p. 49). This unit was recently re-colonized in the 1990s (Tucker et al. 2014, p. 131), and its habitat is essential to support the species' continued northern expansion. Approximately 129 ac (52 ha) of the unit overlap with designated critical habitat for the federally threatened Yosemite toad (see 50 CFR 17.95(d) and 81 FR 59046, August 26, 2016).

Threats identified within this unit include wildfire and wildfire suppression; climate change; tree mortality from drought, disease, and insect infestation; vegetation management; exposure to toxicants; potential for effects associated with small population size; disease and predation; and vehicle collisions. Special management considerations or protection measures to reduce or alleviate the threats may include: (1) Implementing forest management practices, especially the use of prescribed fire, that reduce the risk of catastrophic wildfire and improve habitat resiliency in and adjacent to fisher habitat; (2) minimizing habitat disturbance, fragmentation, and destruction (at the stand scale, home-range scale, and landscape scale) from vegetation management activities through the use of conservation

measures; (3) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants; and (4) improving the efficacy of existing road-crossing structures and installing new wildlife road crossings on major roadways. Federal lands in this unit are managed under the Sierra Nevada Forest Plan Amendment (USFS 2004, entire), Yosemite National Park General Management Plan (NPS 1980, entire), and Approved Resource Management Plan for the Bakersfield Field Office (BLM 2014, entire).

Unit 6: Stanislaus

Unit 6 consists of 53,102 ac (21,490 ha) of lands in the Sierra Nevada mountains in Mariposa and Tuolumne Counties, California. Unit 6 is situated between the Merced River to the south and the Tuolumne River to the north, with Buck Meadows to the west and Tamarack Flat and Aspen Valley to the east. Lands within this unit include approximately 30,209 ac (12,225 ha; 57 percent) managed by USFS (Stanislaus National Forest) and 22,096 ac (8,942 ha; 42 percent) managed by NPS (Yosemite National Park). Also, there are 798 ac (323 ha; 2 percent) in private ownership. General land use within this unit includes forest management (e.g., timber harvest, fuels reduction, hazard tree management, forest restoration, prescribed fire), grazing, recreation, and residential development.

Unit 6 is occupied by the fisher and contains the physical and biological feature essential to the conservation of the species. This unit represents the northernmost extent of the species' current range and was recently re-colonized over the previous decade, with possible evidence of reproduction documented for the first time in 2020 (Stock 2021, pers. comm.). This northward expansion and establishment of a subpopulation north of the Merced River improves the redundancy of the DPS.

Threats identified within this unit include wildfire and wildfire suppression; climate change; tree mortality from drought, disease, and insect infestation; vegetation management; exposure to toxicants; potential for effects associated with small population size; disease and predation; and vehicle collisions. Special management considerations or protection measures to reduce or alleviate the threats may include: (1) Implementing forest management practices, especially the use of prescribed fire, that reduce the risk of catastrophic wildfire and improve habitat resiliency in and adjacent to fisher habitat; (2) minimizing habitat

disturbance, fragmentation, and destruction (at the stand scale, home-range scale, and landscape scale) from vegetation management activities through the use of conservation measures; (3) preventing, locating, and remediating trespass marijuana grow sites and other sources of toxicants; and (4) improving the efficacy of existing road-crossing structures and installing new wildlife road crossings on major roadways. Federal lands in this unit are managed under the Sierra Nevada Forest Plan Amendment (USFS 2004, entire) and the Yosemite National Park General Management Plan (NPS 1980, entire).

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

We published a final rule revising the definition of destruction or adverse modification on August 27, 2019 (84 FR 44976). Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, Tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal

agency—do not require section 7 consultation.

Compliance with the requirements of section 7(a)(2) is documented through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define “reasonable and prudent alternatives” (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency’s legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Service Director’s opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinstate formal consultation on previously reviewed actions. These requirements apply when the Federal agency has retained discretionary involvement or control over the action (or the agency’s discretionary involvement or control is authorized by law) and, subsequent to the previous consultation: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the

biological opinion; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action.

In such situations, Federal agencies sometimes may need to request reinitiation of consultation with us, but the regulations also specify some exceptions to the requirement to reinstate consultation on specific land management plans after subsequently listing a new species or designating new critical habitat. See the regulations for a description of those exceptions.

Application of the “Destruction or Adverse Modification” Standard

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat as a whole for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may violate section 7(a)(2) of the Act by destroying or adversely modifying such habitat, or that may be affected by such designation.

Activities that the Service may, during a consultation under section 7(a)(2) of the Act, consider likely to destroy or adversely modify the critical habitat of the SSN DPS of fisher include, but are not limited to:

(1) Actions that would significantly alter the configuration, quality, or availability of denning habitats. Such activities are large-scale activities (as opposed to small, individual projects) that appreciably diminish the conservation value of the entire critical habitat designation. Actions could include, but are not limited to, vegetation management activities (such as fuels reduction and timber harvest operations) and residential and commercial development. These activities could reduce the amount and quality of habitat necessary for the survival and reproduction of fishers.

(2) Actions that would significantly diminish foraging opportunities. Such activities include, but are not limited to, the same types of large-scale activities listed in (1), above. These activities would eliminate or reduce the habitat

necessary for fishers to safely forage or reduce the availability of prey species, reducing the fisher's survival and successful reproduction.

(3) Actions that would reduce connectivity between patches of denning habitat. Such activities include, but are not limited to, the same types of large-scale activities listed in (1), above. These activities would prevent safe movement of adult fishers, dispersing subadults, and kits.

Exemptions

Application of Section 4(a)(3)(B)(i) of the Act

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DoD), or designated for its use, that are subject to an integrated natural resources management plan (INRMP) prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation. No DoD lands with a completed INRMP are within the proposed critical habitat designation.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from designated critical habitat based on economic impacts, impacts on national security, or any other relevant impacts. In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion. If the analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise discretion to exclude the area only if such exclusion would not result in the extinction of the species. In making the determination to exclude a particular area, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor. We describe below the process

that we undertook for taking into consideration each category of impacts and our analyses of the relevant impacts.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both "with critical habitat" and "without critical habitat."

The "without critical habitat" scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (e.g., under the Federal listing as well as other Federal, State, and local regulations). Therefore, the baseline represents the costs of all efforts attributable to the listing of the species under the Act (i.e., conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The "with critical habitat" scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we choose to conduct a discretionary section 4(b)(2) exclusion analysis.

For this particular designation, we developed an incremental effects memorandum (IEM; Service 2021, entire) considering the probable incremental economic impacts that may result from this proposed designation of

critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the SSN DPS of fisher (IEc 2021, entire). We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out particular geographic areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. In particular, the screening analysis considers baseline costs (i.e., absent critical habitat designation) and includes any probable incremental economic impacts where land and water use may already be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. Ultimately, the screening analysis allows us to focus our analysis on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation. If the proposed critical habitat designation contains any unoccupied units, the screening analysis assesses whether those units require additional management or conservation efforts that may incur incremental economic impacts. This screening analysis combined with the information contained in our IEM constitute what we consider to be our draft economic analysis (DEA) of the proposed critical habitat designation for the SSN DPS of fisher; our DEA is summarized in the narrative below.

Executive Orders 12866 and 13563 direct Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the Executive Orders' regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly affected entities, where practicable and reasonable. If sufficient data are available, we assess to the extent practicable the probable impacts to both directly and indirectly affected entities. As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the

SSN DPS of fisher, first we identified, in the IEM dated April 29, 2021 (Service 2021, entire), probable incremental economic impacts associated with the following categories of activities: Development, fire management, forestry, hydropower, recreation, tourism, transportation, and conservation/restoration. We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation generally will not affect activities that do not have any Federal involvement; under the Act, designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. Because the species is already listed, in areas where the SSN DPS of fisher is present, Federal agencies are required to consult with the Service under section 7 of the Act on activities they fund, permit, or implement that may affect the species. When we finalize this proposed critical habitat designation, our consultations would also include an evaluation of measures to avoid the destruction or adverse modification of critical habitat.

In our IEM, we attempted to clarify the distinction between the effects that would result from the species being listed and those attributable to the critical habitat designation (*i.e.*, difference between the jeopardy and adverse modification standards) for the SSN DPS of fisher's critical habitat. The following specific circumstances help to inform our evaluation: (1) The essential physical and biological feature identified for critical habitat (*i.e.*, denning habitat with intermixed dispersal and foraging areas) is the most important feature essential for the life requisites of the species, and (2) any actions that would result in sufficient adverse effect to the essential physical and biological feature of critical habitat would also constitute jeopardy to fishers. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for the SSN DPS of fisher. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the SSN DPS of fisher includes six critical habitat units (including Unit 3, which is subdivided into three subunits) totaling 554,454 ac (224,379 ha), all of which were occupied by fishers at the time of listing, and are currently occupied. Any actions that may affect the species or its

habitat would also affect critical habitat, and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended as necessary to avoid jeopardizing the continued existence of the SSN DPS of fisher. Therefore, the proposed critical habitat designation is expected to result in only administrative costs. While additional analysis will require time and resources by both the Federal action agency and the Service, it is believed that, in most circumstances, these costs would predominantly be administrative in nature and would not be significant.

The additional administrative effort (*i.e.*, consideration of adverse modification during the consultation process) includes an annual estimate of 8 formal consultations, 52 informal consultations, 2 programmatic consultations, and 4 requests for technical assistance. Our analysis forecasts no incremental costs associated with project modifications that would involve additional conservation efforts for the species. The incremental costs for each programmatic, formal, informal, and technical assistance effort are estimated to be \$5,300 (formal consultation), \$2,600 (informal consultation), \$9,800 (programmatic consultation), and \$420 (technical assistance). Considering adverse modification of fisher critical habitat during section 7 consultation will result in a total annual incremental cost of less than approximately \$179,300 (2021 dollars) per year for the fisher (IEc 2021, Exhibit 5); therefore, the annual administrative burden is unlikely to generate costs exceeding \$100 million in a single year (*i.e.*, the threshold for an economically significant rule under Executive Order 12866).

We are soliciting data and comments from the public on the DEA discussed above, as well as on all aspects of this proposed rule and our required determinations. During the development of a final designation, we will consider the information presented in the DEA and any additional information on economic impacts we receive during the public comment period to determine whether any specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2) and our implementing regulations at 50 CFR 17.90. If we receive credible information regarding the existence of a meaningful economic or other relevant impact supporting a benefit of exclusion, we will conduct an exclusion analysis for the relevant area or areas. We may also exercise the

discretion to evaluate any other particular areas for possible exclusion. Furthermore, when we conduct an exclusion analysis based on impacts identified by experts in, or sources with firsthand knowledge about, impacts that are outside the scope of the Service's expertise, we will give weight to those impacts consistent with the expert or firsthand information unless we have rebutting information. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Consideration of National Security Impacts

Section 4(a)(3)(B)(i) of the Act may not cover all DoD lands or areas that pose potential national-security concerns (*e.g.*, a DoD installation that is in the process of revising its INRMP for a newly listed species or a species previously not covered). If a particular area is not covered under section 4(a)(3)(B)(i), then national-security or homeland-security concerns are not a factor in the process of determining what areas meet the definition of "critical habitat." However, the Service must still consider impacts on national security, including homeland security, on those lands or areas not covered by section 4(a)(3)(B)(i), because section 4(b)(2) requires the Service to consider those impacts whenever it designates critical habitat. Accordingly, if DoD, Department of Homeland Security (DHS), or another Federal agency has requested exclusion based on an assertion of national-security or homeland-security concerns, or we have otherwise identified national-security or homeland-security impacts from designating particular areas as critical habitat, we generally have reason to consider excluding those areas.

However, we cannot automatically exclude requested areas. When DoD, DHS, or another Federal agency requests exclusion from critical habitat on the basis of national-security or homeland-security impacts, we must conduct an exclusion analysis if the Federal requester provides credible information, including a reasonably specific justification of an incremental impact on national security that would result from the designation of that specific area as critical habitat. That justification could include demonstration of probable impacts, such as impacts to ongoing border-security patrols and surveillance activities, or a delay in training or facility construction, as a result of compliance with section 7(a)(2)

of the Act. If the agency requesting the exclusion does not provide us with a reasonably specific justification, we will contact the agency to recommend that it provide a specific justification or clarification of its concerns relative to the probable incremental impact that could result from the designation. If we conduct an exclusion analysis because the agency provides a reasonably specific justification or because we decide to exercise the discretion to conduct an exclusion analysis, we will defer to the expert judgment of DoD, DHS, or another Federal agency as to: (1) Whether activities on its lands or waters, or its activities on other lands or waters, have national-security or homeland-security implications; (2) the importance of those implications; and (3) the degree to which the cited implications would be adversely affected in the absence of an exclusion. In that circumstance, in conducting a discretionary section 4(b)(2) exclusion analysis, we will give great weight to national-security and homeland-security concerns in analyzing the benefits of exclusion.

Under section 4(b)(2) of the Act, we also consider whether a national-security or homeland-security impact might exist on lands not owned or managed by DoD or DHS. In preparing this proposal, we have determined that the lands within the proposed designation of critical habitat for the SSN DPS of fisher are not owned or managed by DoD or DHS. Therefore, we anticipate no impact on national security or homeland security. However, if through the public comment period we receive credible information regarding impacts on national security or homeland security from designating particular areas as critical habitat, then as part of developing the final designation of critical habitat, we will conduct a discretionary exclusion analysis to determine whether to exclude those areas under authority of section 4(b)(2) and our implementing regulations at 50 CFR 17.90.

Consideration of Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security discussed above. Other relevant impacts may include, but are not limited to, impacts to Tribes, States, local governments, public health and safety, community interests, the environment (such as increased risk of wildfire or pest and invasive species management), Federal lands, and conservation plans, agreements, or partnerships. To identify

other relevant impacts that may affect the exclusion analysis, we consider a number of factors, including whether there are permitted conservation plans covering the species in the area—such as HCPs, safe harbor agreements (SHAs), or candidate conservation agreements with assurances (CCAAs)—or whether there are non-permitted conservation agreements and partnerships that may be impaired by designation of, or exclusion from, critical habitat. In addition, we look at whether Tribal conservation plans or partnerships, Tribal resources, or government-to-government relationships of the United States with Tribal entities may be affected by the designation. We also consider any State, local, public-health, community-interest, environmental, or social impacts that might occur because of the designation.

When analyzing other relevant impacts of including a particular area in a designation of critical habitat, we weigh those impacts relative to the conservation value of the particular area. To determine the conservation value of designating a particular area, we consider a number of factors, including, but not limited to, the additional regulatory benefits that the area would receive due to the protection from destruction or adverse modification as a result of actions with a Federal nexus, the educational benefits of mapping essential habitat for recovery of the listed species, and any benefits that may result from a designation due to State or Federal laws that may apply to critical habitat.

In the case of the SSN DPS of fisher, the benefits of critical habitat include public awareness of the presence of fishers and the importance of habitat protection, and, where a Federal nexus exists, increased habitat protection for fishers due to protection from destruction or adverse modification of critical habitat. Continued implementation of an ongoing management plan that provides conservation equal to or more than the protections that results from a critical habitat designation would reduce those benefits of including that specific area in the critical habitat designation.

We evaluate the existence of a conservation plan when considering the benefits of inclusion. We consider a variety of factors, including, but not limited to, whether the plan is finalized; how it provides for the conservation of the essential physical or biological features; whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan will be implemented into the future; whether

the conservation strategies in the plan are likely to be effective; and whether the plan contains a monitoring program or adaptive management to ensure that the conservation measures are effective and can be adapted in the future in response to new information.

After identifying the benefits of inclusion and the benefits of exclusion, we carefully weigh the two sides to evaluate whether the benefits of exclusion outweigh those of inclusion. If our analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, we then determine whether exclusion would result in extinction of the species. If exclusion of an area from critical habitat will result in extinction, we will not exclude it from the designation.

We are considering whether to exclude the following areas under section 4(b)(2) of the Act from the final critical habitat designation for the SSN DPS of fisher:

(1) Unit 4: Southern California Edison; 10,254 ac (4,150 ha).

(2) Unit 2: Tule River Indian Tribe of the Tule River Reservation, California; 16,246 ac (6,574 ha).

However, we specifically solicit comments on the inclusion or exclusion of such areas. In the paragraphs below, we provide a detailed analysis of our consideration of these lands for exclusion under section 4(b)(2) of the Act.

Private or Other Non-Federal Conservation Plans or Agreements and Partnerships

We sometimes exclude specific areas from critical habitat designations based in part on the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships. A conservation plan or agreement describes actions that are designed to provide for the conservation needs of a species and its habitat, and may include actions to reduce or mitigate negative effects on the species caused by activities on or adjacent to the area covered by the plan. Conservation plans or agreements can be developed by private entities with no Service involvement, or in partnership with the Service, sometimes through the permitting process under Section 10 of the Act.

When we undertake a discretionary section 4(b)(2) analysis, we evaluate a variety of factors to determine how the benefits of any exclusion and the benefits of inclusion are affected by the existence of private or other non-Federal conservation plans or agreements and their attendant partnerships. The factors we consider may differ, depending on

whether we are evaluating a conservation plan that involves permits under Section 10 or a non-permitted plan. See 50 CFR 17.90(d)(3)–(4).

Southern California Edison Company

Southern California Edison Company (SCE), a private electric utility company and landowner, owns and manages approximately 10,254 ac (4,150 ha) of lands within Unit 4 of the proposed critical habitat designation for the SSN DPS of fisher. SCE currently manages these lands to maintain a natural vegetation structure while enhancing wildlife habitat, forest and watershed health, as well as providing recreation opportunities and timber revenue (SCE 2021, p. 1). SCE uses an uneven-aged timber management system, which replicates and re-establishes natural ecosystem process resulting in an increase in the diversity of vegetation, providing a broader range of habitat characteristics for wildlife to utilize (SCE 2021, p. 4). These forest management practices have maintained and enhanced vital habitat for fishers and have reduced threats facing the DPS, including improving resiliency against severe fire and tree mortality (SCE 2021, pp. 4–5). Additionally, SCE implements a number of avoidance and protection measures to safeguard biological resources during the implementation of timber management activities, including fisher-specific measures such as avoiding the denning period and retaining specific habitat features that are important to the fisher (e.g., hardwoods, live trees with cavities or other similar features, snags, platforms and other resting structures, existing logs and slash) (SCE 2021, pp. 10–12). SCE has developed a draft plan to guide their management of fisher and fisher habitat on their forested lands located in the Shaver Lake and Dinkey Creek areas that describes their current management techniques and fisher-specific avoidance and protection measures (SCE 2021, entire). A final plan is expected to be completed before the final designation.

Tribal Lands

Several Executive Orders, Secretarial Orders, and policies concern working with Tribes. These guidance documents generally confirm our trust responsibilities to Tribes, recognize that Tribes have sovereign authority to control Tribal lands, emphasize the importance of developing partnerships with Tribal governments, and direct the Service to consult with Tribes on a government-to-government basis.

A joint Secretarial Order that applies to both the Service and the National

Marine Fisheries Service—Secretarial Order 3206, *American Indian Tribal Rights, Federal–Tribal Trust Responsibilities, and the Endangered Species Act* (June 5, 1997) (S.O. 3206)—is the most comprehensive of the various guidance documents related to Tribal relationships and Act implementation, and it provides the most detail directly relevant to the designation of critical habitat.

In addition to the general direction discussed above, the Appendix to S.O. 3206 explicitly recognizes the right of Tribes to participate fully in any listing process that may affect Tribal rights or Tribal trust resources; this includes the designation of critical habitat. Section 3(b)(4) of the Appendix requires the Service to consult with affected Tribes “when considering the designation of critical habitat in an area that may impact Tribal trust resources, Tribally-owned fee lands, or the exercise of Tribal rights.” That provision also instructs the Service to avoid including Tribal lands within a critical habitat designation unless the area is essential to conserve a listed species, and it requires the Service to “evaluate and document the extent to which the conservation needs of the listed species can be achieved by limiting the designation to other lands.”

Our implementing regulations at 50 CFR 17.90(d)(1)(i) are consistent with S.O. 3206. When we undertake a discretionary exclusion analysis, in accordance with S.O. 3206, we consult with any Tribe whose Tribal trust resources, Tribally-owned fee lands, or Tribal rights may be affected by including any particular areas in the designation, and we evaluate the extent to which the conservation needs of the species can be achieved by limiting the designation to other areas. We then weight nonbiological impacts to Tribal lands and resources consistent with the information provided by the Tribes.

However, S.O. 3206 does not override the Act’s statutory requirement of designation of critical habitat. As stated above, we must consult with any Tribe when a designation of critical habitat may affect Tribal lands or resources. The Act requires us to identify areas that meet the definition of “critical habitat” (i.e., areas occupied at the time of listing that contain the essential physical or biological features that may require special management or protection and unoccupied areas that are essential to the conservation of a species), without regard to land ownership. While S.O. 3206 provides important direction, it expressly states that it does not modify the Secretary’s

statutory authority under the Act or other statutes.

There are Tribal lands included in the proposed designation of critical habitat for the SSN DPS of fisher. Using the criteria described under Criteria Used To Identify Critical Habitat, we have determined that Tribal lands that are occupied by the SSN DPS of the fisher contain the feature essential to the conservation of the species. We have begun government-to-government consultation with the Tribe, and will continue to do so throughout the public comment period and during development of the final designation of critical habitat for the SSN DPS of fisher. We will consider these areas for exclusion from the final critical habitat designation to the extent consistent with the requirements of section 4(b)(2) of the Act.

The Tule River Indian Tribe of the Tule River Reservation, California

Lands that are held in trust by BIA for the Tule River Indian Tribe of the Tule River Reservation overlap with 16,246 ac (6,574 ha) of Unit 2 of the proposed critical habitat for the SSN DPS of fisher. We sent a notification letter in September 2019 to the Tribe describing our efforts to evaluate the species’ status and to develop critical habitat and soliciting information to aid in our development of a proposed critical habitat designation. Since then, we have engaged in conversations with BIA and the Tribe about the proposal. BIA, in coordination with the Tribe, also reviewed and provided comments on the draft IEM, in which they expressed support for the exclusion of the Tribal reservation lands from critical habitat designation. We will continue to coordinate with the Tribe on this proposal.

The Tribe has a long history of managing and protecting forest resources on the Reservation. A forest management program that emphasizes forest health and protection has been in place for over 70 years (Garfield 2021, p. 2). The Tribe’s integrated resources management plan (IRMP) (Lwenya 2013, entire) guides the activities that occur on the Reservation, including, but not limited to, forest management (e.g., forest health projects, sustainable timber harvest, thinning, planting), range management, fire management (e.g., suppression, fuels reduction, post-fire rehabilitation, prescribed burning), and water quality management (e.g., remediation of marijuana grow sites). Fishers have long been known to occur in the higher-elevation forests of the Reservation, and both radio telemetry monitoring and camera surveys have

documented fisher presence since these efforts began in the early 2010s (Jensen and Pearson 2021, p. 23). While the IRMP does not offer fisher-specific management considerations, the Tribe's management practices are considered generally compatible with fisher conservation by reducing threats facing the DPS, such as high-severity wildfire (Jensen and Pearson 2021, p. 38).

We have also recently coordinated with the Tribe and BIA to develop fisher-specific conservation measures that the Tribe will implement when conducting resource management activities under the IRMP. These measures will further ensure that the Tribe's management activities will minimize adverse effects to the DPS and its habitat and maximize beneficial effects of forest management to the greatest extent possible. BIA will enter into section 7 programmatic consultation on BIA-funded and -permitted activities of the Tribe to ensure that future actions implemented under the IRMP will not jeopardize the continued existence of the SSN DPS of fisher.

A final determination on whether the Secretary will exercise her discretion to exclude this area from critical habitat for the SSN DPS of fisher will be made at the time of our final determination regarding critical habitat. We will take into account the Tribe's comments and carefully weigh the benefits of exclusion versus inclusion of the Tribe's reservation lands.

We may also consider areas not identified above for exclusion from the final critical habitat designation based on information we may receive during the public comment period. As noted above, we have requested that the entities seeking exclusion of areas provide credible information regarding the existence of a meaningful economic or other relevant impact supporting a benefit of exclusion for that particular area (see 50 CFR 17.90).

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 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 proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; 5 U.S.C. 801 et seq.), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not

have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine whether potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term "significant economic impact" is meant to apply to a typical small business firm's business operations.

Under the RFA, as amended, and as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, it is our position that only Federal action agencies would be directly regulated if we adopt this proposed critical habitat designation. The RFA does not require evaluation of the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if made final as proposed, the critical habitat

designation for the SSN DPS of fisher will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if made final as proposed, the critical habitat designation for the SSN DPS of fisher will not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Operation, management, and maintenance activities of utility facilities (e.g., hydropower facilities, powerlines, and pipelines) have been known to occur within the range of the SSN DPS of fisher and its proposed critical habitat units/subunits (Service 2021, Table 3); hydropower activities have primarily occurred in Units 2, 3, 4, and 5, and powerline and pipeline utilities activities have occurred in all units. These are activities that the Service consults on with Federal agencies (and their respective permittees, including utility companies) under section 7 of the Act. As discussed in the DEA, the costs associated with consultations related to occupied critical habitat would be largely administrative in nature and are not anticipated to reach \$100 million in any given year based on the anticipated annual number of consultations and associated consultation costs, which are not expected to exceed \$179,300 per year (2021 dollars) (Industrial Economics Inc. 2021, pp. 2, 17–18). In our economic analysis, we did not find that this proposed critical habitat designation would significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.), we make the following finding:

(1) This proposed rule would not produce a Federal mandate. In general,

a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both “Federal intergovernmental mandates” and “Federal private sector mandates.” These terms are defined in 2 U.S.C. 658(5)–(7). “Federal intergovernmental mandate” includes a regulation that “would impose an enforceable duty upon State, local, or Tribal governments” with two exceptions. It excludes “a condition of Federal assistance.” It also excludes “a duty arising from participation in a voluntary Federal program,” unless the regulation “relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,” if the provision would “increase the stringency of conditions of assistance” or “place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding,” and the State, local, or Tribal governments “lack authority” to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. “Federal private sector mandate” includes a regulation that “would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.”

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would

not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule would significantly or uniquely affect small governments because it is not anticipated to reach a Federal mandate of \$100 million in any given year; that is, it is not a “significant regulatory action” under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments. Small governments could be affected only to the extent that any programs having Federal funds, permits, or other authorized activities must ensure that their actions will not adversely affect the critical habitat. By definition, Federal agencies are not considered small entities, although the activities they fund or permit may be proposed or carried out by small entities. Consequently, we do not believe that the proposed critical habitat designation would significantly or uniquely affect small government entities. Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with Executive Order 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for the SSN DPS of fisher in a takings implications assessment. The Act does not authorize the Service to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for the proposed designation of critical habitat for the SSN DPS of fisher, and it concludes that, if adopted, this designation of critical habitat does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with Executive Order 13132 (Federalism), this proposed rule does not have significant Federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this proposed critical habitat designation with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The proposed designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological feature(s) of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. We have proposed designating critical habitat in accordance with the provisions of the

Act. To assist the public in understanding the habitat needs of the species, this proposed rule identifies the physical or biological features essential to the conservation of the species. The proposed areas of critical habitat are presented on maps, and the proposed rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.) in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

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. The tribal lands in California included in this proposed designation of critical habitat are the lands of the Tule River Indian Tribe of the Tule River Reservation. We used the criteria described above under Criteria Used To Identify Critical Habitat to identify Tribal lands that are occupied by the SSN DPS of fisher that contain the feature essential to the conservation of the species. We will consider this area for exclusion from the final critical habitat designation to the extent consistent with the requirements of section 4(b)(2) of the Act. We began government-to-government consultation with the Tule River Indian Tribe of the Tule River Reservation on September 13, 2019, in a prenotification letter informing the Tribe that we had begun an analysis of the species' status and an evaluation of potential critical habitat areas for the fisher. We solicited information on the Tribe's activities and any section 7 consultation history in coordination with BIA, and invited them to discuss the critical habitat process. We have since had informal government-to-government discussions with the Tribe to explain the proposal to designate critical habitat for the SSN DPS of fisher, and to describe the exclusion process under section 4(b)(2) of the Act. Beginning in September 2020, we have been coordinating with the Tribe and BIA to develop fisher-specific conservation measures that the Tribe can implement to aid in fisher conservation, and to ensure compliance of the Tribe's and BIA's activities through section 7 of the Act. Finally, the Tribe, in coordination with BIA, had an opportunity to review the draft IEM, and their comments were incorporated into the final IEM. We will continue to work with the Tribe during the development of a final rule for the designation of critical habitat for the SSN DPS of fisher.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <http://www.regulations.gov> and upon request from the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Sacramento Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to 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 “Fisher (Southern Sierra Nevada DPS)” in the List of Endangered and Threatened Wildlife under MAMMALS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
MAMMALS				
*	*	*	*	*
Fisher [Southern Sierra Nevada DPS].	<i>Pekania pennanti</i>	U.S.A. (Southern Sierra Nevada, CA).	E	85 FR 29532, 5/15/2020; 50 CFR 17.95(a). ^{CH}
*	*	*	*	*

■ 3. Amend § 17.95(a) by adding an entry for “Fisher (*Pekania pennanti*), Southern Sierra Nevada Distinct Population Segment (DPS)” immediately following the entry for “Woodland Caribou (*Rangifer tarandus caribou*), Southern Mountain Distinct Population Segment (DPS)”, to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

(a) *Mammals.*

* * * * *

Fisher (*Pekania pennanti*), Southern Sierra Nevada Distinct Population Segment (DPS)

(1) Critical habitat units are depicted for Fresno, Kern, Madera, Mariposa, Tulare, and Tuolumne Counties, California, on the maps in this entry.

(2) Within these areas, the physical and biological feature essential to the conservation of the Southern Sierra Nevada DPS of fisher is suitable, high-quality denning habitat that includes intermixed foraging and dispersal areas. Such habitat provides structural features for parturition, raising kits, protection from adverse weather conditions, facilitation of safe movement, sites to rest and thermoregulate, foraging opportunities, and cover to reduce predation risk for adults and young. The characteristics of this physical and biological feature include:

(i) Forest types described as Douglas fir (*Pseudotsuga menziesii*), eastside pine, Jeffrey pine (*Pinus jeffreyi*), montane hardwood-conifer, montane hardwood, montane riparian, ponderosa pine (*Pinus ponderosa*), Sierran mixed conifer, or white fir (*Abies concolor*) of California Wildlife Habitat Relationships size and density classes 4D, 5M, 5D, or 6.

(ii) Forest stands in or near drainages with clusters of large, mature trees and snags, high canopy cover (generally greater than or equal to 60 percent), complex horizontal and vertical forest structure (e.g., multilayered canopy, moderate shrub cover, downed wood, vegetation of varying age classes), a moderate intermix of California black oak (*Quercus kelloggii*), and fairly steep slopes (greater than or equal to 17 percent).

(iii) Multiple large diameter trees (live or dead), such as conifers greater than or equal to 35 inches (in) (89 centimeters (cm)) and hardwoods greater than or equal to 25 in (63 cm) in diameter, with cavities that provide secure natal and maternal den sites. Some of these large diameter trees or snags should also have branch platforms, broken top platforms, mistletoe (*Arceuthobium* spp.) infections, and other deformities or structures that provide resting sites.

(iv) Shrub and tree clumps, large downed logs, and other structures that provide continuous dense cover or patches of dense cover that are close together to provide protection from predators.

(v) Intermixed foraging areas that typically include a diversity of vegetation types and seral stages to support a variety of prey species (such as western gray squirrels (*Sciurus griseus*), Douglas squirrels (*Tamiasciurus douglasii*), California ground squirrels (*Otospermophilus beecheyi*), dusky-footed woodrats (*Neotoma fuscipes*), and other small mammals), and structures that provide fishers resting sites and protection from predators.

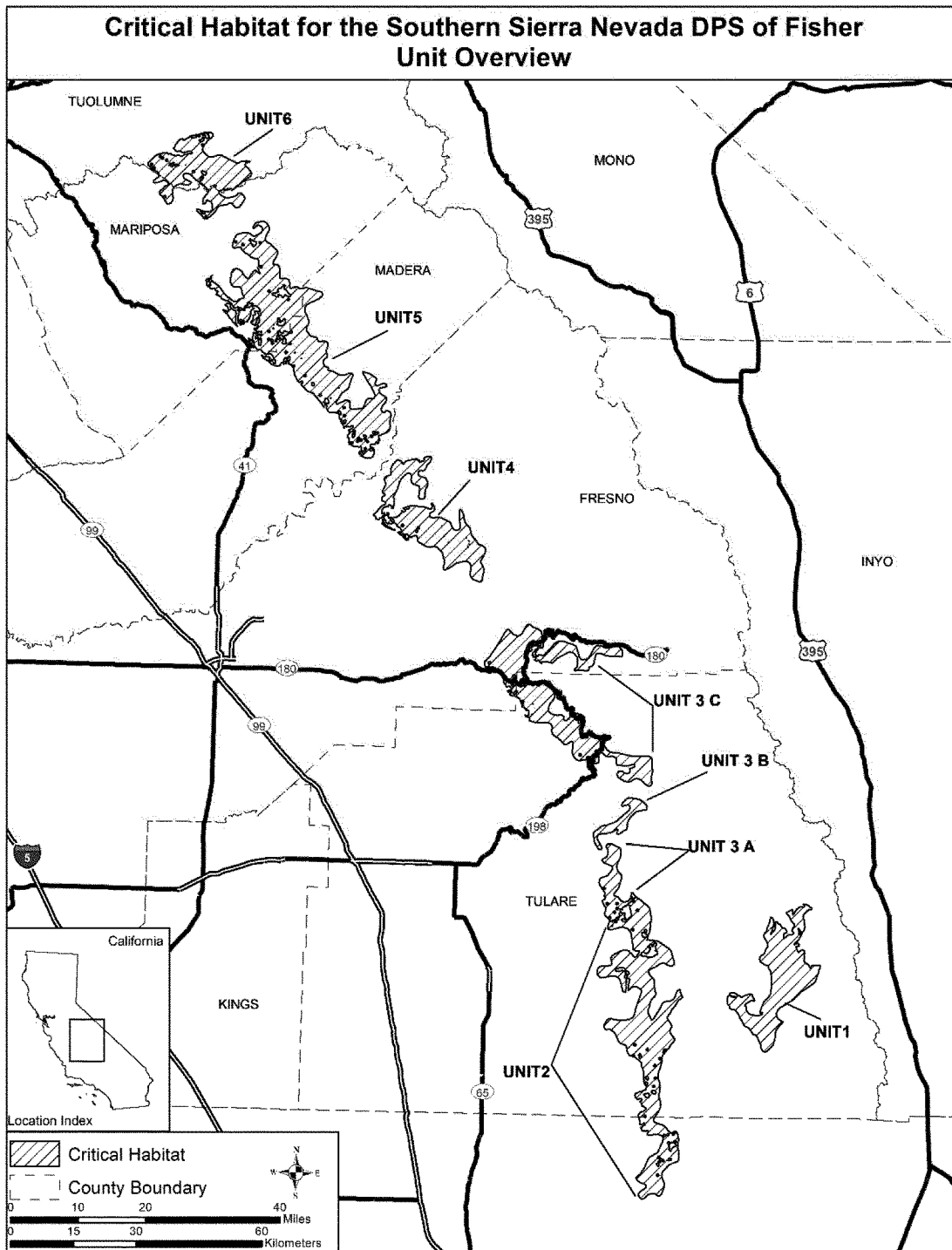
(vi) Intermixed dispersal areas that provide connectivity between patches of denning habitat to allow for movement of individuals within subpopulations. Dispersal areas must contain structures and habitat characteristics that facilitate resting and safe movement. These habitat characteristics and structures include some overhead cover from trees or shrubs (i.e., greater than 30 percent for male dispersal and greater than 60 percent for female dispersal), snags, downed logs, or other components to protect fishers from predation and allow for sufficient resting opportunities.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of the rule.

(4) Data layers defining map units were created using fisher habitat suitability models developed by the Conservation Biology Institute, and critical habitat units were then mapped using Universal Transverse Mercator Zone 11N coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at <http://www.regulations.gov> at Docket No. FWS–R8–ES–2021–0060 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Note: Index map follows:

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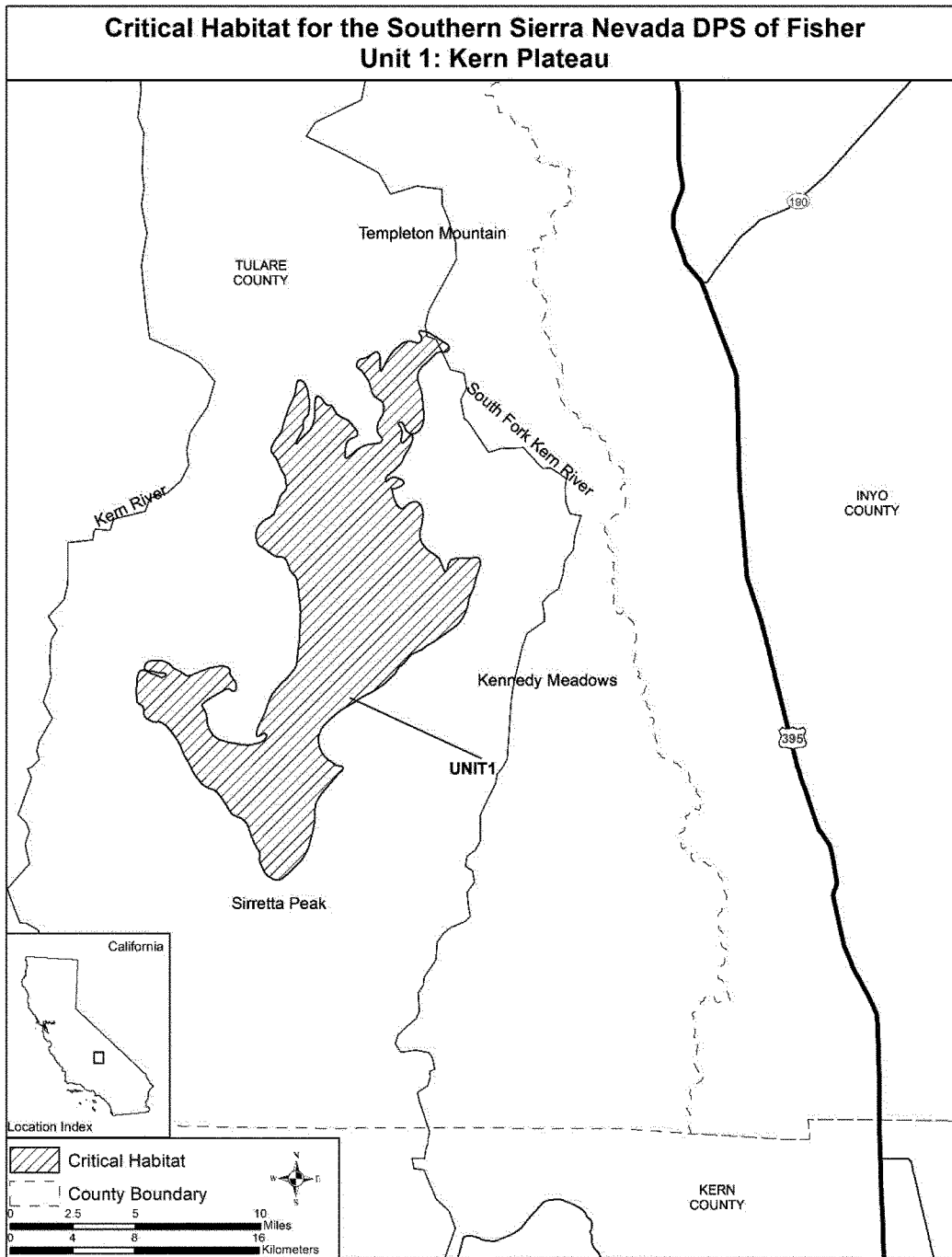
(6) Unit 1: Kern Plateau, Tulare County, California.

(i) Unit 1 consists of 64,785 acres (ac) (26,218 hectares (ha)) of occupied habitat on the Kern Plateau, east of the

Kern River, west of South Fork Kern River and Kennedy Meadows, north of Sirretta Peak, and south of Templeton Mountain. Lands within this unit include 64,131 ac (25,953) ac in Federal

ownership (Inyo National Forest and Sequoia National Forest) and approximately 654 ac (265 ha) in private ownership.

(ii) Map of Unit 1 follows:



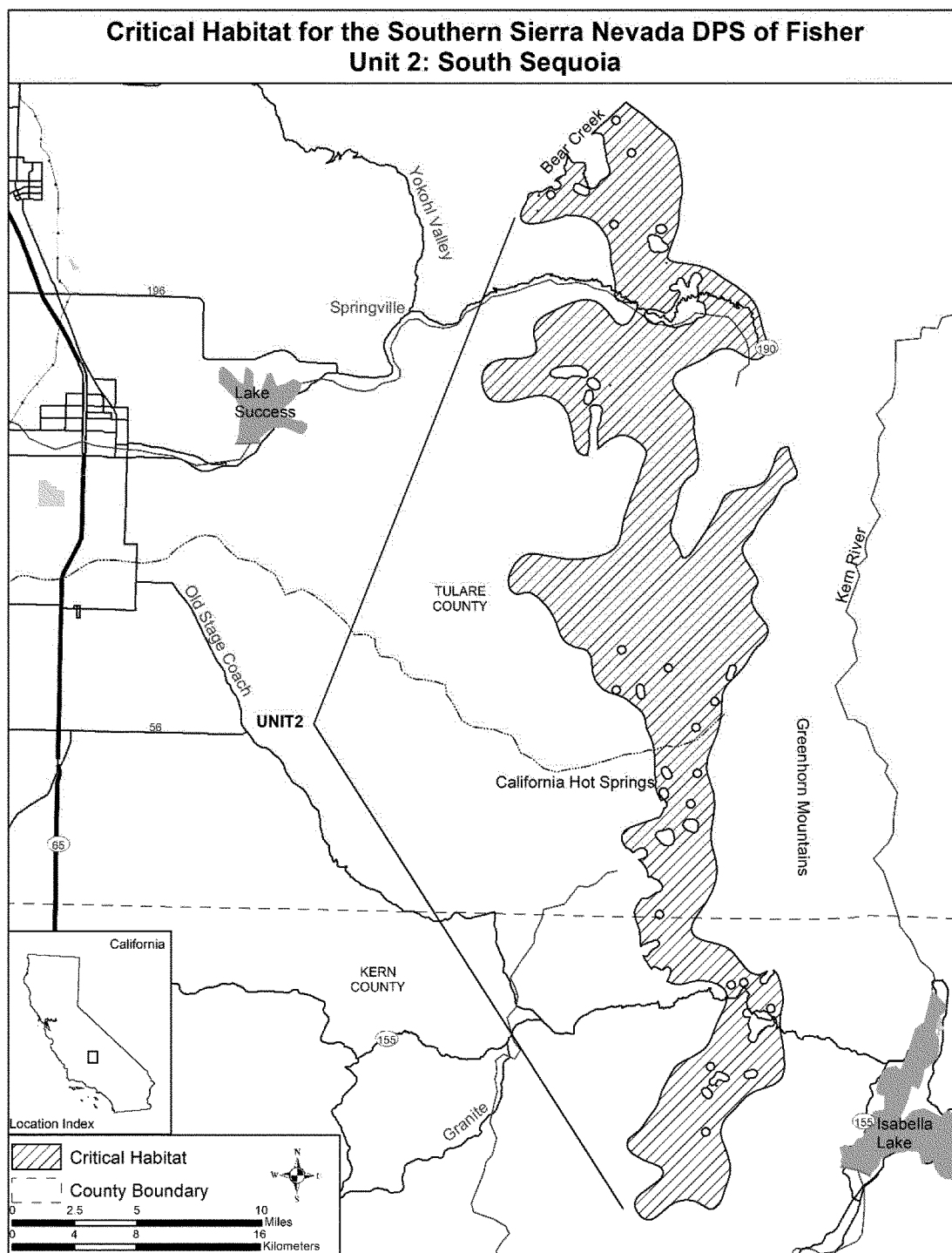
(7) Unit 2: South Sequoia, Kern and Tulare Counties, California.

(i) Unit 2 consists of 115,637 ac (46,797 ha) of occupied habitat in the Sierra Nevada mountains, extending northward from the southwestern tip of the Sierra Nevada and Greenhorn Mountains until it abuts Subunit 3A in the area of Mountain Home Demonstration State Forest (Mountain Home). Bear Creek in the Tule River Watershed serves as the northern

boundary of Unit 2 from the western edge of the unit to a wildland-urban interface (WUI) associated with Mountain Home. The boundary follows the northern border of this WUI and then continues to the northeast until the eastern edge of the unit. The unit lies north and west of the Kern River and east of Springville and California Hot Springs. Lands within this unit include 93,106 ac (37,679 ha) in Federal

ownership (Sequoia National Forest, Giant Sequoia National Monument, and BLM), 2,147 ac (869 ha) in State ownership (Cal Fire and State Lands Commission), 16,246 ac (6,574 ha) of lands that are held in trust by the Bureau of Indian Affairs for the Tule River Indian Tribe of the Tule River Reservation, and 4,138 ac (1,674 ha) in private ownership.

(ii) Map of Unit 2 follows:



(8) Unit 3: North Sequoia, Fresno and Tulare Counties, California.

(i) Unit 3 consists of three subunits comprising 112,676 ac (45,597 ha) of occupied habitat in the vicinities of Dillonwood Grove and Homes Nose-Paradise Peak in Tulare County, and Muir Grove in both Fresno and Tulare Counties.

(A) Subunit 3A consists of 15,225 ac (6,161 ha) of occupied habitat in Tulare County west of Moses Mountain, east of

Battle Mountain, and south of Homes Nose. Subunit 3A abuts Unit 2 to the south. Lands within this subunit include approximately 12,943 ac (5,238 ha) in Federal ownership (Giant Sequoia National Monument, Sequoia National Forest, and Sequoia and Kings Canyon National Parks), 1,315 ac (532 ha) in State ownership (Cal Fire), and 967 ac (391 ha) in private ownership.

(B) Subunit 3B consists of 9,369 ac (3,791 ha) of occupied habitat in Tulare

County north and west of Homes Nose, east of Case Mountain, and south of Paradise Peak. Subunit 3B crosses the East Fork Kaweah River. Lands within this subunit are all in Federal ownership (Sequoia and Kings Canyon National Parks, and BLM).

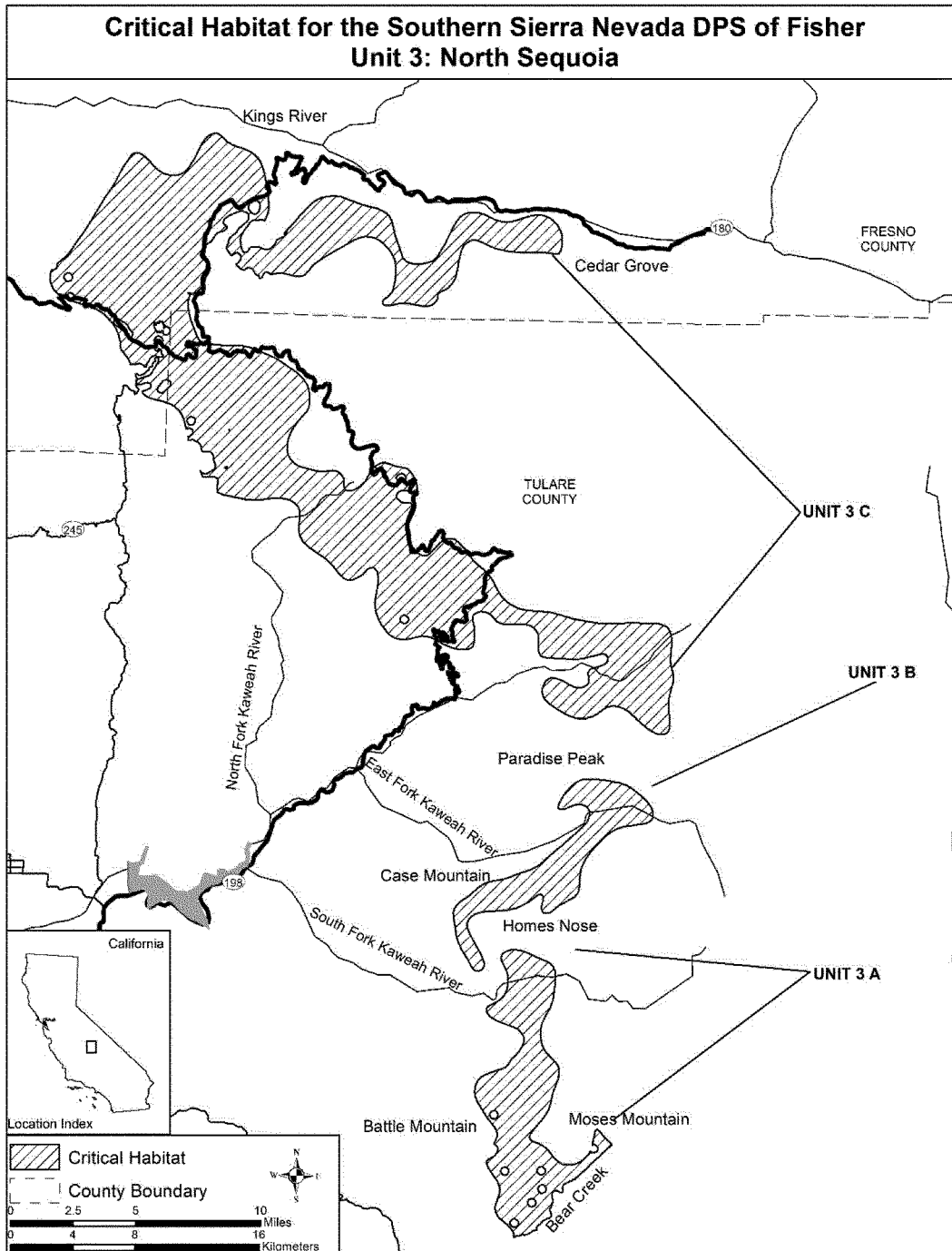
(C) Subunit 3C consists of 88,082 ac (35,645 ha) of occupied habitat in Fresno and Tulare Counties north of Paradise Peak extending northwest across the North Fork Kaweah River to

the Kings River Canyon. A sinuous arm of the unit extends east along the southern edge of the Kings River Canyon to approximately Cedar Grove. Lands within this subunit include

85,526 ac (34,611 ha) in Federal ownership (Giant Sequoia National Monument, Sequoia National Forest, Sierra National Forest, and Sequoia and Kings Canyon National Parks), 386 ac

(156 ha) in State ownership (State Lands Commission), and 2,170 ac (878 ha) in private ownership.

(ii) Map of Unit 3 follows:



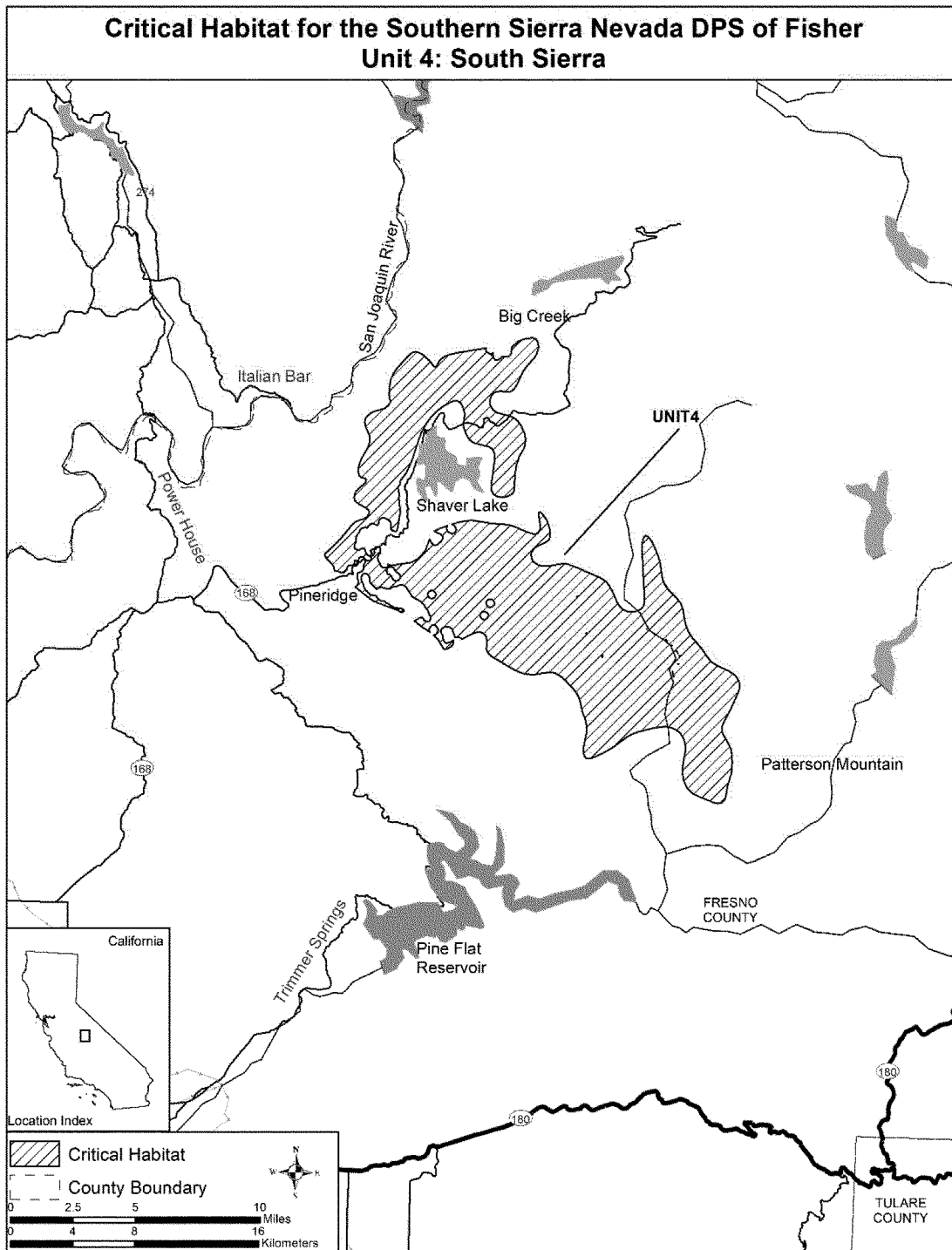
(9) Unit 4: South Sierra, Fresno County, California.

(i) Unit 4 consists of 61,023 ac (24,695 ha) of occupied habitat in the Sierra Nevada mountains. Patterson Mountain marks the approximate southern tip of this unit, which then continues to the

northwest approximately to the unincorporated community of Pineridge. From there, the unit forms a nearly complete ring around Shaver Lake. The San Joaquin River and the town of Big Creek are immediately north

of the unit. Lands within this unit include 46,123 ac (18,665 ha) in Federal ownership (Sierra National Forest) and 14,900 ac (6,030 ha) in private ownership.

(ii) Map of Unit 4 follows:



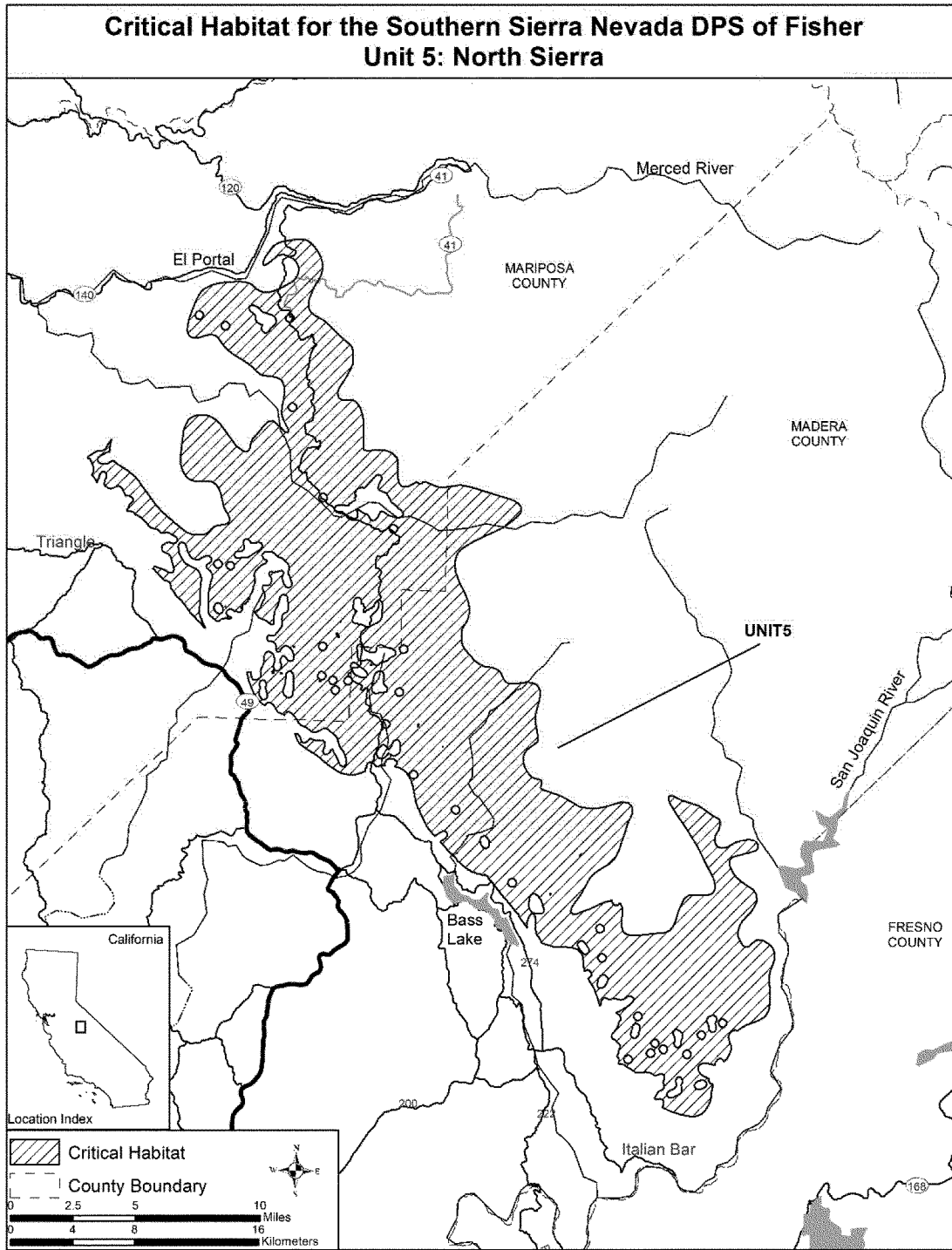
(10) Unit 5: North Sierra, Madera and Mariposa Counties, California.

(i) Unit 5 consists of 147,230 ac (59,582 ha) of occupied habitat in the Sierra Nevada mountains north and west of the San Joaquin River, east of

Bass Lake and California State Route 49, and south of the Merced River and the unincorporated community of El Portal. Lands within this unit include 137,430 ac (55,616 ha) in Federal ownership (Sierra National Forest, Yosemite

National Park, Bureau of Indian Affairs, and Bureau of Land Management) and 9,800 ac (3,966 ha) in private ownership.

(ii) Map of Unit 5 follows:



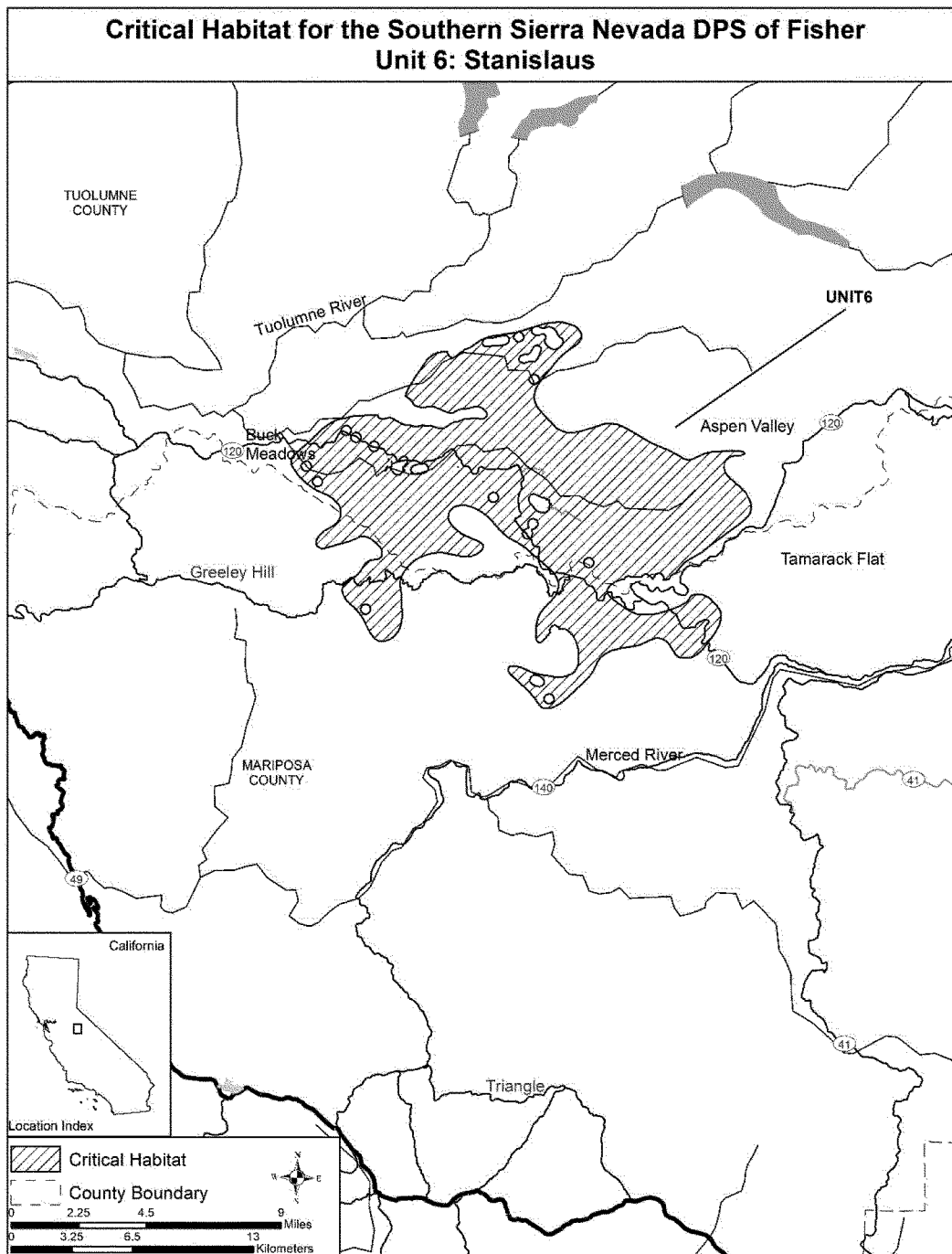
(11) Unit 6: Stanislaus, Mariposa and Tuolumne Counties, California.

(i) Unit 6 consists of 53,102 ac (21,490 ha) of occupied habitat situated between the Merced River to the south and the

Tuolumne River to the north, with Buck Meadows to the west and Tamarack Flat and Aspen Valley to the east. Lands within this unit include 52,304 ac (21,167 ha) in Federal ownership

(Stanislaus National Forest and Yosemite National Park) and 798 ac (323 ha) in private ownership.

(ii) Map of Unit 6 follows:



* * * * *

Martha Williams,
*Principal Deputy Director, Exercising the
Delegated Authority of the Director, U.S. Fish
and Wildlife Service.*

[FR Doc. 2021-22449 Filed 10-18-21; 8:45 am]

BILLING CODE 4333-15-C

Notices

Federal Register

Vol. 86, No. 199

Tuesday, October 19, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0033]

Addition of the Republic of Mali to the List of Regions Affected With Highly Pathogenic Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we added the Republic of Mali to the list of regions that the Animal and Plant Health Inspection Service considers to be affected by highly pathogenic avian influenza (HPAI). These actions follow our imposition of HPAI-related restrictions on avian commodities originating from or transiting the Republic of Mali, as a result of the confirmation of HPAI in the Republic of Mali.

DATES: The Republic of Mali was added to the list of regions APHIS considers to be affected with HPAI on April 22, 2021.

FOR FURTHER INFORMATION CONTACT: For further information regarding HPAI in the Republic of Mali, contact Dr. Michael T. Ray, Regionalization Evaluation Services, Strategy and Policy, APHIS Veterinary Services, 920 Main Campus Drive, Venture II, Raleigh, NC 27606; phone: (919) 855–7225; email: ASKRegionalization@usda.gov.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including Newcastle disease and highly pathogenic avian influenza (HPAI). The regulations prohibit or restrict the importation of live poultry, poultry meat, and other

poultry products from regions where these diseases are considered to exist.

Section 94.6 of the regulations contains requirements governing the importation into the United States of carcasses, meat, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from regions of the world where HPAI exists or is reasonably believed to exist. HPAI is an extremely infectious and potentially fatal form of avian influenza in birds and poultry that, once established, can spread rapidly from flock to flock. The Animal and Plant Health Inspection Service (APHIS) maintains a restrictions list of regions it considers affected with HPAI of any subtype on the APHIS website at <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/animal-health-status-of-regions>.

APHIS receives notice of HPAI outbreaks from veterinary officials of the exporting country, from the World Organization for Animal Health (OIE),¹ or from other sources the Administrator determines to be reliable.

On April 15, 2021, the veterinary authorities of the Republic of Mali reported to the OIE an HPAI occurrence in that country. On April 22, 2021, after confirming that the HPAI occurred in commercial birds or poultry, APHIS added the Republic of Mali to the list of regions where HPAI exists. On that same day, APHIS issued an import alert notifying stakeholders that effective April 1, 2021, APHIS imposed restrictions on the importation of poultry, commercial birds, other types of birds (research, performing), ratites, any avian hatching eggs, unprocessed avian products and byproducts, and certain fresh poultry products from the Republic of Mali to mitigate risk of HPAI introduction into the United States.

With the publication of this notice, we are informing the public that we added the Republic of Mali to the list of regions APHIS considers affected with HPAI of any subtype, effective April 22, 2021. This notice serves as an official record and public notification of this action.

¹ The World Organization for Animal Health internationally follows a British English spelling of “organisation” in its name; also, it was formerly the Office International des Epizooties, or OIE, an acronym still in usage.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as not a major rule, as defined by 5 U.S.C. 804(2).

Authority: 7 U.S.C. 1633, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 14th day of October 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–22773 Filed 10–18–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0037]

Notice of Availability of a Pest Risk Analysis for the Importation of Fresh Leaves and Stems of Garland Chrysanthemum (*Glebionis coronarium*) From Mexico Into the Continental United States, Hawaii, Puerto Rico, and the U.S. Virgin Islands

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with importation of fresh leaves and stems of garland chrysanthemum (*Glebionis coronarium*) from Mexico into the continental United States, Hawaii, Puerto Rico, and the U.S. Virgin Islands. Based on the analysis, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh leaves and stems of garland chrysanthemum (*Glebionis coronarium*) from Mexico. We are making the pest risk analysis available to the public for review and comment.

DATES: We will consider all comments that we receive on or before December 20, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal*: Go to www.regulations.gov. Enter APHIS–2021–0037 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- *Postal Mail/Commercial Delivery*: Send your comment to Docket No. APHIS–2021–0037, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at www.regulations.gov or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Claudia Ferguson, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1231; (301) 851–2352; Claudia.Ferguson@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in “Subpart L–Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the five designated phytosanitary measures listed in paragraph (b) of that section.

APHIS received a request from the national plant protection organization (NPPO) of Mexico to allow the importation of fresh leaves and stems of garland chrysanthemum (*Glebionis coronarium*) from Mexico into the continental United States, Hawaii, Puerto Rico, and the U.S. Virgin Islands. As part of our evaluation of Mexico’s request, we have prepared a pest risk assessment (PRA) to identify the pests of quarantine significance that could follow the pathway of the importation of fresh leaves and stems of garland chrysanthemum (*Glebionis coronarium*)

into the continental United States, Hawaii, Puerto Rico, and the U.S. Virgin Islands from Mexico. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the fresh leaves and stems of garland chrysanthemum (*Glebionis coronarium*) to mitigate the pest risk.

Therefore, in accordance with § 319.56–4(c), we are announcing the availability of our PRA and RMD for public review and comment. Those documents, as well as a description of the economic considerations associated with the importation of fresh leaves and stems of garland chrysanthemum (*Glebionis coronarium*) from Mexico, may be viewed on the Regulations.gov website or in our reading room (see **ADDRESSES** above for a link to Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the PRA and RMD by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh leaves and stems of garland chrysanthemum (*Glebionis coronarium*) from Mexico in a subsequent notice. If the overall conclusions of our analysis and the Administrator’s determination of risk remain unchanged following our consideration of the comments, then we will authorize the importation of fresh leaves and stems of garland chrysanthemum (*Glebionis coronarium*) from Mexico into the continental United States, Hawaii, Puerto Rico, and the U.S. Virgin Islands subject to the requirements specified in the RMD.

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 13th day of October 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–22692 Filed 10–18–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0056]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Animal Disease Traceability

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service’s intention to request a revision to and extension of approval of an information collection associated with animal disease traceability.

DATES: We will consider all comments that we receive on or before December 20, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal*: Go to www.regulations.gov. Enter APHIS–2021–0056 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.

- *Postal Mail/Commercial Delivery*: Send your comment to Docket No. APHIS–2021–0056, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at regulations.gov or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on animal disease traceability, contact Dr. Alexander K. Turner, Assistant Director, Animal Disease Traceability and Veterinary Accreditation, Strategy and Policy, VS, APHIS, 2150 Centre Ave., Building B, Fort Collins, CO 80526; (970) 494–7353. For more information on the information collection reporting process, contact Mr. Joseph Moxey, APHIS’ Paperwork Reduction Act Coordinator, at (301) 851–2483; joseph.moxey@usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Animal Disease Traceability.

OMB Control Number: 0579-0327.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prevent the introduction into and the dissemination within the United States of any pest or disease of livestock or poultry.

Within APHIS, Veterinary Services safeguards U.S. animal health through a variety of activities, including disease control. One important part of disease control is animal disease traceability. Animal disease traceability provides the ability to document the movement history of an animal throughout its life. Knowing where diseased and at-risk animals have been and are located, as well as when they have been there, is indispensable during an emergency response and important for ongoing disease programs.

Epidemiologists use this information to determine the potential spread of a disease. In fact, having the ability to plot locations within a radius of an infected premises helps to determine the potential magnitude of a contagious disease and the resources needed to contain it. Furthermore, as diseases are controlled or eradicated, it is important to document areas, States, or regions of the country that are free from disease. Traceability helps APHIS determine those disease-free zones, thus enhancing the marketability of U.S. livestock.

The regulations for animal disease traceability are located in 9 CFR part 86. Under the regulations, unless specifically exempted, livestock moved interstate must be officially identified and accompanied by an interstate certificate of veterinary inspection. The regulations specify approved forms of official identification for each species but allow livestock to be moved between any two States or Tribes with another form of identification as agreed upon by animal health officials in the two jurisdictions. This identification requirement improves APHIS' ability to trace livestock if a disease is detected. Development and implementation of the animal disease traceability framework continues to be a partnership involving APHIS, States, Tribes, and industry. In fact, States and Tribes enter into cooperative agreements with APHIS to implement their traceability activities.

Other activities in this information collection include official identification device (ID) distribution; administration

of official ID devices; approval of official ID devices; premises ID registration; official ID applications; applications for and approval of approved tagging sites; interstate certificate of veterinary inspection; cooperative agreement quarterly reports; cooperative agreement road maps and submission for approval; and Tribal tag distribution.

We are asking the Office of Management and Budget (OMB) to approve these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.613 hours per response.

Respondents: State, Tribal, and territorial animal health officials; accredited veterinarians; breed and registry associations; producers; livestock market operators; and harvest facility employees.

Estimated annual number of respondents: 273,587.

Estimated annual number of responses per respondent: 9.

Estimated annual number of responses: 2,475,812.

Estimated total annual burden on respondents: 1,518,459 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 14th day of October 2021.

Mark Davidson,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021-22768 Filed 10-18-21; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF COMMERCE**Census Bureau****2020 Census Tribal Consultation; Virtual Public Meeting**

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of virtual public meeting.

SUMMARY: The Census Bureau will conduct a tribal consultation on the next set of 2020 Census Data Products on November 18, 2021, through a national webinar. The tribal consultation meeting reflects the Census Bureau's continuous commitment to strengthen government-to-government relationships with federally recognized tribes. The Census Bureau's procedures for outreach, notice, and consultation ensure involvement of tribes, to the extent practicable and permitted by law, before making decisions or implementing policies, rules, or programs that affect federally recognized tribal governments. These meetings are open to citizens of federally and state recognized tribes by invitation.

DATES: The Census Bureau will conduct the tribal consultation webinar on Thursday, November 18, 2021, from 3:00 p.m. to 4:30 p.m. EST. Any questions or topics to be considered in the tribal consultation meetings must be received in writing via email by Monday, November 15, 2021.

ADDRESSES: The Census Bureau tribal consultation webinar meeting will be held via the WebEx platform at the following presentation link: <https://uscensus.webex.com/uscensus/onstage/g.php?MTID=e780a0783827fbb98bb9fa07ca2b01ce1>.

If the webinar requires a password, type: Census#1. For audio, please call the following number: 1-877-601-4484 OR 1-630-395-0021. When prompted, please use the following Participant Code: 2160257.

Submit your comments by email. Send comments to: Dee.A.Alexander@census.gov or OCIA.TAO@census.gov. **FOR FURTHER INFORMATION CONTACT:** Dee Alexander, Tribal Affairs Coordinator, Office of Congressional and Intergovernmental Affairs, Intergovernmental Affairs Office, U.S.

Census Bureau, Washington, DC 20233; telephone (301) 763-9335; (202) 407-6635 or email at Dee.A.Alexander@census.gov or ocia.tao@census.gov.

SUPPLEMENTARY INFORMATION: The Census Bureau is planning one national webinar on November 18, 2021, with federally and state recognized tribes, which will provide a forum for tribes to review 2020 Census Data Product Planning Crosswalk (Crosswalk) and the proposed 2020 Census data products and view the Census Bureau's demonstration of the features and information in the Crosswalk to provide input on these products. The Crosswalk includes information on the recently released 2020 Census Redistricting Data (Pub. L. 94-171) Summary File tables and proposed data tables for the 2020 Census Demographic Profile, Demographic and Housing Characteristics File (DHC) and Detailed Demographic and Housing Characteristics File (Detailed DHC).

The layout of the Crosswalk includes a proposed list of tables for these 2020 Census data products compared to the published list of tables from the 2010 Census. The proposed lowest levels of geography, proposed table shells, and the content changes from the 2010 Census are also included. The Crosswalk will provide tribes and tribal data users the opportunity to view the list of proposed Detailed DHC tables and table shells for the first time.

In accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, issued November 6, 2000, the Census Bureau has adhered to its tribal consultation policy by seeking the input of tribal governments in the planning and implementation of the 2020 Census with the goal of ensuring the most accurate counts and data for the American Indian and Alaska Native population. In that regard, the Census Bureau is seeking comments on the data products included in the Demographic Profile, the DHC and the Detailed DHC.

Demographic Profile

This product will provide selected demographic and housing characteristics about local communities.

- **Subjects:** 5-year age groups, sex, race, Hispanic or Latino origin, household type, relationship to householder, group quarters population, housing occupancy, and housing tenure.
- **Lowest level of geography:** Places and minor civil divisions (MCDs).
- **Access:** data.census.gov.
- **Date:** Tentatively 2022.

Demographic and Housing Characteristics File (DHC)

The DHC will include some of the demographic and housing tables previously included in the 2010 Census Summary File 1 (SF1).

- **Subjects:** Age, sex, race, Hispanic or Latino origin, household type, family type, relationship to householder, some subjects provided for major OMB race/ethnicity groups, group quarters population, housing occupancy, and housing tenure.
- **Access:** data.census.gov.
- **Lowest level of geography:** To be determined.
- **Date:** Tentatively 2022.

Detailed Demographic and Housing Characteristics (Detailed DHC)

The Detailed DHC will provide population counts, as well as demographic and housing statistics for detailed racial and ethnic groups, and American Indian and Alaska Native tribes and villages. These types of statistics were previously included in the 2010 Census Summary File 2 (SF2) and the 2010 American Indian and Alaska Native Summary File (AIANSF). In addition, the Detailed DHC will include a few tables from the 2010 Summary File 1 (SF1) that are not included in the DHC.

- **Subjects:** Detailed racial and ethnic groups, American Indian and Alaska Native tribes and villages, and complex person and household join tables (e.g., population in occupied housing units) not included in DHC.
- **Access:** data.census.gov.
- **Lowest level of geography:** To be determined.
- **Date:** To be determined.

Information about the content of these data products was released on September 16, 2021. Tribes will have four weeks after consultation to analyze the Crosswalk and proposed data tables and lowest levels of geography to provide input.

1. Crosswalk with proposed Demographic Profile, DHC and Detailed DHC tables released on September 16, 2021.

2. Input and comments due by December 18, 2021. Submit your comments by email. Send comments to: Dee.A.Alexander@census.gov or OCIA.TAO@census.gov.

For more information, please see the following URL link: <https://www.census.gov/newsroom/press-releases/2021/2020-census-data-product-planning-crosswalk.html>.

Ron S. Jarmin, Acting Director, Census Bureau, approved the publication of this Notice in the **Federal Register**.

Dated: October 14, 2021.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021-22725 Filed 10-18-21; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on November 3 and 4, 2021, at 1:00 p.m., Eastern Standard Time. The meetings will be available via teleconference. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

Wednesday, November 3

Open Session

1. Welcome and Announcements
2. HPC History and Future
3. Industry Wassenaar Proposals for 2022
4. New Business

Thursday, November 4

Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at Yvette.Springer@bis.doc.gov, no later than October 27, 2021.

To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that public presentation materials or comments be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 2021, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce

Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2021-22700 Filed 10-18-21; 8:45 am]

BILLING CODE 3510-JT-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 211013-0208]

RIN 0694-XC077

Notice of Virtual Forum for Risks in the Information Communication Technology Supply Chain

AGENCY: Bureau of Industry and Security, Office of Technology Evaluation, U.S. Department of Commerce.

ACTION: Notice of virtual forum.

SUMMARY: The Bureau of Industry and Security (BIS) is announcing a virtual forum that will occur on October 29, 2021, and that will allow participants to provide recommendations to strengthen the resiliency of critical supply chains supporting the U.S. information and communications technology (ICT) industrial base that are at risk of disruption, strain, compromise, or elimination. See Background for the definition of ICT industrial base. This notice sets forth the procedures for public participation in the virtual forum.

DATES:

Virtual forum: The virtual forum will be held on October 29, 2021. The virtual forum will begin at 9:00 a.m. Eastern Daylight Time (EDT) and conclude at 12:00 p.m. EDT. *Registration for the virtual forum:* Requests to attend the virtual forum must be submitted by 5:00 p.m. EDT on October 27, 2021. Speaker requests must be submitted by 5:00 p.m. EDT on October 22, 2021. See the **ADDRESSES** section of this notice for more information regarding registration. Registration for the virtual forum will open on October 14, 2021.

Confirmation of registration and/or speaking slot: The Department will contact each person that has been confirmed to provide oral comments in the virtual forum by email no later than 5:00 p.m. EDT on October 26, 2021.

ADDRESSES: BIS has created a web page on the BIS website for the virtual forum.

This web page will be used by the public to register for the virtual forum, including submitting requests to speak at the virtual forum. The landing page for the virtual forum will be accessed through this web page on <https://www.bis.doc.gov/ictforum>.

Click on the link for 'Register for the Virtual Forum' on this web page to register for the virtual forum. People interested in providing oral statements during the virtual forum should make this request when registering for the virtual forum, including submitting a brief overview of their anticipated remarks.

After registration is completed by the Department, this web page will include the agenda and the list of the scheduled speakers for the virtual forum. Registered attendees will receive an email notification from BIS with information needed to access the virtual forum on October 28, 2021. Registrants that requested to provide oral comments at the virtual forum will be notified by email if their request has been accepted and will be provided the allotted amount of time for their comments at the virtual forum. Anyone not selected to make a presentation may provide written comments and submit those in response to the notice of request for public comments entitled *Risks in the Information Communications Technology Supply Chain* (86 FR 52127) (September 20 Notice) by the comment deadline of November 4, 2021. See the September 20 Notice for instructions on submitting written comments. Participants should be prepared to attend the virtual forum in its entirety as allotted speaker time slots are subject to change and the program will continue if a speaker is not available when called to speak. Within 7 business days after the virtual forum is completed, BIS will add a link to a recording of the virtual forum and a written transcript to make the recording physically accessible to people with disabilities.

FOR FURTHER INFORMATION CONTACT:

Erika Maynard, Defense Industrial Base Division, Office of Technology Evaluation, Bureau of Industry and Security, at 202-482-5572 or ICTstudy@bis.doc.gov.

SUPPLEMENTARY INFORMATION:

Background

On February 24, 2021, President Biden issued Executive Order 14017, "America's Supply Chains" (86 FR 11849) (E.O. 14017), which directs several Federal agency actions to secure and strengthen America's supply chains. E.O. 14017 focuses on the need for resilient, diverse, and secure supply

chains to ensure U.S. economic prosperity and national security. Such supply chains are needed to address conditions that can reduce U.S. critical manufacturing capacity, as well as the availability and integrity of critical goods, products, and services. In relevant part, E.O. 14017 directs that within one year of the date of the order, the Secretary of Commerce and the Secretary of Homeland Security, in consultation with the heads of appropriate agencies, shall submit a report to the President, through the Assistant to the President for National Security Affairs (APNSA) and the Assistant to the President for Economic Policy (APEP), on supply chains for critical sectors and subsectors of the ICT industrial base (as determined by the Secretary of Commerce and the Secretary of Homeland Security), including the industrial base for the development of ICT software, data, and associated services.

On September 20, 2021, BIS published a notice of request for public comments, *Risks in the Information Communications Technology Supply Chain* (86 FR 52127) (the September 20 Notice). The September 20 Notice requests comments and information from the public to assist the Department of Commerce (the Department) in preparing the report required by E.O. 14017.

In developing this report, the Secretary of Commerce and the Secretary of Homeland Security will consult with the heads of appropriate agencies and will be advised by all relevant bureaus and components of the Departments of Commerce and Homeland Security.

BIS is publishing this notice to announce a virtual forum that will occur on October 29, 2021, that will allow selected speakers to address the policy objectives listed in E.O. 14017 including recommendations to strengthen the resiliency of critical supply chains supporting the U.S. ICT industrial base that are at risk of disruption, strain, compromise or elimination. For the purposes of the report, the scope of the ICT industrial base shall consist of component hardware that enables terrestrial distribution, broadcast/wireless transport, satellite support, data storage to include data center and cloud technologies, and end user devices including home devices such as routers, antennae, and receivers, and mobile devices; and software and services that have direct dependencies on one or more of the enabling hardware. Examples of component hardware include printed circuit boards and fiber optic cables, electronic

manufacturing services and assembly, and downstream products such as networking devices and radio base stations. BIS is particularly interested in recommendations to strengthen the critical supply chains of the ICT industrial base as defined in the report. This notice sets forth the procedures for public participation in the virtual forum.

Virtual Forum

Consistent with the interest of the Department in soliciting public comments on issues affecting risks in the manufacturing of ICT products and critical supply chains as described in the September 20 Notice, the Department is holding a virtual forum. The virtual forum will assist the Department in preparing the report required by E.O. 14017. Oral comments at the virtual forum should address the policy objectives listed in E.O. 14017 as they affect the U.S. ICT supply chains, including recommendations to strengthen critical, at-risk supply chains. See the September 20 Notice and E.O. 14017 for the policy objectives. The virtual forum will be held on October 29, 2021. The forum will begin at 9:00 a.m. EDT and conclude at 12:00 p.m. EDT.

Procedure for Requesting Participation

See the **ADDRESSES** section of this notice for how to register and access the virtual forum. The Department encourages interested public participants to present their views orally at the virtual forum. Any person wishing to make an oral presentation at the virtual forum must register with the Department at the web address indicated in the **ADDRESSES** section of this notice. The request to speak in the virtual forum must be accompanied by an overview of the oral presentation. Speakers' registration, including overviews of planned remarks, must be received by the Department no later than 5:00 p.m. EDT on October 22, 2021. BIS will not accept any registrations after that time for the virtual forum.

Please note that the submission of overviews of presentations at the virtual forum is separate from the request for written comments described in the September 20 Notice. Since it may be necessary to limit the number of persons making presentations, the overview of the presentation should describe the individual's interest in the virtual forum and, where appropriate, explain why the individual is a proper representative of a group or class of persons that has such an interest. If all interested parties cannot be accommodated at the virtual forum, the overviews of the oral

presentations will be used to allocate speaking time and to ensure that a full range of comments is heard.

Each person selected to make a presentation will be notified by the Department no later than 5:00 p.m. EDT on October 26, 2021. The Department will arrange the presentation times for the speakers. Representatives from the Department and other U.S. Government agencies, as appropriate, will make up the virtual forum panel. Written overview submissions by persons not selected to make presentations will be made part of the public record of the proceeding, as will the overview submission of those persons selected to make presentations. Confidential business information may not be submitted at a virtual forum. The virtual forum will be recorded.

Copies of the requests to speak at the virtual forum and the transcript of the forum will be maintained on BIS's web page, which can be found at <https://www.bis.doc.gov> (see Freedom of Information Act link at the bottom of the page) and at <https://www.bis.doc.gov/ictforum>. These documents will also be posted through the Federal eRulemaking Portal: <https://www.regulations.gov> under docket number BIS-2021-0021, which is the docket number for the September 20 Notice. If the requesters cannot access the website, they may call (202) 482-0795 for assistance. The records related to this assessment are made accessible in accordance with the regulations published in part 4 of title 15 of the Code of Federal Regulations (15 CFR 4.1 through 4.11).

Conduct of the Virtual Forum

The Department reserves the right to select the persons to be heard at the virtual forum, to schedule their respective presentations, and to establish the procedures governing the conduct of the virtual forum. Each speaker will be limited to a time set by the Department and comments must be directly related to the policy objectives listed in E.O. 14017 as they affect the U.S. ICT supply chains, including recommendations to strengthen critical, at-risk supply chains.

A Department official will be designated to preside at the virtual forum. The presiding officer shall determine all procedural matters during the virtual forum. Representatives from the Department, and other U.S. Government agencies, as appropriate, will make up the virtual forum panel. This will be a fact-finding proceeding. It will not be a judicial or evidentiary-type virtual forum. Only members of the virtual forum panel may ask questions and there will be no cross-examination

of persons presenting statements. No formal rules of evidence will apply to the virtual forum. Any further procedural rules for the proper conduct of the virtual forum will be announced by the presiding officer.

Special Accommodations

This virtual forum is physically accessible to people with disabilities. See the **ADDRESSES** section of this notice.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2021-22763 Filed 10-14-21; 4:15 pm]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; License Transfer

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before December 20, 2021.

ADDRESSES: Interested persons are invited to submit comments by email to Mark Grace, IC Liaison, Bureau of Industry and Security, at mark.grace@bis.doc.gov or to PRAComments@doc.gov. Please reference OMB Control Number 0694-0126 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Mark Grace, IC Liaison, Bureau of Industry and Security, phone 202-482-8093 or by email at mark.grace@bis.doc.gov.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Export licenses approved by BIS are granted to only those persons who certify on the application that they are subject to the jurisdiction of the United States and that they will be strictly accountable for the use of the license in accordance with the EAR. Certain circumstances such as company mergers, company takeovers, etc., necessitate the transfer of an active export license from one party to another. When a licensee transfers an unexpired license to another party, there must be assurances that the other party, the transferee, will also be accountable for the proper use of the license. The required information collected from both parties provides assurances that the balance of the shipments will not be diverted or used for purposes contrary to the authorized use of the approved license.

II. Method of Collection

Electronically or on paper.

III. Data

OMB Control Number: 0694–0126.
Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time per Response: 28 minutes.

Estimated Total Annual Burden Hours: 28 hours.

Estimated Total Annual Cost to Public: 825.

Respondent's Obligation: Voluntary.

Legal Authority: Section 4812 and 4813 of the Export Control Reform Act (ECRA).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–22701 Filed 10–18–21; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE**International Trade Administration****Initiation of Antidumping and Countervailing Duty Administrative Reviews***Correction*

In Notice document C1 2021–19190, appearing on page 55572, in the Issue of Wednesday, October 6, 2021, make the following correction:

On page 55572, in the second column, in the standard document heading, the sub-agency reading “Internal Trade Administration” should read “International Trade Administration”.

[FR Doc. C2–2021–19190 Filed 10–18–21; 8:45 am]

BILLING CODE 0099–10–D

DEPARTMENT OF COMMERCE**International Trade Administration****Renewable Energy and Energy Efficiency Advisory Committee**

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Renewable Energy and Energy Efficiency Advisory Committee (REEEAC or the Committee) will hold a virtual meeting via WebEx on Tuesday November 2, 2021, hosted by the U.S. Department of Commerce. The meeting is open to the public with registration instructions provided below.

DATES: November 2, 2021, from 2:30 p.m. to 3:30 p.m. Eastern Daylight Time

EDT. Members of the public wishing to participate must register in advance with the REEEAC Designated Federal Officer (DFO) Cora Dickson at the contact information below by 5:00 p.m. EDT on Thursday, October 28, 2021, in order to pre-register, including any requests to make comments during the meeting or for accommodations or auxiliary aids.

ADDRESSES: To register, please contact Cora Dickson, REEEAC DFO, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–6083; email: Cora.Dickson@trade.gov. Registered participants will be emailed the login information for the meeting, which will be conducted via WebEx.

FOR FURTHER INFORMATION CONTACT: Cora Dickson, REEEAC DFO, Office of Energy and Environmental Industries (OEEI), Industry and Analysis, International Trade Administration, U.S. Department of Commerce at (202) 482–6083; email: Cora.Dickson@trade.gov.

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Commerce established the REEEAC pursuant to discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), on July 14, 2010. The REEEAC was re-chartered most recently on June 5, 2020. The REEEAC provides the Secretary of Commerce with advice from the private sector on the development and administration of programs and policies to expand the export competitiveness of U.S. renewable energy and energy efficiency products and services. More information about the Committee, including the list of appointed members for this charter, is published online at <http://trade.gov/reeeac>.

On November 2, 2021, the REEEAC will hold the fourth meeting of its current charter term. The Committee will discuss a proposed recommendation in response to the Department of Commerce’s request for input on the Clean Technologies Export Competitiveness Strategy. To receive an agenda please make a request to REEEAC DFO Cora Dickson per above. The agenda will be made available no later than October 28, 2021.

The Committee meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the DATE caption. Requests for auxiliary aids must be submitted by the registration

deadline. Last minute requests will be accepted but may not be possible to fill.

A limited amount of time before the close of the meeting will be available for oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on number of public participants). Individuals wishing to reserve speaking time during the meeting must contact REEEAC DFO Cora Dickson using the contact information above and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant, by 5:00 p.m. EDT on Thursday, October 28, 2021. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Cora Dickson for distribution to the participants in advance of the meeting.

Any member of the public may submit written comments concerning the REEEAC's affairs at any time before or after the meeting. Comments may be submitted via email to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Cora Dickson, DFO, Office of Energy and Environmental Industries, U.S. Department of Commerce; Cora.Dickson@trade.gov. To be considered during the meeting, public comments must be transmitted to the REEEAC prior to the meeting. As such, written comments must be received no later than 5:00 p.m. EDT on Thursday, October 28, 2021. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of REEEAC meeting minutes will be available within 30 days following the meeting.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2021-22736 Filed 10-18-21; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-140]

Certain Mobile Access Equipment and Subassemblies Thereof From the People's Republic of China: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain mobile access equipment and subassemblies thereof (mobile access equipment) from the People's Republic of China (China). The period of investigation is January 1, 2020, through December 31, 2020.

DATES: Applicable October 19, 2021.

FOR FURTHER INFORMATION CONTACT: Theodore Pearson or Michael Romani, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2631 or (202) 482-0198, respectively.

SUPPLEMENTARY INFORMATION:

Background

The petitioner in this investigation is the Coalition of American Manufacturers of Mobile Access Equipment. In addition to the Government of China, the selected mandatory respondents are Zhejiang Dingli Machinery Co., Ltd. (Dingli) and Lingong Group Jinan Heavy Machinery Co., Ltd. (LGMG).

On July 30, 2021, Commerce published the *Preliminary Determination* in the **Federal Register**.¹ A summary of the events that occurred since Commerce published the *Preliminary Determination* may be found in the Issues and Decision Memorandum.² The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and

Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. A list of topics discussed in the Issues and Decision Memorandum is included at Appendix II. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The products covered by this investigation are mobile access equipment from China. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

On July 26, 2021, we issued the Preliminary Scope Decision Memorandum.³ We received comments from interested parties on the Preliminary Scope Decision Memorandum, which we addressed in the Final Scope Decision Memorandum.⁴ Commerce is modifying the scope language as it appeared in the *Preliminary Determination*. See Appendix I for the final scope of this investigation.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issue raised by parties, and to which we responded in the Issue and Decision Memorandum, is attached to this notice at Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient,

³ See Memorandum, "Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Scope Comments Decision Memorandum for the Preliminary Determination," dated July 26, 2021 (Preliminary Scope Decision Memorandum).

⁴ See Memorandum, "Antidumping Duty and Countervailing Duty Investigations of Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Final Scope Decision Memorandum," dated concurrently with, and hereby adopted by, this notice (Final Scope Decision Memorandum).

¹ See *Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 85 FR 80771 (December 14, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Certain Mobile Access Equipment and Subassemblies Thereof from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

and that the subsidy is specific.⁵ For a full description of the methodology underlying our final determination, *see* the Issues and Decision Memorandum.

In making this final determination, Commerce is relying, in part, on facts otherwise available, including adverse facts available (AFA), pursuant to sections 776(a) and (b) of the Act. For a full discussion of our application of AFA, *see* the *Preliminary Determination* and the section “Use of Facts Otherwise Available and Adverse Inference” in the accompanying Issues and Decision Memorandum.⁶

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.⁷

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, as well as additional information collected in questionnaires issued subsequent to the *Preliminary Determination*, we made certain changes to Dingli’s and LGMG’s subsidy rate calculations, the rate for non-cooperating respondents, and the all-others rate. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

We continue to calculate the all-others rate using a weighted average of the individual estimated subsidy rates calculated for the examined respondents (Dingli and LGMG) using each company’s publicly-ranged data for the value of their exports to the United States of subject merchandise.⁸

⁵ *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁶ *See* Preliminary Decision Memorandum at “Use of Facts Otherwise Available and Adverse Inferences;” *see also* Issues and Decision Memorandum at “Use of Facts Otherwise Available and Adverse Inference.”

⁷ *See* Commerce’s Letters, “Certain Mobile Access Equipment and Subassemblies Thereof from the People’s Republic of China: Zhejiang Dingli Machinery Co., Ltd. Verification Questionnaire,” and “Certain Mobile Access Equipment and Subassemblies Thereof from the People’s Republic of China: Lingong Group Jinan Heavy Machinery Co., Ltd. Verification Questionnaire,” both dated August 17, 2021.

⁸ *See* *Preliminary Determination*, 85 FR at 41013; *see also* Memorandum, “Countervailing Duty Investigation of Certain Mobile Access Equipment and Subassemblies Thereof from the People’s

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Lingong Group Jinan Heavy Machinery Co., Ltd ⁹	18.34
Zhejiang Dingli Machinery Co., Ltd ¹⁰	11.95
Jinan Zhongtian International Trading ¹¹	448.70
Zhongshan Shiliwang Machinery Co., LTD ¹²	448.70
Yantai Empire Industry and Trade ¹³	448.70
Shandong Lede Machinery ¹⁴ ...	448.70
Shandong Huifeng Auto Fittings ¹⁵	448.70
Jinan Zhongtang Mechanical Equipment ¹⁶	448.70
All Others	12.93

Disclosure

Commerce intends to disclose to interested parties the calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of the publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to section 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise from China that were entered, or withdrawn from warehouse, for consumption, effective July 30, 2021, which is the date of publication of the *Preliminary Determination* in the **Federal Register**.

In accordance with section 705(c)(1)(C) of the Act, we will direct CBP to continue to suspend liquidation of all imports of the subject merchandise from China that are entered, or withdrawn from warehouse,

Republic of China; Revised All-Others Calculation for the Final Determination,” dated concurrently with this memorandum.

⁹ Cross-owned affiliate is Linyi Lingong Machinery Group Co., Ltd.

¹⁰ Cross-owned affiliates are Zhejiang Green Power Machinery Co., Ltd. and Shengda Fenghe Automotive Equipment Co., Ltd.

¹¹ *See* Preliminary Decision Memorandum at section “Application of AFA: Non-Responsive Companies.”

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

for consumption on or after the date of publication of this notice in the **Federal Register**. The suspension of liquidation instructions will remain in effect until further notice. We are also directing CBP to collect countervailing duty deposits at the rates described above.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, and continue to require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our final affirmative determination that countervailable subsidies are being provided to producers and exporters of mobile access equipment from China. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of mobile access equipment from China no later than 45 days after our final determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information related to this investigation. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a countervailing duty order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification Regarding APOs

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act, and 19 CFR 351.210(c).

Dated: October 12, 2021.

Ryan Majerus,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation consists of certain mobile access equipment, which consists primarily of boom lifts, scissor lifts, and material telehandlers, and subassemblies thereof. Mobile access equipment combines a mobile (self-propelled or towed) chassis, with a lifting device (e.g., scissor arms, boom assemblies) for mechanically lifting persons, tools and/or materials capable of reaching a working height of ten feet or more, and a coupler that provides an attachment point for the lifting device, in addition to other components. The scope of this investigation covers mobile access equipment and subassemblies thereof whether finished or unfinished, whether assembled or unassembled, and whether the equipment contains any additional features that provide for functions beyond the primary lifting function.

Subject merchandise includes, but is not limited to, the following subassemblies:

- Scissor arm assemblies, or scissor arm sections, for connection to chassis and platform assemblies. These assemblies include: (1) Pin assemblies that connect sections to form scissor arm assemblies, and (2) actuators that power the arm assemblies to extend and retract. These assemblies may or may not also include blocks that allow sliding of end sections in relation to frame and platform, hydraulic hoses, electrical cables, and/or other components;
- boom assemblies, or boom sections, for connection to the boom turntable, or to the chassis assembly, or to a platform assembly or to a lifting device. Boom assemblies include telescoping sections where the smallest section (or tube) can be nested in the next larger section (or tube) and can slide out

for extension and/or articulated sections joined by pins. These assemblies may or may not include pins, hydraulic cylinders, hydraulic hoses, electrical cables, and/or other components;

- chassis assemblies, for connection to scissor arm assemblies, or to boom assemblies, or to boom turntable assemblies. Chassis assemblies include: (1) Chassis frames, and/or (2) frame sections. Chassis assemblies may or may not include axles, wheel end components, steering cylinders, engine assembly, transmission, drive shafts, tires and wheels, crawler tracks and wheels, fuel tank, hydraulic oil tanks, battery assemblies, and/or other components;
- boom turntable assemblies, for connection to chassis assemblies, or to boom assemblies. Boom turntable assemblies include turntable frames. Boom turntable assemblies may or may not include engine assembly, slewing rings, fuel tank, hydraulic oil tank, battery assemblies, counterweights, hoods (enclosures), and/or other components.

Importation of any of these subassemblies, whether assembled or unassembled, constitutes unfinished mobile access equipment for purposes of this investigation.

Processing of finished and unfinished mobile access equipment and subassemblies such as trimming, cutting, grinding, notching, punching, slitting, drilling, welding, joining, bolting, bending, beveling, riveting, minor fabrication, galvanizing, painting, coating, finishing, assembly, or any other processing either in the country of manufacture of the in-scope product or in a third country does not remove the product from the scope. Inclusion of other components not identified as comprising the finished or unfinished mobile access equipment does not remove the product from the scope.

The scope excludes forklifts, vertical mast lifts, mobile self-propelled cranes and motor vehicles that incorporate a scissor arm assembly or boom assembly. Forklifts are material handling vehicles with a working attachment, usually a fork, lifted along a vertical guide rail with the operator seated or standing on the chassis behind the vertical mast. Vertical mast lifts are person and material lifting vehicles with a working attachment, usually a platform, lifted along a vertical guide rail with an operator standing on the platform. Mobile self-propelled cranes are material handling vehicles with a boom attachment for lifting loads of tools or materials that are suspended on ropes, cables, and/or chains, and which contain winches mounted on or near the base of the boom with ropes, cables, and/or chains managed along the boom structure. The scope also excludes motor vehicles (defined as a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line pursuant to 49 U.S.C. 30102(a)(7)) that incorporate a scissor arm assembly or boom assembly. The scope further excludes vehicles driven or drawn by mechanical power operated only on a rail line that incorporate a scissor arm assembly or boom assembly. The scope also excludes: (1) Rail

line vehicles, defined as vehicles with hi-rail gear or track wheels, and a fixed (non-telescopic) main boom, which perform operations on rail lines, such as laying rails, setting ties, or other rail maintenance jobs; and (2) certain rail line vehicle subassemblies, defined as chassis subassemblies and boom turntable subassemblies for rail line vehicles with a fixed (non-telescopic) main boom.

Certain mobile access equipment subject to this investigation is typically classifiable under subheadings 8427.10.8020, 8427.10.8030, 8427.10.8070, 8427.10.8095, 8427.20.8020, 8427.20.8090, 8427.90.0020 and 8427.90.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Parts of certain mobile access equipment are typically classifiable under subheading 8431.20.0000 of the HTSUS. While the HTSUS subheadings are provided for convenience and customs purposes only, the written description of the merchandise under investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Subsidies Valuation
- IV. Use of Facts Otherwise Available and Adverse Inferences
- V. Analysis of Programs
- VI. Analysis of Comments

General Issues

- Comment 1: Countervailability of the Provision of Certain Inputs and Services for Less Than Adequate Remuneration (LTAR)
- Comment 2: Countervailability of the Provision of Electricity for LTAR
- Comment 3: Countervailability of Other Subsidies
- Comment 4: Currency Undervaluation
- Comment 5: Export Buyer's Credit
- Comment 6: Whether to Average Dingli's Steel Benchmark Sources with UN Comtrade Data
- Comment 7: Benchmarks for the Provision of Hot-Rolled Steel Sheet and Plate for LTAR
- Comment 8: Benchmarks for the Provision of Ocean Shipping Services for LTAR and Ocean Freight in Input LTARs
- Comment 9: Certain UN Comtrade Benchmarks

Dingli Issues

- Comment 10: Whether Commerce Erred in Calculating Dingli's Use of the Provision of Cold-Rolled Steel for LTAR
- Comment 11: Whether Commerce Should Use Dingli's Consolidated Sales as the Denominator

LGMG Issues

- Comment 12: Whether Commerce Should Countervail LGMG's Off-the-Road (OTR) Tires
- Comment 13: Whether Commerce Should Countervail Lithium-Ion Batteries for LTAR
- Comment 14: Whether Commerce Should Reconsider the Benchmark for Diesel

Engines and Which Diesel Engines Are Countervailable

Comment 15: Whether Commerce Should Revise LGMG's Reported Total Sales Value

Comment 16: Whether Commerce Should Include an Additional "Other Subsidy Program" in LGMG's Overall Subsidy Rate

VII. Recommendation

[FR Doc. 2021-22705 Filed 10-18-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patent Reexaminations, Supplemental Examinations, and Post Patent Submissions

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on July 26, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: United States Patent and Trademark Office, Department of Commerce.

Title: Patent Reexaminations, Supplemental Examinations, and Post Patent Submissions.

OMB Control Number: 0651-0064.

Form Number(s):

- PTO/SB/42 (Information Disclosure Citation in a Patent).
- PTO/SB/57 (Request for Ex Parte Reexamination Transmittal Form).
- PTO/SB/59 (Request for Supplemental Examination Transmittal Form).

Type of Review: Extension and revision of a currently approved information collection.

Number of Respondents: 864 respondents per year.

Number of Responses: 880 responses per year.

Estimated Time per Response: The USPTO estimates that it takes the public approximately between 30 minutes (0.5

hours) to 55 hours, depending on the complexity of the situation and item, to gather the necessary information, prepare the appropriate document(s), and submit the information to the USPTO.

Estimated Total Annual Respondent Burden Hours: 23,574 hours.

Estimated Total Annual Non-Hour Cost Burden: \$2,439,335.

Needs and Uses: This information collection covers information contained in: (1) Requests for *ex parte* reexamination, (2) requests for supplemental examination, (3) submissions made by patent owners and third-party requesters related to the prosecution of an *ex parte* or *inter partes* reexamination proceeding, (4) information submitted by the public to aid in ascertaining the patentability and/or scope of the claims of the issued patent, and (5) information submitted by patent owners regarding a position taken before the USPTO or a Federal court regarding the scope of any claim in their issued patent. The USPTO's use of the statements of the patent owners ((5) above) will be limited to determining the meaning of a patent claim in *ex parte* reexamination proceedings that already have been ordered and in *inter partes* review and post grant review proceedings that already have been instituted.

The purpose of this information collection is to facilitate requests for *ex parte* reexamination and supplemental examination, to facilitate prosecution of reexamination and reissue proceedings, and to ensure that the associated documentation is submitted to the USPTO, and to permit relevant post-patent prior art and claim scope information to be entered into a patent file.

This renewal request incorporates an item that was previously approved under OMB control number 0651-0067 (Post Patent Public Submissions), specifically 'information disclosure citations'. The title of this information collection is being updated to reflect that change with the inclusion of "Post Patent Submissions". As the information disclosure citation was the only item contained in 0651-0067, that information collection will be discontinued.

Affected Public: Private sector; individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce, USPTO

information collections currently under review by OMB.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the information collection or the OMB Control Number 0651-0064.

Further information can be obtained by:

- *Email:* InformationCollection@uspto.gov. Include "0651-0064 information request" in the subject line of the message.

- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2021-22699 Filed 10-18-21; 8:45 am]

BILLING CODE 3510-16-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Community Bank Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Community Bank Advisory Council (CBAC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Thursday, November 4, 2021, from approximately 1:00 p.m. to 5:00 p.m. eastern daylight time. This meeting will be held virtually and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Advisory Board and Councils Section, Office of Stakeholder Management, at 202-450-8617, or email: CFPB_CABandCouncilsEvents@cfpb.gov. If you require this document in an alternative electronic format,

please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CBAC Charter provides that pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Director established the Community Bank Advisory Council under agency authority.

Section 3 of the CBAC Charter states: "The purpose of the Advisory Council is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to community banks with total assets of \$10 billion or less."

II. Agenda

The CBAC will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority. Discussions will include small business lending, age-friendly banking, and youth financial literacy.

Persons who need a reasonable accommodation to participate should contact CFPB_504Request@cfpb.gov, 202-435-9EEO, 1-855-233-0362, or 202-435-9742 (TTY) at least ten (10) business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to CFPB_CABandCouncilsEvents@cfpb.gov, a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CBAC members for consideration. Individuals who wish to this meeting must RSVP via this link https://surveys.consumerfinance.gov/jfe/form/SV_24VZdxWIWk68QHYY by noon, November 3, 2021. Members of the public must RSVP by the due date.

III. Availability

The Council's agenda will be made available to the public on Wednesday, November 3, 2021, via [consumerfinance.gov](https://surveys.consumerfinance.gov). Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website [consumerfinance.gov](https://surveys.consumerfinance.gov).

Dated: October 12, 2021.

Jocelyn Sutton,

Deputy Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2021-22607 Filed 10-18-21; 8:45 am]

BILLING CODE 4810-AM-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Credit Union Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Credit Union Advisory Council (CUAC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Thursday, November 4, 2021, from approximately 1:00 p.m. to 5:00 p.m. eastern daylight time. This meeting will be held virtually and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Advisory Board and Councils Section, Office of Stakeholder Management, at 202-450-8617, or email: CFPB_CABandCouncilsEvents@cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the CUAC Charter provides that pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Credit Union Advisory Council under agency authority.

Section 3 of the CUAC Charter states: "The purpose of the Advisory Council is to advise the Bureau in the exercise of its functions under the Federal consumer financial laws as they pertain to credit unions with total assets of \$10 billion or less."

II. Agenda

The CUAC will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority. Discussions will include

small business lending, age-friendly banking, and youth financial literacy.

Persons who need a reasonable accommodation to participate should contact CFPB_504Request@cfpb.gov, 202-435-9EEO, 1-855-233-0362, or 202-435-9742 (TTY) at least ten (10) business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to CFPB_CABandCouncilsEvents@cfpb.gov, a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CUAC members for consideration. Individuals who wish to join this meeting must RSVP via this link https://surveys.consumerfinance.gov/jfe/form/SV_24VZdxWIWk68QHYY by noon, November 3, 2021. Members of the public must RSVP by the due date.

III. Availability

The Council's agenda will be made available to the public on Wednesday, November 3, 2021 via [consumerfinance.gov](https://surveys.consumerfinance.gov). Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website [consumerfinance.gov](https://surveys.consumerfinance.gov).

Dated: October 12, 2021.

Jocelyn Sutton,

Deputy Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2021-22608 Filed 10-18-21; 8:45 am]

BILLING CODE 4810-AM-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Academic Research Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Academic Research Council (ARC or Council) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Council.

DATES: The meeting date is Friday, November 5, 2021, from approximately

1:00 p.m. to 3:45 p.m. eastern daylight time. This meeting will be held virtually and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Advisory Board and Councils Section, Office of Stakeholder Management, at 202-450-8617, or email: CFPB_CABandCouncilsEvents@cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 2 of the of the ARC Charter provides that pursuant to the executive and administrative powers conferred on the Bureau by section 1012 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), the Director established the Academic Research Council under agency authority. Section 3 of the ARC Charter states: The committee will (1) provide the Bureau with advice about its strategic research planning process and research agenda, including views on the research that the Bureau should conduct relating to consumer financial products or services, consumer behavior, cost-benefit analysis, or other topics to enable the agency to further its statutory purposes and objectives; and (2) provide the Office of Research with technical advice and feedback on research methodologies, data collection strategies, and methods of analysis, including methodologies and strategies for quantifying the costs and benefits of regulatory actions. The duties of the ARC are solely advisory and shall extend only to the submission of advice and recommendations to the Bureau.

II. Agenda

The ARC will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority. The ARC will also discuss research methodologies related to small business lending. Additionally, there will be an analysis session on racial and economic equity.

Persons who need a reasonable accommodation to participate should contact CFPB_504Request@cfpb.gov, 202-435-9EEO, 1-855-233-0362, or 202-435-9742 (TTY) at least ten (10) business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and

contact information for the requester. The Bureau will strive to provide but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to CFPB_CABandCouncilsEvents@cfpb.gov, a minimum of seven (7) days in advance of the meeting. The comments will be provided to the ARC members for consideration. Individuals who wish to attend this meeting must RSVP via this link https://surveys.consumerfinance.gov/jfe/form/SV_25MbWIPq3439hrw by noon, November 4, 2021. Members of the public must RSVP by the due date.

III. Availability

The Council's agenda will be made available to the public on Thursday, November 4, 2021, via consumerfinance.gov. Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the Bureau's website consumerfinance.gov.

Dated: October 12, 2021.

Jocelyn Sutton,

Deputy Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2021-22605 Filed 10-18-21; 8:45 am]

BILLING CODE 4810-AM-P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Consumer Advisory Board Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act (FACA), this notice sets forth the announcement of a public meeting of the Consumer Advisory Board (CAB or Board) of the Bureau of Consumer Financial Protection (Bureau). The notice also describes the functions of the Board.

DATES: The meeting date is Wednesday, November 3, 2021, from approximately 1:00 p.m. to 5:00 p.m. eastern daylight time. This meeting will be held virtually and is open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Kim George, Outreach and Engagement Associate, Advisory Board and Councils Section, Office of Stakeholder Management, at 202-450-8617, or email: CFPB_CABandCouncilsEvents@cfpb.gov.

cfpb.gov. If you require this document in an alternative electronic format, please contact CFPB_Accessibility@cfpb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Section 3 of the Charter of the Board states that: The purpose of the CAB is outlined in section 1014(a) of the Dodd-Frank Act, which states that the CAB shall "advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws" and "provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information."

To carry out the CAB's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The CAB will generally serve as a vehicle for trends and themes in the consumer finance marketplace for the Bureau. Its objectives will include identifying the impact on consumers and other market participants of new, emerging, and changing products, practices, or services.

II. Agenda

The CAB will discuss broad policy matters related to the Bureau's Unified Regulatory Agenda and general scope of authority. Discussions will include small business lending, age-friendly banking, and appraisal bias in the mortgage marketplace.

Persons who need a reasonable accommodation to participate should contact CFPB_504Request@cfpb.gov, 202-435-9EEO, 1-855-233-0362, or 202-435-9742 (TTY) at least ten (10) business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. The Bureau will strive to provide but cannot guarantee that accommodation will be provided for late requests.

Written comments will be accepted from interested members of the public and should be sent to CFPB_CABandCouncilsEvents@cfpb.gov, a minimum of seven (7) days in advance of the meeting. The comments will be provided to the CAB members for consideration. Individuals who wish to join this meeting must RSVP via this link https://surveys.consumerfinance.gov/jfe/form/SV_8k3SxDRBQQZDvkG by noon, November 2, 2021. Members of the public must RSVP by the due date.

III. Availability

The Board's agenda will be made available to the public on Tuesday, November 2, 2021, via consumerfinance.gov. Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and summary of this meeting will be available after the meeting on the Bureau's website consumerfinance.gov.

Dated: October 12, 2021.

Jocelyn Sutton,

Deputy Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2021-22606 Filed 10-18-21; 8:45 am]

BILLING CODE 4810-AM-P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Labor Relations Report collection. The collection requests information from the Department of Energy Management and Operation (M&O) and Facilities Management Contractors for contract administration, management oversight, and cost control. The information collection will assist the Department in evaluating the implementation of the contractors' work force collective bargaining agreements and apprise the Department of significant labor-management developments at DOE contractor sites. This information is used to ensure that Department contractors maintain good labor relations and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by contract.

DATES: Comments regarding this collection must be received on or before November 18, 2021. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202-395-4718.

ADDRESSES: Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to: John M. Sullivan, Attorney-Advisor (Labor), GC-63, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, or by fax at (202) 586-0971 or by email to john.m.sullivan@hq.doe.gov.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910-5143; (2) *Information Collection Request Title:* Labor Relations Report; (3) *Type of Request:* Renewal; (4) *Purpose:* The proposed collection will request information from the Department of Energy M&O and Facilities Management Contractors for contract administration, management oversight, and cost control. This information is used to ensure that Department contractors maintain good labor relations and retain a workforce in accordance with the terms of their contract and in compliance with statutory and regulatory requirements as identified by contract. The respondents are Department M&O and Facility Management Contractors; (5) *Annual Estimated Number of Respondents:* 35; (6) *Annual Estimated Number of Total Responses:* 35; (7) *Annual Estimated Number of Burden Hours:* 1.84 per respondent for total of 64.4 per year; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* \$5,964.95. *Statutory Authority:* 42 U.S.C. 7254, 7256.

Signing Authority

This document of the Department of Energy was signed on October 14, 2021, by John T. Lucas, Deputy General Counsel for Transactions, Technology and Contractor Human Resources, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters

the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 14, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021-22750 Filed 10-18-21; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5124-022]

Washington Electric Cooperative, Inc.; Notice of Availability of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for license for the North Branch No. 3 Hydroelectric Project, located on the North Branch of the Winooski River in Washington County, Vermont, and has prepared a Draft Environmental Assessment (DEA) for the project. No federal land is occupied by project works or located within the project boundary.

The DEA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, or toll-free at (866) 208-3676, or for TTY, (202) 502-8659.

You may also register online at <https://ferconline.ferc.gov/eSubscription.aspx> to be notified via email of new filings and issuances related to this or other pending projects.

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER22–86–000]

EnerSmart Chula Vista BESS LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of EnerSmart Chula Vista BESS LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 2, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link.

Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: October 13, 2021.

Debbie-Anne A. Reese,*Deputy Secretary.*

[FR Doc. 2021–22723 Filed 10–18–21; 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:* RP22–38–000.*Applicants:* Natural Gas Pipeline Company of America LLC.

Description: § 4(d) Rate Filing: Amendment to a Negotiated Rate Agreement Filing—Kiowa Power Partners to be effective 10/13/2021.

Filed Date: 10/12/21.*Accession Number:* 20211012–5294.*Comment Date:* 5 p.m. ET 10/25/21.*Docket Numbers:* RP22–39–000.*Applicants:* Destin Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Destin Pipelines Tariff Housekeeping Filing to be effective 11/13/2021.

Filed Date: 10/12/21.*Accession Number:* 20211012–5297.*Comment Date:* 5 p.m. ET 10/25/21.*Docket Numbers:* RP22–40–000.

Applicants: Double E Pipeline, LLC.
Description: § 4(d) Rate Filing: Double E Pipeline, LLC—Baseline Tariff Filing to be effective 11/15/2021.

Filed Date: 10/12/21.*Accession Number:* 20211012–5397.*Comment Date:* 5 p.m. ET 10/25/21.*Docket Numbers:* RP22–41–000.*Applicants:* Tennessee Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: PAL NRA Engie SP371112, Jaron SP371128 & JP Morgan SP371110 to be effective 11/1/2021.

Filed Date: 10/13/21.*Accession Number:* 20211013–5045.*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.

Filings in Existing Proceedings*Docket Numbers:* RP21–1154–001.*Applicants:* Enable Gas Transmission, LLC.

Description: Tariff Amendment: EGT Filing to Correct Tariff Record—Effective November 1 2021 to be effective 11/1/2021.

Filed Date: 10/12/21.*Accession Number:* 20211012–5347.*Comment Date:* 5 p.m. ET 10/25/21.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 13, 2021.

Debbie-Anne A. Reese,*Deputy Secretary.*

[FR Doc. 2021–22722 Filed 10–18–21; 8:45 am]

BILLING CODE 6717–01–P**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 349–177]

Alabama Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters.

- b. *Project No:* 349–177.
- c. *Date Filed:* July 28, 2021, as supplemented on September 13, 2021.
- d. *Applicant:* Alabama Power Company.
- e. *Name of Project:* Martin Dam Hydroelectric Project.
- f. *Location:* The Village development on Lake Martin in Tallapoosa County, Alabama.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.
- h. *Applicant Contact:* Unzell Kelley, (205) 517–0885, ukelley@southernco.com.
- i. *FERC Contact:* Mark Carter, (678) 245–3083, mark.carter@ferc.gov.
- j. *Deadline for filing comments, motions to intervene, and protests:* November 15, 2021.
- The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission’s eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–349–177. Comments emailed to Commission staff are not considered part of the Commission record.
- k. *Description of Request:* Alabama Power Company proposes to authorize The Village, LLC to modify the layout of boat docking facilities adjacent to The Village’s residential development. The Village currently maintains 15,423 square feet of boat docks on the lake but is proposing to remove two group docks (measuring 10,405 square feet) and

replace with several smaller docks and boardwalks (measuring 7,133 square feet) for a net decrease of 3,272 square feet of overwater dock footprint. The proposed boat dock layout would accommodate 72 watercraft in total, which would be an increase in 24 watercraft compared to the existing authorization.

l. *Locations of the Application:* In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (<http://www.ferc.gov>) using the “eLibrary” link. Enter the docket number excluding the last three digits in the document field to access the document. At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208–3673 or TYY, (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission’s mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title “COMMENTS”, “PROTEST”, or “MOTION TO INTERVENE” as applicable; (2) set forth in the heading the name of the applicant and the project number of the

application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: October 13, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021–22730 Filed 10–18–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C.552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: October 21, 2021, 10 a.m.

PLACE: Open to the public via audio Webcast only.¹

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

* *Note*—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission’s website at <https://elibrary.ferc.gov/eLibrary/search> using the eLibrary link.

¹ Join FERC online to listen live at <http://ferc.capitolconnection.org/>.

1083RD—MEETING

[Open meeting; October 21, 2021 10 a.m.]

Item No.	Docket No.	Company
ADMINISTRATIVE		
A-1	AD22-1-000	Agency Administrative Matters.
A-2	AD22-2-000	Customer Matters, Reliability, Security and Market Operations.
A-3	AD06-3-000	2021-2022 Winter Energy Market and Reliability Assessment.
ELECTRIC		
E-1	Omitted.	
E-2	ER21-2283-000	Phillips 66 Company.
E-3	ER21-2426-000	CPRE 1 Lessee, LLC.
E-4	Omitted.	
E-5	EL21-40-000	Athens Utilities Board, Gibson Electric.
	TX21-1-000	<i>Membership Corporation, Joe Wheeler Electric Membership Corporation and Volunteer Energy Cooperative v. Tennessee Valley Authority.</i>
E-6	ER19-2505-004, ER19-2505-006	Southern California Edison Company.
E-7	ER10-2042-035	Calpine Energy Services, L.P.
	ER10-1944-008	Bethpage Energy Center 3, LLC.
	ER10-2051-010	Calpine Bethlehem, LLC.
	ER10-1942-027	Calpine Construction Finance Co., L.P.
	ER17-696-015	Calpine Energy Solutions, LLC.
	ER14-2931-008	Calpine Fore River Energy Center, LLC.
	ER10-2043-010	Calpine Mid-Atlantic Generation, LLC.
	ER10-2029-012	Calpine Mid-Atlantic Marketing, LLC.
	ER10-2041-010	Calpine Mid Merit, LLC.
	ER18-1321-003	Calpine Mid-Merit II, LLC.
	ER10-2040-010	Calpine New Jersey Generation, LLC.
	ER20-1939-001	Calpine Northeast Development, LLC.
	ER10-1938-030	Calpine PowerAmerica—CA, LLC.
	ER10-2036-011	Calpine Vineland Solar, LLC.
	ER10-1934-029	CES Marketing IX, LLC.
	ER10-1893-029	CES Marketing X, LLC.
	ER10-3051-034	Champion Energy, LLC.
	ER10-2985-033	Champion Energy Marketing LLC.
	ER10-3049-034	Champion Energy Services, LLC.
	ER10-1889-008	CPN Bethpage 3rd Turbine, Inc.
	ER10-3260-010	Granite Ridge Energy, LLC.
	ER10-1895-008	KIAC Partners.
	ER10-1870-008	Nissequogue Cogen Partners.
	ER11-4369-014	North American Power and Gas, LLC.
	ER16-2218-014	North American Power Business, LLC.
	ER10-1862-029	Power Contract Financing, L.L.C.
	ER10-1858-008	TBG Cogen Partners.
	ER13-1401-008	Westbrook Energy Center, LLC.
	ER10-2044-010	Zion Energy LLC.
E-8	ER17-1821-006	Panda Stonewall LLC.
E-9	ER13-1667-005	Battery Utility of Ohio, LLC.
E-10	ER10-1585-016	Alabama Electric Marketing, LLC.
	ER10-2480-011	Berkshire Power Company, LLC.
	ER10-1594-016	California Electric Marketing, LLC.
	ER16-733-007	LQA, LLC.
	ER10-1617-016	New Mexico Electric Marketing, LLC.
	ER16-1148-007	Tenaska Energia de Mexico, S. de R.L. de C.V.
	ER18-1960-003	Tenaska Pennsylvania Partners, LLC.
	ER12-60-018	Tenaska Power Management, LLC.
	ER10-1632-018	Tenaska Power Services Co.
	ER10-1626-012	Tenaska Virginia Partners, L.P.
	ER10-1628-016	Texas Electric Marketing, LLC.
E-11	ER21-2718-000	California Independent System Operator Corporation.
E-12	ER10-3230-011	Wheelabrator Portsmouth Inc.
	ER10-3237-011	Wheelabrator Frackville Energy Company Inc.
	ER10-3239-011	Wheelabrator Westchester, L.P.
	ER10-3240-011	Wheelabrator North Andover Inc.
	ER10-3253-011	Wheelabrator Bridgeport, L.P.
	ER13-1485-011	Wheelabrator Baltimore, L.P.
	ER14-1777-010	Wheelabrator Falls Inc.
	ER15-2722-007	Wheelabrator Saugus Inc.
	ER18-1310-002	Wheelabrator Millbury Inc.
	ER19-461-002	Wheelabrator Concord Company, L.P.
E-13	ER21-530-001	Midcontinent Independent System Operator, Inc.
E-14	ER10-2906-014	Morgan Stanley Capital Group Inc.

1083RD—MEETING—Continued
[Open meeting; October 21, 2021 10 a.m.]

Item No.	Docket No.	Company
	ER10-2908-014	MS Solar Solutions Corp.
	ER19-1716-002	Morgan Stanley Energy Structuring, L.L.C.
	ER11-4393-008	TAQA Gen X LLC.
	ER14-477-002	Red Oak Power, LLC.
	ER11-3460-012	Bayonne Energy Center, LLC.
	ER12-1301-010	Zone J Tolling Co., LLC.
	ER11-4669-007	NaturEner Montana Wind Energy, LLC.
	ER11-4670-007	NaturEner Power Watch, LLC.
	ER12-709-006	NaturEner Wind Watch, LLC.
E-15	ER21-263-001	Startrans IO, L.L.C.
E-16	ER21-2305-000	Pacific Gas and Electric Company.
E-17	EC21-99-000	Panda Stonewall LLC.
E-18	EL20-63-001	<i>City of Alameda, California v. Pacific Gas and Electric Company.</i>
GAS		
G-1	RP21-751-000	<i>ConocoPhillips Company, Direct Energy Business Marketing, LLC, Exelon Corporation, and NextEra Energy Marketing, LLC v. Panhandle Eastern Pipe Line Company, LP.</i>
G-2	RP21-813-000	<i>Spire Marketing Inc. v. Panhandle Eastern Pipe Line Company, LP.</i>
	RP21-829-000	<i>Coalition for Fair Fuel Rates v. Columbia Gulf Transmission, LLC.</i>
HYDRO		
H-1	P-9685-034	Ampersand Cranberry Lake Hydro, LLC.
H-2	P-15010-000	Renewable Energy Aggregators.
H-3	P-2197-137	Cube Yadkin Generation LLC.
H-4	P-3011-017	Natco Products Corporation.
H-5	P-1984-258, P-1984-260	Wisconsin River Power Company.
H-6	P-2114-315	Public Utility District No. 2 of Grant County, Washington.
Certificates		
C-1	CP19-514-000	Corpus Christi Liquefaction, LLC.
C-2	CP19-515-000	Sabine Pass Liquefaction, LLC and Sabine Pass LNG, L.P.
C-3	CP21-486-000	Northern States Power Company, a Minnesota Corporation.
C-4	CP15-8-000	Northwest Pipeline LLC.

The public is invited to listen to the meeting live at <http://ferc.capitolconnection.org/>. Anyone with internet access who desires to hear this event can do so by navigating to www.ferc.gov's Calendar of Events and locating this event in the Calendar. The event will contain a link to its audio webcast. The Capitol Connection provides technical support for this free audio webcast. It will also offer access to this event via phone bridge for a fee. If you have any questions, visit <http://ferc.capitolconnection.org/> or contact Shirley Al-Jarani at 703-993-3104.

Issued: October 14, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-22843 Filed 10-15-21; 4:15 pm]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6470-008]

Winooski Hydroelectric Company; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. *Type of Application:* Subsequent Minor License.
- b. *Project No.:* 6470-008.
- c. *Date Filed:* July 30, 2021.
- d. *Applicant:* Winooski Hydroelectric Company (WHC).
- e. *Name of Project:* Winooski 8 Hydroelectric Project (project).
- f. *Location:* On the Winooski River in Washington County, Vermont. The project does not affect federal lands.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mathew Rubin, General Partner, Winooski Hydroelectric Company, 26 State Street, Montpelier, Vermont 05602; (802) 793-5939; or email at m@mrubin.biz.

i. *FERC Contact:* Kristen Sinclair at (202) 502-6587, or kristen.sinclair@ferc.gov.

j. *Deadline for filing motions to intervene and protests:* December 13, 2021.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose,

Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Winooski 8 Hydroelectric Project (P-6470-008).

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing, but is not ready for environmental analysis at this time.

l. The Winooski 8 Hydroelectric Project consists of the following constructed facilities: (1) A 222.5-foot-long, 26-foot-high concrete gravity dam impounding a reservoir with a storage capacity of approximately 20 acre-feet at an elevation of 615 feet mean sea level; (2) a 148-foot-long spillway with 4-foot-high flashboards built into the crest of the dam; (3) a 24-foot-long, hydraulically operated crest gate; (4) a 1,100-square-foot forebay located adjacent to the project impoundment; (5) three hydraulically operated trashracks; (6) a 1,550-square-foot powerhouse that contains two semi-Kaplan turbines and one fixed propeller turbine for a total installed capacity of 856 kilowatts; (7) a 100-foot-long tailrace; (8) a 1,000 kilovolt-amp station transformer; (9) a 30-foot long, 13-kilovolt transmission line and (10) appurtenant facilities. The project generates an average of 3,507 megawatt-hours annually.

WHC proposes to continue to operate the project in an automated run-of-river mode. WHC also proposes to add 3.6 acres to the existing project boundary to enclose a 4,100-foot-long dirt road currently used by WHC to access the dam and powerhouse and to enclose an existing unimproved recreation site that provides access to the river for boating and fishing activities downstream of the dam.

m. A copy of the application is available for review via the internet through the Commission's Home Page (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a

National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support.

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005.

Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments—December 2021

Comments on Scoping Document 1 Due—February 2022

Issue Scoping Document 2 (if necessary)—March 2022

Request Additional Information (if necessary)—March 2022

Water Quality Study Results Due—November 2022

Issue Notice of Ready for Environmental Analysis—December 2022

Dated: October 13, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-22732 Filed 10-18-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Filing Taking Effect by Operation of Law

	Docket Nos.
Alabama Power Company	ER21-1111-002
Dominion Energy South Carolina, Inc.	ER21-1112-002
Louisville Gas and Electric Company.	ER21-1114-002
Duke Energy Carolinas, LLC	ER21-1116-002
Duke Energy Progress, LLC	ER21-1117-002
Georgia Power Company	ER21-1119-002
Kentucky Utilities Company ..	ER21-1120-002
Mississippi Power Company	ER21-1121-002
	(Not Consolidated)

On February 12, 2021, as amended on June 7, 2021, and August 11, 2021, Southern Company Services, Inc., as agent for Alabama Power Company, filed, pursuant to section 205 of the Federal Power Act (FPA)¹ and section 35.12 of the Commission's regulations,² the Southeast Energy Exchange Market (Southeast EEM) Agreement on behalf of itself and the other prospective Members (collectively, Filing Parties) of the Southeast EEM.³ Additionally, on February 12, 2021, as amended on June 7, 2021, and August 11, 2021, seven prospective Southeast EEM Members submitted certificates of concurrence to the Southeast EEM Agreement.⁴

¹ 16 U.S.C. 824d (2018).

² 18 CFR 35.12 (2020).

³ According to Filing Parties, the following entities constitute the prospective Members of the Southeast EEM: Alabama Power Company, Georgia Power Company, and Mississippi Power Company (collectively, Southern Companies); Associated Electric Cooperative, Inc.; Dalton Utilities; Dominion Energy South Carolina, Inc. (Dominion Energy SC); Duke Energy Carolinas, LLC (DEC) and Duke Energy Progress, LLC (DEP); Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU); North Carolina Municipal Power Agency Number 1; PowerSouth Energy Cooperative; North Carolina Electric Membership Corporation; and Tennessee Valley Authority (each a Member and collectively, the Members).

⁴ See Dominion Energy SC, Tariff Filing, Docket No. ER21-1112-002 (filed Aug. 11, 2021); LG&E, Tariff Filing, Docket No. ER21-1114-002 (filed Aug. 11, 2021); DEC, Tariff Filing, Docket No. ER21-1116-002 (filed Aug. 11, 2021); DEP, Tariff Filing, Docket No. ER21-1117-002 (filed Aug. 11, 2021); Georgia Power Company, Tariff Filing, Docket No. ER21-1119-002 (filed Aug. 11, 2021); KU, Tariff Filing, Docket No. ER21-1120-002 (filed Aug. 11, 2021); Mississippi Power Company, Tariff Filing, Docket No. ER21-1121-002 (filed Aug. 11, 2021).

Where two or more public utilities are parties to the

Continued

Pursuant to section 205 of the FPA, in the absence of Commission action on or before October 11, 2021, the proposed Southeast EEM Agreement and concurrences thereto became effective by operation of law. Accordingly, the effective date of the proposed tariff sheets is October 12, 2021, as reflected in these tariff sheets.

The Commission did not act on the proposed Southeast EEM Agreement and concurrences thereto because the Commissioners are divided two against two as to the lawfulness of the change. Consistent with section 205(g)(1)(B) of the FPA, any written statement explaining the views of a Commissioner with respect to Filing Parties' proposal will be added to the record of the Commission in the captioned proceedings.

Dated: October 13, 2021.

Kimberly D. Bose,
Secretary.

[FR Doc. 2021-22729 Filed 10-18-21; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2021-0676; FRL-9106-01-OGC]

External Civil Rights Compliance Office—Stakeholder Engagement Meeting—October

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), gives notice of a virtual meeting with external stakeholders regarding EPA's external civil rights compliance program. We would like to have input and hear recommendations about priorities for civil rights enforcement by EPA, including input for focusing civil rights compliance reviews.

DATES: The meeting will be held on Wednesday, October 27, 2021, from 4 p.m. to 6 p.m. (EDT). Attendees must register by October 25, 2021. Meeting times are subject to change. This meeting is open to the public. EPA invites individuals wishing to make comments (up to 20 individuals, comments no longer than three (3)

same rate schedule or tariff, the Commission permits one public utility to file such rate schedule or tariff and all other parties obligated to file such rate schedule or tariff to file a certificate of concurrence adopting the filed rate schedule or tariff in lieu of filing a duplicative rate schedule or tariff. 18 CFR 35.1(a) (2020).

minutes in length) during the meeting, to request to do so at our Registration Page, no later than Friday, October 22, 2021. Written comments may be submitted by going to: <https://www.epa.gov/ogc/forms/ecrco-stakeholder-meeting-information>. EPA also invites individuals to submit any questions in writing in advance of the meeting by going to: <https://www.epa.gov/ogc/forms/ecrco-stakeholder-meeting-information>.

ADDRESSES: Instructions on how to connect to the videoconference will be provided upon Registration at <https://www.eventbrite.com/e/ecrco-external-engagement-meeting-tickets-178205606767>.

FOR FURTHER INFORMATION CONTACT:

Brittany Robinson, ECRCO at robinson.brittany@epa.gov, 202-564-0727; or Waleska Nieves-Muñoz at nieves-munoz.waleska@epa.gov, 202-564-7103.

SUPPLEMENTARY INFORMATION: EPA's External Civil Rights Compliance Office (ECRCO) enforces several federal civil rights laws that together prohibit discrimination on the bases of race, color, national origin, disability, sex, and age, in programs or activities that apply for or receive financial assistance from EPA. All applicants for and recipients of EPA financial assistance, including state and local governments as well as private entities, have an affirmative obligation to comply with federal civil rights laws, both as a prerequisite to obtaining EPA financial assistance and in administering their programs and activities. EPA enforcement of these anti-discrimination provisions is a vital tool in the Agency's efforts to advance equity and environmental justice. EPA's enforcement and compliance activities include complaint investigations, affirmative compliance reviews, pre-award review of applications for EPA funding, and issuance of policy guidance. The meeting agenda and materials will be posted to <https://www.epa.gov/ogc/forms/ecrco-stakeholder-meeting-information>. Proposed agenda items for the meeting include, but are not limited to, a brief overview of EPA's commitment to strengthening Title VI enforcement, stakeholder comments, questions, and recommendations regarding priorities for EPA's external civil rights enforcement and compliance activities.

Information on Services Available: Please indicate during registration if you are a person with a disability needing a reasonable accommodation or a person with limited English proficiency needing language assistance services, in

order to meaningfully participate in this meeting. For additional information on disability services or language services, please contact Brittany Robinson, ECRCO, at robinson.brittany@epa.gov, 202-564-0727; or Waleska Nieves-Muñoz, ECRCO, at nieves-munoz.waleska@epa.gov, 202-564-7103. Please submit your request for a reasonable accommodation for a disability as soon as possible prior to the meeting to give the EPA adequate time to process your request.

This meeting will be recorded.

Authority: Pub. L. 92-463, 1, Oct. 6, 1972, 86 Stat. 770.

Dated: October 4, 2021.

Lilian S. Dorka,

Director, External Civil Rights Compliance Office.

[FR Doc. 2021-22728 Filed 10-18-21; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1035; FR ID 53295]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it can further reduce the information collection burden for small business concerns with fewer than 25 employees.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before November 18, 2021.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in

www.reginfo.gov also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418-2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might "further

reduce the information collection burden for small business concerns with fewer than 25 employees."

OMB Control No.: 3060-1035.

Title: Part 73, Subpart F International Broadcast Stations.

Form No.: FCC Forms 309-IBFS, 310-IBFS and 311-IBFS.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals and Households.

Number of Respondents/Responses: 258 respondents; 258 responses.

Estimated Time per Response: 2-720 hours.

Frequency of Response:

Recordkeeping requirement; On occasion, Semi-annual, Weekly and Annual reporting requirements.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 1, 4(i), 301, 303, 307, 308(b) 334, 336, 554 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 301, 303, 307, 308(b), 334, 336, 554, and Part 73 of the Commission's rules.

Total Annual Burden: 20,175 hours.

Annual Cost Burden: \$102,720.

Needs and Uses: The Federal Communications Commission ("Commission") is requesting that the Office of Management and Budget (OMB) approve a three-year extension of the information collection titled "Part 73, subpart F International Broadcast Stations" under OMB Control No. 3060-1035.

The information collected pursuant to the rules set forth in 47 CFR part 73 subpart F is used by the Commission to assign frequencies for use by international broadcast stations, to grant authority to operate such stations, and to determine if interference or adverse propagation conditions exists that may impact the operation of such stations. If the Commission did not collect this information, it would not be in a position to effectively coordinate spectrum for international broadcasters or to act for entities in times of frequency interference or adverse propagation conditions. The orderly nature of the provision of international broadcast service would be in jeopardy without the Commission's involvement.

The full title and purpose of each application are summarized below:

1. Application for Authority to Construct or Make Changes in an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station (FCC Form 309-IBFS)—The FCC Form 309-IBFS is filed on occasion when the

applicant is requesting authority to construct or make modifications to the international broadcast station.

2. Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License (FCC Form 310-IBFS)—The FCC Form 310-IBFS is filed on occasion when the applicant is submitting an application for a new international broadcast station.

3. Application for Renewal of an International or Experimental Broadcast Station License (FCC Form 311-IBFS)—The FCC Form 311-IBFS is filed by applicants who are requesting renewal of their international broadcast station licenses.

As part of and in addition to the FCC Forms 309-IBFS, 310-IBFS and 311-IBFS, this information collection includes the following collections of information:

1. 47 CFR 1.1301-1.1319 cover certifications of compliance with the National Environmental Policy Act and how the public will be protected from radio frequency radiation hazards.

2. 47 CFR 73.702(a) states that six months prior to the start of each season, licensees and permittees shall by informal written request, submitted to the Commission electronically in the International Bureau Filing System (IBFS), indicate for the season the frequency or frequencies desired for transmission to each zone or area of reception specified in the license or permit, the specific hours during which it desires to transmit to such zones or areas on each frequency, and the power, antenna gain, and antenna bearing it desires to use. Requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of section 47 CFR 73.702(a).

3. 47 CFR 73.702(b) states that two months before the start of each season, the licensee or permittee must electronically inform the Commission in IBFS as to whether it plans to operate in accordance with the Commission's authorization or operate in another manner.

4. 47 CFR 73.702(c) permits entities to file requests for changes to their original request electronically in IBFS for assignment and use of frequencies if they are able to show good cause. Because international broadcasters are assigned frequencies on a seasonal basis, as opposed to the full term of their eight-year license authorization, requests for changes need to be filed by entities on occasion.

5. 47 CFR 73.702(d) (note) states that permittees who during the process of

construction wish to engage in equipment tests shall by informal written request, submitted to the Commission in IBFS not less than 30 days before they desire to begin such testing, indicate the frequencies they desire to use for testing and the hours they desire to use those frequencies.

6. 47 CFR 73.702(e) states within 14 days after the end of each season, each licensee or permittee must file a report with the Commission electronically in IBFS, stating whether the licensee or permittee has operated the number of frequency hours authorized by the seasonal schedule to each of the zones or areas of reception specified in the schedule.

7. 47 CFR 73.702(h)(2) states that International Broadcast Stations must submit sufficient antenna performance information electronically in IBFS to ensure that during the hours of 0800–1600 UTC (Coordinated Universal Time) antenna gain with reference to an isotropic radiator in any easterly direction that would intersect any area in Region 2 shall not exceed 2.15 dBi.

8. 47 CFR 73.702(i) Note 4 specifies that seasonal requests for frequency-hours will be only for transmissions to zones or areas of reception specified in the basic instrument of authorization. Changes in such zones or areas will be made only on separate application for modification of such instruments electronically in IBFS.

9. 47 CFR 73.702(j) requires a showing of good cause made electronically in IBFS a licensee may be authorized to operate on more than one frequency at any one time to transmit any one program to a single zone or area of reception.

10. 47 CFR 73.702(m) requires a showing made electronically in IBFS that good cause exists for not having its requested number of frequency-hours reduced and that operation of its station without such reduction would be consistent with the public interest may be authorized the frequency-hours requested, when the total maximum number of frequency-hours which will be authorized to all licensees of international broadcasting stations during any one day for any season is 100.

11. 47 CFR 73.713—Program Tests—(a) Upon completion of construction of an international broadcasting station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the

permittee may request authority to conduct program tests. Such request shall be electronically filed with the FCC in the International Filing System (IBFS) at least 10 days prior to the date on which it is desired to begin such operation. All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked, program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing international broadcasting stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

12. 47 CFR 73.731 Licensing requirements.

(a) A license for an international broadcasting station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That there is a need for the international broadcasting service proposed to be rendered.

(2) That the necessary program sources are available to the applicant to render the international service proposed.

(3) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(4) That the applicant is legally, technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(5) That the public interest, convenience and necessity will be served through the operation of the proposed station.

13. 47 CFR 73.732 Authorizations—Authorizations issued to international broadcasting stations by the Commission will be authorizations to permit the construction or use of a particular transmitting equipment combination and related antenna systems for international broadcasting, and to permit broadcasting to zones or areas of reception specified on the instrument of authorization. The authorizations will not specify the frequencies to be used or the hours of use. Requests for frequencies and hours of use will be made by electronic filing in the International Bureau Filing System (IBFS) as provided in § 73.702. Seasonal schedules, when issued pursuant to the provisions of § 73.702, will become attachments to and part of the instrument of authorization, replacing any such prior attachments.

14. 47 CFR 73.759(c)(2) states that the transmission of regular programs during maintenance or modification work on the main transmitter, necessitating discontinuance of its operation for a period not to exceed 5 days. (This includes the equipment changes which may be made without authority as set forth elsewhere in the rules and regulations or as authorized by the Commission by letter or by construction permit. Where such operation is required for periods in excess of 5 days, request therefor shall be made electronically in the International Bureau Filing System (IBFS) in accordance with § 73.3542 of this chapter.)

15. 47 CFR 73.759(d) states that the licensee or permittee must keep records of the time and results of each auxiliary transmitter test performed at least weekly.

16. 47 CFR 73.761 states that specific authority, upon electronic filing of a formal application (FCC Form 309) therefor in the International Bureau Filing System (IBFS), is required for some changes specified in this section. Other changes, not specified in this section, may be made at any time without the authority of the Commission: Provided, that the Commission shall be immediately notified electronically in IBFS thereof and such changes shall be shown in the next application for renewal of license.

17. 47 CFR 73.762(b) requires that licensees notify the Commission in by electronic filing in the International Bureau Filing System (IBFS) of any limitation or discontinuance of operation of not more than 10 days.

18. 47 CFR 73.762(c) states that the licensee or permittee must request by electronic filing in IBFS and receive specific authority from the Commission

to discontinue operations for more than 10 days under extenuating circumstances.

19. 47 CFR 73.782 requires that licensees retain logs of international broadcast stations for two years. If it involves communications incident to a disaster, logs should be retained as long as required by the Commission.

20. 47 CFR 73.3533 Application for construction permit or modification of construction permit.

(a) Application for construction permit, or modification of a construction permit, for a new facility or change in an existing facility is to be made on the following forms:

(1) FCC Form 301, "Application for Authority to Construct or Make Changes in an Existing Commercial Broadcast Station."

(2) FCC Form 309, "Application for Authority to Construct or Make Changes in an Existing International or Experimental Broadcast Stations." For International Broadcast Stations, applications shall be filed electronically in the International Bureau Filing System (IBFS).

(3) [Reserved]

(4) FCC Form 340, "Application for Authority to Construct or Make Changes in a Noncommercial Educational Broadcast Station."

(5) FCC Form 346, "Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station."

(6) FCC Form 349, "Application for Authority to Construct or Make Changes in an FM Translator or FM Booster Station."

(7) FCC Form 318, "Application for Construction Permit for a Low Power FM Broadcast Station."

(b) The filing of an application for modification of construction permit does not extend the expiration date of the construction permit. Extension of the expiration date must be applied for on FCC Form 307, in accordance with the provisions of § 73.3533.

(c) In each application referred to in paragraph (a) of this section, the applicant will provide the Antenna Structure Registration Number (FCC Form 854R) of the antenna structure upon which it will locate its proposed antenna. In the event the antenna structure does not already have a Registration Number, either the antenna structure owner shall file FCC Form 854 ("Application for Antenna Structure Registration") in accordance with part 17 of this chapter or the applicant shall provide a detailed explanation why registration and clearance of the antenna structure is not necessary.

21. 47 CFR 73.3536(b)(2) Application for license to cover construction permit.

(a) The application for station license shall be filed by the permittee pursuant to the requirements of § 73.1620 Program tests.

(b) The following application forms shall be used:

(1)

i. Form 302-AM for AM stations, "Application for New AM Station Broadcast License."

ii. Form 302-FM for FM stations, "Application for FM Station License."

iii. Form 302-TV for television stations, "Application for TV Station Broadcast License."

(2) FCC Form 310, "Application for an International or Experimental Broadcast Station License."

(3) [Reserved]

(4) FCC Form 347, "Application for a Low Power TV, TV Translator or TV Booster Station License."

(5) FCC Form 350, "Application for an FM Translator or FM Booster Station License."

(6) FCC Form 319, "Application for a Low Power FM Broadcast Station License."

(c) Eligible low power television stations which have been granted a certificate of eligibility may file FCC Form 302-CA, "Application for Class A Television Broadcast Station Construction Permit Or License."

22. 47 CFR 73.3539 Application for renewal of license.

(a) Unless otherwise directed by the FCC, an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental broadcast station shall be filed not later than the first day of the second full calendar month prior to the expiration date of the license sought to be renewed. If any deadline prescribed in this paragraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter. For International Broadcast Stations, applications shall be filed electronically in the International Bureau Filing System (IBFS).

(b) No application for renewal of license of any broadcast station will be considered unless there is on file with the FCC the information currently required by §§ 73.3612 through 73.3615, inclusive, for the particular class of station.

(c) Whenever the FCC regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and

specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(d) Renewal application forms titles and numbers are listed in § 73.3500, Application and Report Forms.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021-22770 Filed 10-18-21; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1086 and OMB 3060-1216; FR ID 52554]

Information Collections Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might "further reduce the information collection burden for small business concerns with fewer than 25 employees."

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before November 18, 2021.

ADDRESSES: Comments should be sent 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. Your comment must be

submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called “Currently Under Review,” (3) click on the downward-pointing arrow in the “Select Agency” box below the “Currently Under Review” heading, (4) select “Federal Communications Commission” from the list of agencies presented in the “Select Agency” box, (5) click the “Submit” button to the right of the “Select Agency” box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

OMB Control Number: 3060–1086.

Title: Section 74.787, Digital Licensing; Section 74.790, Permissible

Service of Digital TV Translator and LPTV Stations; Section 74.794, Digital Emissions, Section 74.796, Modification of Digital Transmission Systems and Analog Transmission Systems for Digital Operation; Section 74.798, LPTV Digital Transition Consumer Education Information; Protection of Analog LPTV.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities; not for profit institutions; State, local or Tribal government.

Number of Respondents/Responses: 8,445 respondents; 27,386 responses.

Estimated Hours per Response: 0.50–4 hours.

Frequency of Response: Recordkeeping requirement; One-time reporting requirement; Third party disclosure requirement.

Total Annual Burden: 56,386 hours.

Total Annual Cost: \$69,033,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in section 301 of the Communications Act of 1934, as amended.

Needs and Uses: The information collection requirements approved under this collection are as follows:

a. 47 CFR 74.787(a)(2)(iii) provides that mutually exclusive LPTV and TV translator applicants for companion digital stations will be afforded an opportunity to submit in writing to the Commission, settlements and engineering solutions to resolve their situation.

b. 47 CFR 74.787(a)(3) provides that mutually exclusive applicants applying for construction permits for new digital stations and for major changes to existing stations in the LPTV service will similarly be allowed to submit in writing to the Commission, settlements and engineering solutions to rectify the problem.

c. 47 CFR 74.787(a)(4) provides that mutually exclusive displacement relief applicants filing applications for digital LPTV and TV translator stations may be resolved by submitting settlements and engineering solutions in writing to the Commission.

d. 47 CFR 74.787(a)(5)(v) states that a license for a digital-to-digital replacement television translator will be issued only to a full-power television broadcast station licensee that demonstrates in its application a loss in the station’s pre-auction digital service area as a result of the broadcast television spectrum incentive auction, including the repacking process, conducted under section 6403 of the Middle Class Tax Relief and Job

Creation Act of 2012 (Pub. L. 112–96). “Pre-auction digital service area” is defined as the geographic area within the full power station’s noise-limited contour (as set forth in Public Notice, DA 15–1296, released November 12, 2015). The service area of the digital-to-digital replacement translator shall be limited to only the demonstrated loss area within the full power station’s pre-auction digital service area, provided that an applicant for a digital-to-digital replacement television translator may propose a de minimis expansion of its full power pre-auction digital service area upon demonstrating that the expansion is necessary to replace a loss in its pre-auction digital service area.

e. 47 CFR 74.790(f) permits digital TV translator stations to originate emergency warnings over the air deemed necessary to protect and safeguard life and property, and to originate local public service announcements (PSAs) or messages seeking or acknowledging financial support necessary for its continued operation. These announcements or messages shall not exceed 30 seconds each, and be broadcast no more than once per hour.

f. 47 CFR 74.790(e) requires that a digital TV translator station shall not retransmit the programs and signal of any TV broadcast or DTV broadcast station(s) without prior written consent of such station(s). A digital TV translator operator electing to multiplex signals must negotiate arrangements and obtain written consent of involved DTV station licensee(s).

g. 47 CFR 74.790(g) requires a digital LPTV station who transmits the programming of a TV broadcast or DTV broadcast station received prior written consent of the station whose signal is being transmitted.

h. 47 CFR 74.794 mandates that digital LPTV and TV translator stations operating on TV channels 22–24, 32–36 and 38 with a digital transmitter not specifically FCC-certificated for the channel purchase and utilize a low pass filter or equivalent device rated by its manufacturer to have an attenuation of at least 85 dB in the GPS band. The licensees must retain with their station license a description of the low pass filter or equivalent device with the manufacturer’s rating or a report of measurements by a qualified individual.

i. 47 CFR 74.796(b)(5) requires digital LPTV or TV translator station licensees that modify their existing transmitter by use of a manufacturer-provided modification kit would need to purchase the kit and must notify the Commission upon completion of the transmitter modifications. In addition, a

digital LPTV or TV translator station licensees that modify their existing transmitter and do not use a manufacturer-provided modification kit, but instead perform custom modification (those not related to installation of manufacturer-supplied and FCC-certified equipment) must notify the Commission upon completion of the transmitter modifications and shall certify compliance with all applicable transmission system requirements.

j. 47 CFR 74.796(b)(6) provides that operators who modify their existing transmitter by use of a manufacturer-provided modification kit must maintain with the station's records for a period of not less than two years, and will make available to the Commission upon request, a description of the nature of the modifications, installation and test instructions, and other material provided by the manufacturer, the results of performance-tests and measurements on the modified transmitter, and copies of related correspondence with the Commission. In addition, digital LPTV and TV translator operators who custom modify their transmitter must maintain with the station's records for a period of not less than two years, and will make available to the Commission upon request, a description of the modifications performed and performance tests, the results of performance-tests and measurements on the modified transmitter, and copies of related correspondence with the Commission.

k. Protection of Analog LPTV. In situations where protection of an existing analog LPTV or translator station without a frequency offset prevents acceptance of a proposed new or modified LPTV, TV translator, or Class A station, the Commission requires that the existing non-offset station install at its expense offset equipment and notify the Commission that it has done so, or, alternatively, negotiate an interference agreement with the new station and notify the Commission of that agreement.

l. 47 CFR 74.798 requires all stations in the low power television services to provide notice of their upcoming digital transition to their viewers.

OMB Control No.: 3060-1216.

Title: Media Bureau Incentive Auction Implementation, Sections 73.3700(b)(4)(i)-(ii), (c), (d), (h)(5)-(6) and (g)(4).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not for profit institutions.

Number of Respondents and Responses: 1,950 respondents and 174,219 responses.

Estimated Time per Response: .004-15 hours.

Frequency of Response: One-time reporting requirement; on occasion reporting requirement; recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for these collections are contained in 47 U.S.C. 151, 154, 301, 303, 307, 308, 309, 310, 316, 319, 325(b), 332, 336(f), 338, 339, 340, 399b, 403, 534, 535, 1404, 1452, and 1454.

Total Annual Burden: 24,932 hours.

Annual Cost Burden: \$1,214,400.

Needs and Uses: The information gathered in this collection will be used to require broadcasters transitioning to a new station following the Incentive Auction, or going off the air as a result of a winning bid in the Incentive Auction, to notify their viewers of the date the station will terminate operations on its pre-Auction channel by running public service announcements, and allow these broadcasters to inform MVPDs of their relinquishment or change in channel. It requires channel sharing agreements enter into by television broadcast licensees to contain certain provisions regarding access to facilities, financial obligations and to define each party's rights and responsibilities; the Commission will review each channel sharing agreement to ensure it comports with general rules and policies regarding license agreements. The provisions contained in this collection also require wireless licensees to notify low-power television and TV translator stations commence wireless operations and the likelihood of receiving harmful interference from the low power TV or TV translator station to such operations within the wireless licensee's licensed geographic service area. Finally, it requires license relinquishment stations and channel sharing stations to comply with notification and cancellation procedures as they terminate operations on their pre-Auction channel.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021-22733 Filed 10-18-21; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 19-329; FRS 53467]

Federal Advisory Committee Act; Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (Task Force) will hold its next meeting via live internet link.

DATES: November 10, 2021. The meeting will come to order at 10:00 a.m. EST.

ADDRESSES: The meeting will be held via conference call and be available to the public via live feed from the FCC's web page at www.fcc.gov/live.

FOR FURTHER INFORMATION CONTACT:

Jesse Jachman, Designated Federal Officer, Federal Communications Commission, Wireline Competition Bureau, (202) 418-2668, or email: Jesse.Jachman@fcc.gov; Elizabeth Cuttner, Deputy Designated Federal Officer, Federal Communications Commission, Wireline Competition Bureau, (202) 418-2145, or email Elizabeth.Cuttner@fcc.gov; or Stacy Ferraro, Deputy Designated Federal Officer, Wireless Telecommunications Bureau, (202) 418-0795 or email Stacy.Ferraro@fcc.gov.

SUPPLEMENTARY INFORMATION: The meeting will be held on November 10, 2021 at 10:00 a.m. EST and may be viewed live, by the public, at <http://www.fcc.gov/live>. Any questions that arise during the meeting should be sent to PrecisionAgTF@fcc.gov and will be answered at a later date. Members of the public may submit comments to the Task Force in the FCC's Electronic Comment Filing System, ECFS, at www.fcc.gov/ecfs. Comments to the Task Force should be filed in GN Docket No. 19-329.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to fcc504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice). Such requests should include a detailed

description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted but may not be possible to fill.

Proposed Agenda: At this meeting, the Task Force plans to vote on reports and recommendations discussed during the Task Force's initial term. This agenda may be modified at the discretion of the Task Force Chair and the Designated Federal Officer.

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021-22709 Filed 10-18-21; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1228; FR ID 53878]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might "further reduce the information collection burden for small business concerns with fewer than 25 employees." The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before November 18, 2021.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into www.reginfo.gov per the above instructions for it to be considered. In addition to submitting in www.reginfo.gov also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov. Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418-2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called "Currently Under Review," (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might "further reduce the information collection burden for small business

concerns with fewer than 25 employees."

OMB Control Number: 3060-1228.
Title: Connect America Fund—High Cost Portal Filing.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions.

Number of Respondents and Responses: 2,024 unique respondents; 4,644 responses.

Estimated Time per Response: 8 hours-60 hours.

Frequency of Response: On occasion, quarterly reporting requirements, and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151-154, 155, 201-206, 214, 218-220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 86,727 hours.

Total Annual Cost: No Cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Except for the middle-mile maps for Alaska Plan carriers, and the coverage maps and information for Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 mobile support recipients, the Commission is not requesting respondents to submit confidential information to the Commission. We note that the Universal Service Administrative Company (USAC) must preserve the confidentiality of all data obtained from respondents and contributors to the universal service support program mechanism; must not use the data except for purposes of administering the universal service support program; and must not disclose data in company-specific form unless directed to do so by the Commission. Also, respondents may request materials or information submitted to the Commission or to the Administrator believed confidential to be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: Through several orders, the Commission has recently changed or modified reporting obligations for high-cost support. Pursuant to the following orders, this collection includes location reporting and related certification requirements of high-cost support recipients: *Connect America Fund et al.*, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087 (2016) (*2016 Rate-of-Return Order*); *Connect*

America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949 (2016) (*Phase II Auction Order*); *Connect America Fund et al.*, Order, 31 FCC Rcd 12086 (2016) (*ACS Phase II Order*); *Connect America Fund et al.*, Report and Order and Notice of Proposed Rulemaking, 29 FCC Rcd 876 (2014) (*Rural Broadband Experiments Order*); *Connect America Fund et al.*, Report and Order, 29 FCC Rcd 15644 (2014) (*Price Cap Order*); *Technology Transitions et al.*, Order *et al.*, 29 FCC Rcd 1433 (2014) (*Tech Transitions Order*); *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139 (2016) (*Alaska Plan Order*); *Connect America Fund et al.*, Order, 32 FCC Rcd 968 (2017) (*New York Auction Order*); *Connect America Fund et al.*, Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration, 33 FCC Rcd 11–893 (2018) (*2018 Rate-of-Return Order*); *Uniendo a Puerto Rico and Connect USVI Fund et al.*, Report and Order and Order on Reconsideration, 34 FCC Rcd 9109 (2019) (*PR-USVI Stage 2 Order*); *Rural Digital Opportunity Fund et al.*, Report and Order, 35 FCC Rcd 686 (2020) (*2020 Rural Digital Opportunity Fund Order*).

This information collection addresses the requirement that certain carriers with high-cost reporting obligations must file information about the locations to which they have deployed broadband service meeting applicable public interest requirements (location information). A web-based portal, the High-Cost Universal Broadband Portal (HUBB or portal), is used to accept this information. The Commission and USAC will use this information to monitor the deployment progress of reporting carriers and to verify the reporting carriers' claims of service at the reported locations. Such activities help the Commission ensure that support is being used as intended. In addition, because data filed in the HUBB is publicly accessible, the reporting helps ensure public accountability and transparency.

In the *2019 PR-USVI Stage 2 Order*, the Commission created a competitive process to determine support recipients for the Commonwealth of Puerto Rico and the U.S. Virgin Islands. As a result, carriers receiving support in these areas are subject to specific public interest obligations related to speed, usage, latency, and price as well as certain deployment milestones. Specifically, the Commission imposed defined deployment obligations and associated HUBB reporting requirements (annual

location reporting and build-out certifications) for all Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 fixed support recipients as well as annual reporting and certification requirements for all Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 mobile support recipients.

Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 mobile support recipients will also file network coverage and other data as required by the Commission's orders. The Commission and USAC will use this information to monitor the deployment progress of mobile carriers and to verify that carriers meet the public interest obligations for 4G LTE and 5G mobile broadband and voice services in the Commonwealth of Puerto Rico and the U.S. Virgin Islands. Instead of filing in the HUBB portal, mobile support recipients will submit their reports electronically as part of a web form accessed via the Commission's Form 477 portal (477 Portal) and the Electronic Comment Filing System (ECFS). This collection mechanism is being used to reduce the technological burden on the public and the Commission, as carriers and the public are familiar with both of these systems. The Commission's Wireline Competition Bureau (WCB) will specify the filing process by which Stage 2 mobile support recipients must file their reports in the 477 Portal prior to the filing deadlines.

In the *2020 Rural Digital Opportunity Fund Order*, the Commission adopted a support mechanism to provide funding through a competitive auction to connect rural homes and businesses to high-speed broadband networks. The Commission established specific public interest obligations and deployment milestones for all carriers receiving this support. Specifically, the Commission imposed defined deployment obligations and associated HUBB reporting requirements (annual location reporting and build-out certifications) for all support recipients. We therefore propose to revise this information collection. Finally, we propose to increase the burdens associated with existing and new reporting requirements to account for additional carriers that will be subject to these requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–22771 Filed 10–18–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 19–329; FRS 53475]

Federal Advisory Committee Act; Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States

ACTION: Notice of intent to renew.

SUMMARY: The Federal Communications Commission (FCC or Commission) hereby announces that the charter of the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (the Task Force) will be renewed for a two-year period pursuant to the Federal Advisory Committee Act (FACA) and after consultation with the Committee Management Secretariat, General Services Administration.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jesse Jachman, Designated Federal Officer, Federal Communications Commission, Wireline Competition Bureau, (202) 418–2668, or email: Jesse.Jachman@fcc.gov; Elizabeth Cuttner, Deputy Designated Federal Officer, Federal Communications Commission, Wireline Competition Bureau, (202) 418–2145, or email Elizabeth.Cuttner@fcc.gov; or Stacy Ferraro, Deputy Designated Federal Officer, Wireless Telecommunications Bureau, (202) 418–0795 or email Stacy.Ferarro@fcc.gov.

SUPPLEMENTARY INFORMATION: The Chair of the Commission, as required by section 12511 of the Agriculture Improvement Act of 2018, Public Law 115–334, 132 stat 4490, is taking appropriate steps to renew the Task Force, which Congress has deemed necessary and in the public interest. After consultation with the General Services Administration, the Commission will renew the charter on or before December 2, 2021, providing the Task Force with authorization to operate for two years.

In consultation with the Secretary of Agriculture (Secretary), or a designee of the Secretary, and in collaboration with public and private stakeholders in the agriculture and technology fields, the purpose of the Task Force is to: Identify and measure current gaps in the availability of broadband internet access service on agricultural land; develop policy recommendations to promote the rapid, expanded deployment of broadband internet access service on unserved agricultural land, with a goal

of achieving reliable capabilities on 95 percent of agricultural land in the United States by 2025; promote effective policy and regulatory solutions that encourage the adoption of broadband internet access service on farms and ranches and promote precision agriculture; recommend specific new rules or amendments to existing rules of the Commission that the Commission should issue to achieve the goals and purposes of the policy recommendations described in the second item in this list; recommend specific steps that the Commission should take to obtain reliable and standardized data measurements of the availability of broadband internet access service as may be necessary to target funding support, from future programs of the Commission dedicated to the deployment of broadband internet access service, to unserved agricultural land in need of broadband internet access service; and recommend specific steps that the Commission should consider to ensure that the expertise of the Secretary and available farm data are reflected in future programs of the Commission dedicated to the infrastructure deployment of broadband internet access service and to direct available funding to unserved agricultural land where needed.

In addition, annually, the Task Force will submit to the Chair of the Commission a report, which shall be made public, that details: The status of fixed and mobile broadband internet access service coverage of agricultural land; the projected future connectivity needs of agricultural operations, farmers, and ranchers; and the steps being taken to accurately measure the availability of broadband internet access service on agricultural land and the limitations of current, as of the date of the report, measurement processes.

Advisory Committee

The Task Force is organized under and operates in accordance with the provisions of FACA (5 U.S.C. app. 2). The Task Force is solely advisory in nature. Consistent with FACA and its requirements, each meeting of the Task Force will be open to the public unless otherwise noticed. A notice of each meeting will be published in the **Federal Register** at least fifteen (15) days in advance of the meeting. Records will be maintained of each meeting and made available for public inspection. All activities of the Task Force will be conducted in an open, transparent, and accessible manner. The Task Force shall terminate two (2) years from filing date of its renewed charter. However, the Commission will seek to renew the Task

Force's charter for successive terms until the Task Force terminates on January 1, 2025. All meeting dates and agenda topics will be described in a Public Notice issued and published in the **Federal Register** at least fifteen (15) days prior to the first meeting date. In addition, working groups or subcommittees (ad hoc or steering), will continue to facilitate the Task Force's work between meetings of the full Task Force. Meetings of the Task Force will be fully accessible to individuals with disabilities.

Accessible Formats: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), 1-888-835-5322 (TTY).

Federal Communications Commission.

Marlene Dortch,

Secretary.

[FR Doc. 2021-22710 Filed 10-18-21; 8:45 am]

BILLING CODE P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0265 and 3060-0950; FR ID 52929]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to

further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before December 20, 2021. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to PRA@fcc.gov and to Cathy.Williams@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0265.

Title: Section 80.868, Card of Instructions.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 4,506 respondents; 4,506 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 303, 307(e), 309 and 332.

Total Annual Burden: 753 hours.

Total Annual Cost: No cost.

Needs and Uses: The third party disclosure requirement contained in 47 CFR 80.868 of the Commission's rules is necessary to ensure that radiotelephone distress procedures must be securely mounted and displayed in full view of the principal operating position on board certain vessels (300 gross tons) required by the Communications Act or the International Convention for Safety of Life at Sea to be equipped with a radiotelephone station.

The information is used by a vessel radio operator during an emergency situation, and is designed to assist the radio operator to utilize proper distress procedures during a time when he or she may be subject to considerable stress or confusion.

OMB Control Number: 3060–0950.
Title: Bidding Credits for Tribal Lands.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 5 respondents; 5 responses.

Estimated Time per Response: 10 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 303(r), and 303(j)(3) and (4) of the Communications Act of 1934, as amended.

Total Annual Burden: 100 hours.

Total Annual Cost: \$270,000.

Needs and Uses: The Commission will be submitting this expiring information collection after this comment period to the Office of Management and Budget (OMB) for approval of an extension request.

From June 2000 to August 2004, the Commission adopted various rulemakings in which a winning bidder seeking a bidding credit to serve a qualifying tribal land within a particular market must:

- Indicate on the long-form application (FCC Form 601) that it intends to serve a qualifying tribal land within that market;
- Within 180 days after the filing deadline for the long-form application, amend its long-form application to identify the tribal land it intends to serve and attach a certification from the tribal government stating that:

(a) The tribal government authorizes the winning bidder to site facilities and provide service on its tribal land;

(b) The tribal area to be served by the winning bidder constitutes qualifying tribal land;

(c) The tribal government has not and will not enter into an exclusive contract with the applicant precluding entry by other carriers, and will not unreasonably discriminate among wireless carriers seeking to provide service on the qualifying tribal land; and

(d) Provide certification of the telephone penetration rates demonstrating that the tribal land has a penetration level at or below 85 percent.

The rulemakings also require what each winning bidder must do.

In addition, it also requires that a winning bidder seeking a credit in excess of the amount calculated under

the Commission's bidding credit must submit certain information; and a final winning bidder receiving a higher credit must provide within 15 days of the third anniversary of the initial grant of its license, file a certification that the credit amount was spent on infrastructure to provide wireless coverage to qualifying tribal lands, which also includes a final report prepared by an independent auditor verifying that the infrastructure costs are reasonable to comply with our build-out requirements.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2021–22734 Filed 10–18–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 3, 2021.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *The 2021 Katz Dynasty Trust, Milwaukee, Wisconsin, Peter J. Wilder, individually, and as trustee, Pewaukee, Wisconsin;* to join the Katz Family

Control Group, a group acting in concert, to acquire voting shares of Resource Bancshares, Inc., and thereby indirectly acquire voting shares of Resource Bank, National Association, both of DeKalb, Illinois.

Board of Governors of the Federal Reserve System, October 14, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–22769 Filed 10–18–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–21GH]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Using Real-time Prescription and Insurance Claims Data to Support the HIV Care Continuum to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on July 12, 2021 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or

other forms of information technology, *e.g.*, permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570.

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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Using Real-time Prescription and Insurance Claims Data to Support the HIV Care Continuum—New—National Center for HIV/AIDS, Viral Hepatitis, STD and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Use of HIV surveillance data to identify out-of-care persons is one strategy for identifying and re-engaging out-of-care persons and is called Data-to-Care (D2C). D2C uses laboratory reports (*i.e.*, CD4 and HIV viral load test results) received by a health department's HIV surveillance program as markers of HIV care. In the current D2C model, there is a delay in the identification of out-of-care persons due to the time interval between recommended monitoring tests (*i.e.*, every three to six months) and the subsequent reporting of these tests to surveillance.

Insurance and prescription administrative claims (billing) data can be used to identify persons who fail to fill antiretroviral (ARV) prescriptions and who are at risk for falling out of care. Because most ARVs are prescribed as a 30-day supply of medication, prescription claims can be used to identify persons who are not filling ARV prescriptions on a monthly basis. Tracking ARV refill data can, therefore, be a more real-time indicator of poor adherence and can act as a harbinger of potential poor retention in care. Using real-time insurance and prescription claims data to identify persons who fail

to fill ARV prescriptions, and to intervene, could have a significant impact on ARV therapy adherence, viral suppression and potentially on retention in care.

The purpose of this information collection, also called the Antiretroviral Improvement among Medicaid Enrollees (AIMS) study, is to develop, implement, and evaluate a D2C strategy that uses Medicaid insurance and prescription claims data to identify; (1) persons with HIV who have never been prescribed ARV therapy, and (2) persons with HIV who fail to pick up prescribed ARV medications in a timely manner, and to target these individuals for adherence interventions.

A validated HIV case identification algorithm will be applied to the Virginia Medicaid database to identify persons with HIV who have either never filled an ARV prescription or have not filled an ARV prescription within >30 to <90 days of the expected fill date. Deterministic and probabilistic methods will be used to link this list to the Virginia Department of Health's (VDH) Care Markers database (an extract of the VDH HIV surveillance database). Individuals that are matched across the two databases (indicating that the persons are both enrolled in Medicaid and confirmed HIV positive) are eligible for study participation. Additional eligibility criteria include age 19–63 years and continuous enrollment in Virginia Medicaid for the preceding 12 months.

Cluster randomization will occur at the healthcare provider level and will be conducted concurrently with the initial potential participant screening. Providers will be randomized to either the intervention arm or to the usual care arm (*i.e.*, no intervention or control arm). Study participants are the patients of the randomized healthcare providers. Participants in the intervention arm will be delegated to either a patient-level or provider-level intervention, depending on need; participants who are >30 to <90 days late filling their ARV prescription(s) will receive the patient-level intervention and participants who have never filled an ARV prescription will be delegated to the provider-level intervention. Participants of the provider-level intervention will not receive direct intervention. Instead, the healthcare providers of these patients ("provider participants") will receive the provider-level intervention. Potential participants will be contacted by a Study Linkage Coordinator to explain the study and obtain consent for participation.

The patient-level intervention has two phases. Phase I is intended for patients

who are >30 to <60 days late filling their ARV prescription(s). In Phase I, a Linkage Coordinator will contact participants to discuss the participants' adherence barriers. Once the participant's adherence barriers are identified, the participant will be referred to appropriate resources to assist them in overcoming their adherence barrier(s). Phase II is intended for patients who were enrolled in Phase I but who failed to fill their ARV prescriptions in the subsequent 30 days of the Phase I consultation, and for participants who are >60 to <90 days late at the time the participant was determined to be study eligible. In Phase II, the Linkage Coordinator will lead a similar consultation as in Phase I but will probe for more complex adherence barriers (*e.g.*, mental health concerns) and referrals will be made accordingly. The participant will also be offered an evidence-informed mobile application ("app") which is designed to support ART adherence and retention in care.

The provider-level intervention will consist of a peer-to-peer clinician consultation delivered by clinicians from the Virginia Department of Health's Advisory Committee to the Virginia Medication Assistance Program or by another HIV clinical expert. The peer-to-peer clinician consultations will involve introduction or reinforcement of HIV clinical guidelines for ART initiation, strategies to optimize ART adherence, and resources for supporting adherence for people with HIV. The consultation will be tailored to the needs of the provider participant.

All analyses will be conducted at the patient level. Persons within the intervention arm will be followed prospectively for 12 months. At the end of the intervention arm follow-up period, persons within the usual care arm will be followed retrospectively for 12 months. The primary study outcome of HIV viral suppression (HIV RNA <200 copies/mL) will be compared between study arms.

CDC requests OMB approval to collect standardized information, from 500 AIMS study participants (460 participants of the patient-level intervention and 40 participants of the provider-level intervention), 500 controls and 40 provider participants over the three-year project period. Secondary data will be abstracted from the Virginia Medicaid and Virginia Care Markers databases to determine study eligibility, to conduct the patient- and provider-level interventions, and to determine study outcomes. During the patient-level intervention, data will be collected on participants' adherence

barriers; this information will be used to refer participants to appropriate resources to assist their adherence to ART. During the provider-level

intervention data will be collected to inform the peer-to-peer clinician consultation.

OMB approval is requested for three years. Participation is voluntary and

there are no costs to respondents other than their time. CDC requests approval for an estimated 256 annualized burden hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Participants of patient-level intervention	Verbal consent—participants	153	1	15/60
Provider participants	Verbal consent—provider participants	13	1	15/60
Participants of provider-level intervention	Verbal consent—control participants (for participants of provider-level intervention).	13	1	15/60
Control participants	Verbal consent—control participants	167	1	15/60
Participants of patient-level intervention	HIPPA authorization	153	1	5/60
Participants of provider-level intervention	HIPPA authorization	13	1	5/60
Control participants	HIPPA authorization	167	1	5/60
PositiveLinks participants	PositiveLinks verbal consent and enrollment	33	1	60/60
Participants of patient-level intervention	Phase I interview	153	1	30/60
Participants of patient-level intervention	Phase II interview	33	1	30/60
Advisory Committee to the Virginia Medication Assistance Program member and other HIV clinical expects.	Clinician consultation guide	3	4	30/60
Provider participants	Clinician consultation guide	13	1	30/60
Advisory Committee to the Virginia Medication Assistance Program member and other HIV clinical expects.	Post-consultation questionnaire	3	4	10/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021-22695 Filed 10-18-21; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-22-0743]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Assessment and Monitoring of Breastfeeding-Related Maternity Care Practices in Intrapartum Care Facilities in the United States and Territories to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on March 19, 2021 to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Assessment and Monitoring of Breastfeeding-Related Maternity Care Practices in Intrapartum Care Facilities in the United States and Territories (OMB Control No. 0920-0743, Exp. 10/31/2021)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Substantial evidence demonstrates the social, economic, and health benefits of breastfeeding for both the mother and infant as well as for society in general. Health professionals recommend at least 12 months of breastfeeding, and Healthy People 2030 establishes specific national breastfeeding goals. In addition to increasing overall rates, a significant public health priority in the U.S. is to reduce variation in breastfeeding rates

across population subgroups. Although CDC surveillance data indicate that breastfeeding initiation rates in the United States are climbing, rates for duration and exclusivity continue to lag, and significant disparities persist between Black/African American and White women in breastfeeding rates.

The health care system is one of the most important and effective settings to improve breastfeeding, and the birth hospital stay has a crucial influence on later breastfeeding outcomes. Every two years between 2007–2015, CDC conducted the national survey of Maternity Practices in Infant Nutrition and Care (mPINC survey) in hospitals and free-standing birth centers to better understand national breastfeeding supportive maternity practices and changes in these practices over time. Breastfeeding supportive maternity care practices have changed rapidly in the past few years, and in 2018 CDC redesigned the survey items to reflect these practice changes. In 2018 and 2020, the revised survey was administered to hospitals that routinely

provide maternity care. The survey asks hospital maternity staff to report information about patient education and support for breastfeeding provided to their patients throughout the maternity stay, as well as staff training and maternity care policies.

The 2022 and 2024 mPINC survey methodology will closely match those previously administered. As an ongoing national census of hospitals in the United States and territories that provide maternity care, it does not employ sampling methods. CDC uses the American Hospital Association (AHA) Annual Survey of Hospitals to identify potential participating hospitals. Hospitals invited to participate in the survey include those that participated in previous iterations, those that received an invitation but did not participate in the previous iterations, and those that have become eligible since the most recent mPINC survey. CDC will screen all hospitals with one or more registered maternity beds via a brief phone call to assess their eligibility, identify the appropriate

point of contact, and obtain business contact information for the person identified. The response rates for previous iterations of the mPINC survey range from 70%–83%. CDC will provide direct feedback to participating hospitals in an individualized, hospital-specific report of their results. CDC will also use information from the mPINC surveys to identify, document, and share information related to changes in practices over time at the hospital, state, and national levels. Researchers also use the data to better understand the relationships between hospital characteristics, maternity-care practices, state level factors, and breastfeeding initiation and continuation rates.

Participation in the survey is voluntary, and participants submit responses through a secure web-based system. There are no costs to respondents other than their time. CDC requests OMB approval for an estimated 805 annual burden hours for three years to conduct the 2022 and 2024 surveys.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Maternity Hospital	Screening Call Script Part A	2,101	1	1/60
Maternity Hospital	Screening Call Script Part B	1,847	1	4/60
Maternity Hospital	mPINC Hospital Survey	1,293	1	30/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–22698 Filed 10–18–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–21GA]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Teen and Parents Surveys of Health (TAPS) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations”

notice on July 2, 2021 to obtain comments from the public and affected agencies. CDC received no comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570.

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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Teen and Parents Surveys of Health (TAPS)—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Division of Adolescent and School Health (DASH) requests approval for “Teen and Parent Surveys of Health (TAPS).” This one-time data collection will be conducted via a contract with NORC at the University of Chicago and its national online panel survey, AmeriSpeaks.

Documenting health-related risk behaviors and experiences and health outcomes of young people through routine surveillance is a critical component of DASH’s prevention

efforts. Another component of DASH’s efforts to improve adolescent health is observational research to inform its school-based programmatic strategies. This type of research serves to inform priority settings and sub-populations for intervention, as well as specific intervention strategies. These TAPS data will allow DASH to refine existing strategies for funded school district partners to improve the quality of their programs and services to prevent HIV, other STDs, and pregnancy among adolescents, as well as improve mental health, sexual health, and other adolescent health outcomes (e.g., substance use, violence victimization).

Data will be used to inform DASH’s key school-based programmatic strategies of improving family- and school-level protective factors, bolstering health education, and increasing adolescent access to quality health services. This observational

research complements and extends DASH’s ongoing surveillance efforts through the Youth Risk Behavioral Surveillances System (YRBSS) (OMB Control No. 0920–0493, Exp. 11/30/2023), which provides key national estimates of adolescent health risk behaviors and health outcomes, by providing a deeper dive into individual, family, and school factors that positively associate with adolescent behaviors and health outcomes. Collecting this observational data provides the opportunity to examine untested associations of protective factors, health education experiences, and health service use (immediate outcomes of DASH strategies) with mental health, sexual health, and substance use outcomes.

CDC requests OMB approval for an estimated 1,378 annualized burden hours. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)
Parents/Caregivers of 15–17 year olds	Adult/Caregiver Survey	2,634	1	20/60
Adolescent 15–17 year olds	Adolescent Survey	900	1	20/60
Adolescent 18–19 year olds	Adolescent Survey	600	1	20/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–22696 Filed 10–18–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–22–0212]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled The National Hospital Care Survey (NHCS) to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on July 19, 2021 to obtain comments from the public and affected agencies. CDC received no comments related to the previous notice. This

notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Hospital Care Survey (OMB Control No. 0920–0212, Exp. 03/31/2022)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability of the population of the United States. This three-year clearance request for National Hospital Care Survey (NHCS) includes the collection of all inpatient and ambulatory Uniform Bill–04 (UB–04) claims data, or electronic health record (EHR) data, as well as the collection of hospital-level information via a questionnaire from a sample of 608 hospitals.

The National Ambulatory Medical Care Survey (NAMCS) was conducted intermittently from 1973 through 1985, and annually since 1989. The survey is conducted under authority of Section 306 of the Public Health Service Act (42 U.S.C. 242k). The National Hospital Discharge Survey (NHDS) (OMB Control No. 0920–0212, Exp. 01/31/2019), conducted continuously between 1965 and 2010, was the Nation’s principal source of data on inpatient utilization of short-stay, non-institutional, non-Federal hospitals, and was the principal source of nationally representative estimates on the characteristics of inpatients including lengths of stay, diagnoses, surgical and non-surgical

procedures, and patterns of use of care in hospitals in various regions of the country. In 2011, NHDS was granted approval by OMB to expand its content and to change its name to the National Hospital Care Survey (NHCS).

In May 2011, recruitment of sampled hospitals for the NHCS began. Hospitals in the NHCS are asked to provide data on all inpatients from their UB–04 administrative claims, or EHRs. Hospital-level characteristics and data on the impact of COVID–19 on the hospital are collected through an Annual Hospital Interview. NHCS will continue to provide the same national health-care statistics on hospitals that NHDS provided. Additionally, NHCS collects more information at the hospital level (e.g., volume of care provided by the hospital), which allow for analyses on the effect of hospital characteristics on the quality of care provided. NHCS data collected from UB–04 administrative claims and EHRs include all inpatient discharges, not just a sample. The confidential collection of personally identifiable information allows NCHS to link episodes of care provided to the same patient in the Emergency Department (ED) and/or Outpatient Department (OPD), and as an inpatient, as well as link patients to the National Death Index (NDI) to measure post-discharge mortality, and Medicare and Medicaid data to leverage comorbidities. The availability of

patient identifiers also makes analysis on hospital readmissions possible. This comprehensive collection of data makes future opportunities for surveillance possible, including analyzing trends and incidence of opioid misuse, acute myocardial infarction, heart failure and stroke, as well as trends and point prevalence of health care acquired infections and antimicrobial use.

Beginning in 2013, in addition to inpatient hospital data, hospitals participating in NHCS were asked to provide data on the utilization of health care services in their ambulatory settings (e.g., EDs and OPDs). Due to low response rates and high level of missing data, OPD data were not collected in the last approval period (2019, 2020 and 2021). Collection of OPD may resume in future years.

Data collected through NHCS are essential for evaluating the health status of the population, for the planning of programs and policy to improve health care delivery systems of the Nation, for studying morbidity trends, and for research activities in the health field. There are no changes to the data collection survey. The only change is to the burden hours due to the increase of the sample size. The new total annualized burden is 7,184 hours. CDC requests a three-year approval, and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Hospital DHIM or DHIT	Initial Hospital Intake Questionnaire	150	1	1
Hospital CEO/CFO	Recruitment Survey Presentation	150	1	1
Hospital DHIM or DHIT	Prepare and transmit UB–04 or State File for Inpatient and Ambulatory (monthly).	408	12	1
Hospital DHIM or DHIT	Prepare and transmit EHR for Inpatient and Ambulatory (quarterly).	200	4	1
Hospital CEO/CFO	Annual Hospital Interview	608	1	2

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–22697 Filed 10–18–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Cost Study of Trauma-Specific Evidence-Based Programs Used in the Regional Partnership Grants Program (0970–0557)

AGENCY: Children’s Bureau, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Children’s Bureau (CB), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting an extension with minor changes to the approved information collection: The Cost Study of Trauma-Specific Evidence-Based Programs used in the Regional Partnership Grants (RPG) Program. This data collection request was previously approved and scheduled for spring 2021 but was delayed due to the COVID–19 pandemic. Data collection is now feasible but will extend beyond the current expiration date of November 30,

2021, so an extension is needed. Additionally, since approval, minor changes were made to the instruments to include a question in the time log to ask about virtual service delivery since the COVID-19 pandemic resulted in grantees offering virtual services.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. You can also obtain copies of the proposed collection of information by emailing infocollection@acf.hhs.gov. Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Since 2006, CB has awarded multiple rounds of competitive grants to state and local agencies and service providers under the RPG Program. Grants are awarded to organizations such as child welfare agencies, substance abuse treatment providers, or family court systems to develop interagency collaborations and provide services designed to increase well-being, improve permanency, and enhance the safety of children who are in or are at risk of being placed in out-of-home care as a result of a parent’s or caretaker’s substance abuse. Thirty-five grantees are participating in the ongoing RPG national cross-site evaluation, which examines implementation, partnerships, outcomes, and impacts. All grantees collect data on a uniform set of performance measures and report them to CB on a semi-annual basis through a web-based system. These ongoing data collection activities are approved under OMB #0970-0527. All grantees are also required to use a portion of their funding to conduct their own “local” program impact evaluation.

This proposed cost study adds a new and unique contribution to CB’s portfolio of evaluation activities.

Although the RPG cross-site evaluation will provide evidence for the effectiveness of some interventions to address the emotional effects of trauma, more information is needed about the cost of implementing these Evidence-Based Programs (EBPs).

The cost study has the key objective to determine the cost of implementing the following three select Trauma-Specific EBPs: Parent-Child Interaction Therapy, Seeking Safety, and Trauma-Focused Cognitive Behavioral Therapy. To carry out this objective, the study team will collect detailed cost information from nine RPG round four and five grantees who are implementing these selected EBPs. For each grantee, the study team will administer the following two data collection instruments: (1) A Cost Workbook used to collect comprehensive information on the cost of implementing each select program (Instrument #1), and (2) a Staff Survey and Time Log used to collect information on how program staff allocate their time (Instrument #2).

Respondents: Grantee staff.

Annual Burden Estimates

Data collection will take place within a 1-year period.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total/annual burden hours
Cost Workbook	9	1	8	72
Staff Survey and Time Log	90	1	3.6	330

Estimated Total Annual Burden Hours: 402.

Authority: The Child and Family Services Improvement and Innovation Act (Pub. L. 112-34).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021-22677 Filed 10-18-21; 8:45 am]

BILLING CODE 4184-29-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: National Health Service Corps Scholar/Students to Service Travel Worksheet, OMB No. 0915-0278—Extension

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

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA 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 18, 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: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: National Health Service Corps Scholar/Students to Service Travel Worksheet, OMB No. 0915–0278—Extension.

Abstract: Clinicians participating in the HRSA National Health Service Corps (NHSC) Scholarship Program and the Students to Service (S2S) Loan Repayment Program (LRP) use the online Travel Request Worksheet to request and receive travel funds from the federal government to visit eligible NHSC sites to which they may be assigned in accordance with the Public Health Service Act, section 331(c)(1).

The travel approval process is initiated when an NHSC Scholar or S2S participant notifies the NHSC of an impending interview at one or more NHSC-approved practice sites. The Travel Request Worksheet is also used

to initiate the relocation process after a NHSC Scholar or S2S participant has successfully been matched to an approved practice site in accordance with the Public Health Service Act, section 331(c)(3). Upon receipt of a completed Travel Request Worksheet, the NHSC will review and approve or disapprove the request and promptly notify the scholar or S2S participant and the NHSC logistics contractor regarding travel arrangements and authorization of the funding for the site visit or relocation.

A 60-day notice published in the **Federal Register**, 86 FR 41976 (August 4, 2021). There were no public comments.

Need and Proposed Use of the Information: This information will facilitate NHSC Scholar and S2S participants' receipt of federal travel funds that are used to visit high-need NHSC-approved practice sites. The Travel Request Worksheet is also used to initiate the relocation process after a

NHSC Scholar or S2S participant has successfully been matched to an approved practice site.

Likely Respondents: Clinicians participating in the NHSC Scholarship Program and the S2S LRP.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Travel Request Worksheet	300	2	600	.0667	40.02
Total	300	.....	600	.....	40.02

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. 2021–22735 Filed 10–18–21; 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; Rural Health Care Services Outreach Program Performance Improvement and Measurement Systems (PIMS) Measures, OMB No. 0906–0009—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 18, 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: Rural Health Care Services Outreach Program Performance Improvement and Measurement Systems (PIMS) Measures, OMB No. 0906–0009—Revision.

Abstract: The Rural Health Care Services Outreach (Outreach) Program is authorized by Section 330A(e) of the Public Health Service (PHS) Act (42 U.S.C. 254c(e)) and Public Law 116–136, to “promote rural health care services outreach by improving and expanding the delivery of health care services to include new and enhanced services in rural areas, through community engagement and evidence-based or innovative, evidence-informed models.” The goals for the Outreach Program are as follows: (1) Expand the delivery of health care services to include new and enhanced services exclusively in rural communities; (2) deliver health care services through a strong consortium, in which every consortium member organization is actively involved and engaged in the planning and delivery of services; (3) utilize community engagement and evidence-based or innovative, evidence-informed model(s) in the delivery of health care services; and (4) improve population health, and demonstrate health outcomes and sustainability.

A 60-day notice published in the **Federal Register**, 86 FR 38725, (July 22, 2021). There were no public comments.

Need and Proposed Use of the Information: The PIMS measures for the Outreach Program enable HRSA and the Federal Office of Rural Health Policy to capture awardee-level and aggregate data that illustrate the impact and scope of federal funding. The collection of this information helps further inform and substantiate the focus and objectives of the grant program. The measures encompass the following topics: (a) Access to care; (b) population demographics; (c) consortium/network; (d) sustainability; and (f) project specific domains.

There have been changes to the previously approved Outreach Program PIMS measures. The proposed Outreach PIMS measures reflect an increase in the

number of measures including the following:

(1) The addition of project-specific measures related to the Rural Healthy Hometown Initiative (HRHI) (includes 17 required and 20 optional measures for a total of 37 additional measures) applicable only to Outreach awardees who apply to be part of the HRHI track (anticipated total of 16 out of 61 awardees) to focus on one or more of the five causes of excess death in rural communities (heart disease, cancer, unintentional injury/substance use, chronic lower respiratory disease, and stroke);

(2) Addition of project-specific measures (three additional measures) only applicable to Outreach Awardees with a focus on telehealth (anticipated total of 15 out of 61 awardees);

(3) The addition of social determinants of health measures (three additional measures) only applicable to Outreach Awardees addressing social determinants of health as part of their grant funded activities (anticipated total of 15 out of 61 awardees);

(4) The consolidation of the access to care measures from singular to composite measure format (currently 14, previously 16) applicable to all awardees (anticipated total of 61 awardees);

(5) Removal of an outdated project specific measure (one measure removed) applicable to awardees focused on childhood obesity;

(6) Removal of an outdated project specific applicable to awardees providing clinical services (currently 7, previously 8) related to Healthy People 2020; and

(7) Removal of the outdated project specific Health Improvement Special Project measure (one measure removed). In total, proposed changes reflect the addition of 43 measures and the removal of 5 measures for an increase in measures by a total of 38 measures. Of

these measures, 17 are required and 26 are optional. All additional measures proposed are project specific (only applicable to anticipated total ranging from 15–16 out of 61 awardees). All measures will not be applicable to all 61 respondents. Project specific measures will remain applicable only to Outreach Awardees focusing on the respective project specific topic.

Note that the number from the “total burden hours” column on the burden table was collected from the current cohort of Outreach Program grant recipients, therefore it is different from the number of hours listed on the previous Notice of Action, which was collected from the previous cohort of Outreach Program grant recipients. This change in burden also correlates with the increase in the total number of current Outreach Program grant recipients compared to previous cohort of Outreach Program grant recipients (61 respondents anticipated, previously 25).

Likely Respondents: The respondents would be award recipients of the Rural Health Care Services Outreach Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Health Care Services Outreach PIMS	61	1	61	7.5	457.5
Total	61	.....	61	.....	457.5

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. 2021–22737 Filed 10–18–21; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Performance Review Board Members

Title 5, U.S.C. Section 4314(c)(4) of the Civil Service Reform Act of 1978, Public Law 95–454, requires that the appointment of Performance Review Board Members be published in the **Federal Register**. The following persons may be named to serve on the Department of Health and Human Services’ (HHS) Performance Review Boards (PRB) from 2021 through 2023. The PRB provides performance rating and rating-based compensation recommendations to the HHS Secretary based on the individual performance appraisals for Senior Executive Service, Senior Level/Senior Technical, and Title 42 executive equivalent employees and the organizational assessments of the Operating and Staff Divisions in which they serve.

Last name	First name
AMES	KAREN
ANTHONY	ELISE
ARNOLD	SHARON
BARCLAY	LISA
BARKOFF	ALISON
BARLOW	AMANDA
BARRON	PAMELA
BARRY	DANIEL
BARSTOW	KEVIN
BEADLE	MIRTHA
BETTENCOURT	ALICE
BHARGAVA	DEEPAK
BLACKWELL	EDITH
BLUM	JONATHAN
BOATENG	SARAH
BOTTICELLA	ANGELA
BRATCHER-BOWMAN ..	NIKKI
BRISBON	HENRIETTA
BROOKS-LASURE	CHIQUITA
BROWN	MARK
BURNSZYNSKI	JENNIFER
BUSH	LAINA
CAMPBELL	CHERYL
CANNING	JAMES
CANNISTRA	JENNIFER
CARNIVAL	DANIELLE
CASH	LESTER
CHA	STEPHEN
CHAMBERS	GEORGE
CHANG	JOOYEUN
CHAPMAN	ANDREA
CHESSON	SONIA
CLIFFORD	CHAD
COCHRAN	NORRIS
COLLINS	FRANCIS
CONLEY	MARY
COOPER	RENEE
CORMIER	JUSTIN
CRONIN	KELLY
CULPEPPER	MICHAEL
CURTIS	MICHAEL
DAVIS	MICHELLE
DEL VECCHIO	PAOLO
DELEW	NANCY
DELPHIN-RITTMON	MIRIAM
DESPRES	SARAH
DORN	ALAN
DRIGGS	SCOTT
DURSO	LAURA
ESPINOSA	KIMBERLY
FIGUEROA	MARVIN
FINK	DOROTHY

Last name	First name
FISHER	BARBARA
FORBER-PRATT	ANJALI
FOWLER	ELIZABETH
FRIEDMAN	RUTH
FRIEDMAN	JENNIFER
FRISTEDT	ANDREA
FROHBOESE	ROBINSUE
FUTRELL	BERNADINE
GOLDBABER	BEN
GOLDSTEIN	NAOMI
GOULDING	MICHAEL
GREENE	JONATHAN
GROSSMAN	JORDAN
HAFFAJEE	REBECCA
HALL	WILLIAM
HALL	WAYNE
HALL	RANDALL
HAMM	KATHLEEN
HANDERHAN	LAWRENCE
HANDLEY	ELISABETH
HARPER	VICTOR
HENDERSON	GRAEME
HERNANDEZ	PATRICK
HILD	STEVEN
HILL	KRISTI
HOFFMAN	JANICE
HOLLAND	HOWARD
HORN	DAVID
HOWARD	LANIKQUE
HUANG	CINDY
JEE	LAUREN
JOHNSON	DEBRA
JOHNSON	DAVID
JONES	CHRISTINE
JONES	KAMARA
JONES	WANDA
KAPPELER	EVELYN
KENNEDY	GAVIN
KERR	LAWRENCE
KESSLER	DAVID
KEVENEY	SEAN
KIM	HANNAH
KRETSCHMAIER	A. MICHON
LANKFORD	DAVID
LEE	LILA
LESKO	MAX
LEVINE	RACHEL
LOPEZ	STEVEN
LOPEZ	ELIZABETH
LOVENHEIM GOLD- FARB.	SARAH
LYNCH-SMITH	MIRANDA
LYNK	FLORENCE
LYONS	SUSAN
MALONEY	CAROL
MARCELLA	JESSICA
MARTINEZ-SHRIVER ..	JOANN
MCCLUSKIE	SEAN
MCDANIEL	EILEEN
MCGAREY	BARBARA
MCMILLEN	CHERYL
MILNE	KEVIN
MONTZ	ELLEN
MOTSIPOULOS	CHRISTOS
MURTHY	VIVEK
NAIMON	DAVID
NICHOLLS	RICHARD
NOLAN	JANET
NOONAN	TIMOTHY
NOVY	STEVEN
O'CONNELL	DAWN
PACE	LOYCE
PARKER HALVERSON ..	PAMELA
PEARLMAN	AMANDA
PECK	JOSHUA
PECKHAM	MICHAEL
PEREZ	LUIS
PERSON	LISA
PETILLO	JOHN
PETTI	DANA
PIERCE	JULIA
POSNACK	STEVEN
PRESCOTT	JOSEFINA

Last name	First name
PRYOR	RACHEL
RAINER	MELANIE
REID	ANNE
RICE	GAREY
RICHARDSON	ERIN
ROBINSON	WILMA
RODRIGUEZ	PAUL
ROMAN	RUTH
SALCIDO	DORINDA
SAMS	IAN
SAUNDERS	MICHAEL
SCHAKE	KRISTINA
SCHOMBURG	AYSHA
SCHUHAM	AARON
SESHAMANI	MEENA
SESHASAI	KARUNA
SHARPLESS	NORMAN
SHERRY	TISAMARIE
SILVA	JORGE
SKEADAS	CHRISTOS
SMITH	JENNIFER
SOMMERS	BENJAMIN
SULLIVAN	ROSE
THOMAS	JOYCE
TOBIAS	CONSTANCE
TOVEN	JEFFREY
TRESS	DEBORAH
TRIPATHI	SUHAS
TSAI	DANIEL
TURNER	MERVIN
VOGEL	JANET
WALENSKY	ROCHELLE
WALKER	EDWIN
WATSON	IAN
WEBB	SANDRA
WILKENING	MICHAEL
WILLIAMS	CARLIS
WILLIAMS	RASHEED
WORONOFF	ARIELLE
WULFF	KATHARINE

Dated: October 13, 2021.
Michelle A. Monroe,
Director, Executive Resources.
 [FR Doc. 2021–22748 Filed 10–15–21; 4:15 pm]
BILLING CODE 4151–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Advisory Council, October 26, 2021, 10:00 a.m. to October 26, 2021, 05:00 p.m., National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on September 23, 2021, 2021–20584.

Change Open Session to 11:00 a.m. to 5:00 p.m. The meeting is open to the public.

Dated: October 13, 2021.
David W. Freeman,
Program Analyst, Office of Federal Advisory Committee Policy.
 [FR Doc. 2021–22717 Filed 10–18–21; 8:45 am]
BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Nursing Research; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Training and Development Review.

Date: November 2, 2021.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Nursing Research, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ming Yan, MD, Ph.D., Scientific Review Officer, Immunology (IMM), DPPS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, RM 4205, Bethesda, MD 20892, yanming@mail.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. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: October 13, 2021.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-22719 Filed 10-18-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute on Deafness and Other Communication Disorders; 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, NIDCD.

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.

A portion of 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 grant applications conducted by the National Institute on Deafness and Other Communication Disorders, 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, NIDCD.

Date: November 1, 2021.

Open: 8:45 a.m. to 9:00 a.m.

Agenda: Staff reports on divisional, programmatic, and special activities.

Place: Porter Neuroscience Research Center, Building 35A, 35 Convent Drive Bethesda, MD 20892 (Virtual Meeting).

Closed: 9:00 a.m. to 4:35 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: Porter Neuroscience Research Center, Building 35A, 35 Convent Drive Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lisa L. Cunningham, Ph.D., Senior Investigator, National Institute of Deafness and Other Communication Disorders, National Institutes of Health, 35A Convent Drive, Rockville, MD 20850, 301-443-2766, lisa.cunningham@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

Information is also available on the Institute's/Center's home page: <https://www.nidcd.nih.gov/about/advisory-committees>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: October 13, 2021.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-22718 Filed 10-18-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Substance Abuse and Mental Health Services Administration****Notice of Meeting for the Interdepartmental Substance Use Disorders Coordinating Committee (ISUDCC)**

AGENCY: Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Secretary of Health and Human Services (Secretary) announces a meeting of the Interdepartmental Substance Use Disorders Coordinating Committee (ISUDCC). The ISUDCC is open to the public and members of the public can attend the meeting via telephone or webcast only, and not in person. Agenda with call-in information will be posted on the SAMHSA website prior to the meeting at: <https://www.samhsa.gov/about-us/advisory-councils/meetings>. The meeting will include information on support for the mission and work of the Committee, federal advances to address challenges in substance use disorder (SUD); non-federal advances to address challenges in SUD.

Committee Name: Interdepartmental Substance Use Disorders Coordinating Committee (ISUDCC).

Date/Time/Type: December 9, 2021 from 1:00 p.m. EST-5:00 p.m. EST.

ADDRESSES: The meeting will be held virtually.

The meeting can be accessed via Zoom.

SUPPLEMENTARY INFORMATION:**I. Background and Authority**

The Interdepartmental Substance Use Disorders Coordinating Committee is required under Section 7022 of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act, Pub. L. 115-271) to accomplish the following duties: (1) Identify areas for improved coordination of activities, if any, related to substance use disorders, including research, services, supports, and prevention activities across all relevant federal agencies; (2) identify and provide to the Secretary recommendations for improving federal programs for the prevention and treatment of, and recovery from, substance use disorders, including by expanding access to prevention, treatment, and recovery services; (3) analyze substance use

disorder prevention and treatment strategies in different regions of and populations in the United States, and evaluate the extent to which federal substance use disorder prevention and treatment strategies are aligned with State and local substance use disorder prevention and treatment strategies; (4) make recommendations to the Secretary regarding any appropriate changes with respect to the activities and strategies described in items (1) through (3) above; (5) make recommendations to the Secretary regarding public participation in decisions relating to substance use disorders and the process by which public feedback can be better integrated into such decisions; and (6) make recommendations to ensure that substance use disorder research, services, supports, and prevention activities of the Department of Health and Human Services and other federal agencies are not unnecessarily duplicative.

Not later than one year after the date of the enactment of this Act, and annually thereafter for the life of the Committee, the Committee shall publish on the internet website of the Department of Health and Human Services, which may include the public information dashboard established under section 1711 of the Public Health Service Act, as added by section 7021, a report summarizing the activities carried out by the Committee pursuant to subsection (e), including any findings resulting from such activities.

II. Membership

This ISUDCC consists of federal members listed below or their designees, and non-federal public members.

Federal Membership: Members include, The Secretary of Health and Human Services; The Attorney General of the United States; The Secretary of Labor; The Secretary of Housing and Urban Development; The Secretary of Education; The Secretary of Veterans Affairs; The Commissioner of Social Security; The Assistant Secretary for Mental Health and Substance Use; The Director of National Drug Control Policy; representatives of other Federal agencies that support or conduct activities or programs related to substance use disorders, as determined appropriate by the Secretary.

Non-Federal Membership: Members include, 18 non-federal public members appointed by the Secretary, representing individuals who have received treatment for a diagnosis of a substance use disorder; directors of a State substance abuse agencies; representatives of a leading research,

advocacy, or service organizations for adults with substance use disorder; physicians, licensed mental health professionals, advance practice registered nurses, and physician assistants, who have experience in treating individuals with substance use disorders; substance use disorder treatment professionals who provide treatment services at a certified opioid treatment program; substance use disorder treatment professionals who have research or clinical experience in working with racial and ethnic minority populations; substance use disorder treatment professionals who have research or clinical mental health experience in working with medically underserved populations; state-certified substance use disorder peer support specialists; drug court judge or a judge with experience in adjudicating cases related to substance use disorder; public safety officers with extensive experience in interacting with adults with a substance use disorder; and individuals with experiences providing services for homeless individuals with a substance use disorder.

The ISUDCC is required to meet at least twice per calendar year.

To attend virtually, submit written or brief oral comments, or request special accommodation for persons with disabilities, contact Tracy Goss. Individuals can also register on-line at: <https://snacregister.samhsa.gov/MeetingList.aspx>.

The public comment section will be scheduled at the conclusion of the meeting. Individuals interested in submitting a comment, must notify Tracy Goss on or before November 19, 2021 via email to: Tracy.Goss@samhsa.hhs.gov.

Up to three minutes will be allotted for each approved public comment as time permits. Written comments received in advance of the meeting will be considered for inclusion in the official record of the meeting.

Substantive meeting information and a roster of Committee members is available at the Committee's website: <https://www.samhsa.gov/about-us/advisory-councils/isudcc>.

FOR FURTHER INFORMATION CONTACT: Tracy Goss, ISUDCC Designated Federal Officer, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, 13E37B, Rockville, MD 20857; telephone: 240-276-0759; email: Tracy.Goss@samhsa.hhs.gov.

Dated: October 13, 2021.

Carlos Castillo,

Committee Management Officer.

[FR Doc. 2021-22693 Filed 10-18-21; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG-2021-0632]

Great Lakes Pilotage Advisory Committee; Vacancies

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is requesting nominations for persons interested in serving as a member of the Great Lakes Pilotage Advisory Committee (Committee). The Great Lakes Pilotage Advisory Committee provides advice and makes recommendations to the Secretary of Homeland Security through the U.S. Coast Guard Commandant on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.

DATES: Your completed applications should reach the U.S. Coast Guard on or before December 20, 2021.

ADDRESSES: Nomination applications should include a cover letter expressing a letter of support from the nominating group, a cover letter expressing the nominees' interest in an appointment to the Committee, a resume detailing their experience along with a brief biography. Applications should be submitted via email with the subject line "GLPAC" to Mr. Vincent Berg at: GreatLakesPilotage@uscg.mil.

FOR FURTHER INFORMATION CONTACT: Mr. Vincent Berg; telephone 202-906-0835 or email at Vincent.F.Berg@uscg.mil.

SUPPLEMENTARY INFORMATION: The Great Lakes Pilotage Advisory Committee is a Federal advisory committee. It will operate under the provisions of the *Federal Advisory Committee Act* (5 U.S.C., Appendix). The Great Lakes Pilotage Advisory Committee operates under the authority of 46 U.S.C. 9307, and makes recommendations to the Secretary and the U.S. Coast Guard on matters relating to the Great Lakes.

Meetings of the Great Lakes Pilotage Advisory Committee will be held with the approval of the Designated Federal Officer. The Committee is required to meet at least once per year. Additional meetings may be held at the request of a majority of the Committee or at the discretion of the Designated Federal Officer.

Each Great Lakes Pilotage Advisory Committee member serves a term of office of up to 3 years. Members may serve a maximum of six consecutive years. All members serve at their own

expense and receive no salary or other compensation from the Federal Government. Members may be reimbursed, however, for travel and per diem in accordance with Federal Travel Regulations.

We will consider nominations for the following positions:

1. One member chosen from among nominations made by interests of vessel operators that contract for Great Lakes Pilotage Services;

2. One member chosen from among nominations made by shippers whose cargoes are transported through Great Lakes ports; and

3. One member, who is recommended by unanimous vote of the other members of the Committee, and may be appointed without regard to the requirement to have 5 years of practical experience in maritime operations.

To be eligible, applicants who are nominated should have particular expertise, knowledge, and experience regarding the regulations and policies on the pilotage vessels on the Great Lakes, and at least five years of practical experience in maritime operations.

Registered lobbyists are not eligible to serve on Federal Advisory Committees in an individual capacity. See “*Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions*” (79 FR 47482, August 13, 2014). Registered lobbyists are “lobbyists” as defined in Title 2 U.S.C. 1602 who are required by Title 2 U.S.C. 1603 to register with the Secretary of the Senate and the Clerk of the House Representatives.

The Department of Homeland Security does not discriminate in selection of Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

Nomination(s) to become a member of the Committee, should include the cover letter, resume and brief biography and be sent to Mr. Vincent F. Berg, Great Lakes Pilotage Advisory Committee, via the transmittal method in the **ADDRESSES** section by the deadline in the **DATES** section of this notice.

When you send your application to us via email, we will send you an email confirming receipt of your application.

Dated: October 13, 2021.

Michael D. Emerson,

Director, Marine Transportation Systems.

[FR Doc. 2021–22715 Filed 10–18–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0043]

Agency Information Collection Activities: Extension, Without Change, of a Currently Approved Collection: Electronic Funds Transfer Waiver Request.

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995 the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance. This information collection was previously published in the **Federal Register** on August 5, 2021, allowing for a 60-day comment period. ICE received no comments in connection with the 60-day notice. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until November 18, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of the publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact KaJuana Edwards, Obligation Management Branch, (214) 915–6029, email kajuana.edwards@ice.dhs.gov.

SUPPLEMENTARY INFORMATION:

Comments

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Electronic Funds Transfer Waiver Request.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* 10–002; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Section 404(b) of the Immigration and Nationality Act (8 U.S.C. 1101 note) provides for the reimbursement to States and localities for assistance provided in meeting an immigration emergency. This collection of information allows for State or local governments to request reimbursement.

(5) *An estimate of the total number of respondents and the time to respond:* The estimated total number of respondents for the information collection is 650 and the estimated hour burden per response is 0.50 (30 minutes).

(6) *An estimate of the total public burden (in hours) associated with the collection:* 325 annual burden hours.

Dated: October 13, 2021.

Scott Elmore,

PRA Clearance Officer.

[FR Doc. 2021–22681 Filed 10–18–21; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7034-N-55]

30-Day Notice of Proposed Information Collection: FHA Catalyst: Multifamily Application Portal; OMB Control No.: 2502-0620**AGENCY:** Office of the Chief Information Officer, HUD.**ACTION:** Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 18, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. 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/StartPrintedPage15501PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Colette.Pollard@hud.gov or telephone 202-402-3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A. The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 2, 2021, at 86 FR 35310.

A. Overview of Information Collection

Title of Information Collection: FHA Catalyst: Multifamily Application Portal.

OMB Approval Number: 2502-0620.

OMB Expiration Date: 5/31/2021.

Type of Request: Reinstatement, with change, of previously approved

collection for which approval has expired.

Form Number: N/A.

Description of the need for the information and proposed use: The Department of Housing and Urban Development (HUD)/Federal Housing Administration's (FHA) Office of Multifamily Housing Programs (MFH) has developed a web-based portal for FHA-approved multifamily lenders to submit applications for FHA multifamily mortgage insurance to HUD electronically. The *FHA Catalyst: Multifamily Application Portal* (“*FHA Catalyst*”), was released in fall 2020 to aid in the collection of information for FHA multifamily mortgage insurance program applications. The National Housing Act (12 U.S.C. 1701 et. seq.) and implementing regulations at 24 CFR parts 200-266 authorize HUD/FHA to administer the multifamily mortgage insurance programs. The specific authority to require a mortgage insurance application is found at 24 CFR 200.45(b): “[a]n application for a firm commitment must be made by an approved mortgagee for any project for which a mortgagor seeks mortgage insurance under the Act.”

FHA Catalyst allows FHA-approved multifamily lenders to submit electronic applications for FHA multifamily mortgage insurance and related documents to HUD through a web-based portal, and HUD staff are able to receive and download the documents from the portal. The system is designed to streamline existing processes for collecting information to administer FHA multifamily mortgage insurance programs; no new information will be collected as a result of *FHA Catalyst*. Prior to the COVID-19 pandemic, multifamily lenders submitted applications to HUD in USB and hard copy format via mail. Due to the pandemic, multifamily lenders are currently submitting electronic applications using various online file-sharing platforms (e.g., Dropbox) as a short-term solution. *FHA Catalyst* provides multifamily lenders and MFH with a central, secure portal and long-term solution for online application submissions that will be used for the duration of the COVID-19 pandemic and beyond. Hard copies and/or removable USB drives will no longer be required for applications submitted through *FHA Catalyst* once *FHA Catalyst* becomes mandatory.

Respondents: Business or other for-profit; individuals or households; not-for-profit intuitions; state, local, or tribal government.

Estimated Number of Respondents: 741.

Estimated Number of Responses: 741.

Frequency of Response: 1.

Average Hours per Response: 1.

Total Estimated Burden: 741.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

(5) Ways to minimize the burden of the collection of information on those who are respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Colette Pollard,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2021-22745 Filed 10-18-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7034-N-59]

30-Day Notice of Proposed Information Collection: Phase 1 Evaluation of the Housing Choice Voucher Mobility Demonstration, OMB Control No.: 2528-New**AGENCY:** Office of the Chief Information Officer, HUD.**ACTION:** Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested

parties on the proposed collection of information. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* November 18, 2021.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_submission@omb.eop.gov* or *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email her at *Anna.P.Guido@hud.gov* or telephone 202-402-5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the

information collection for a period of 60 days was published on January 25, 2021 at 86 FR 6909.

A. Overview of Information Collection

Title of Information Collection: Phase 1 Evaluation of the Housing Choice Voucher Mobility Demonstration.

OMB Approval Number: 252–New.

Type of Request: New collection.

Form Number: N/A.

Description of the need for the information and proposed use:

The Office of Policy Development and Research (PD&R), at the U.S. Department of Housing and Urban Development (HUD), is proposing the collection of information for Phase 1 Evaluation of the Housing Choice Voucher (HCV) Mobility Demonstration. Under contract with HUD PD&R, Abt Associates Inc. and its subcontractors the Urban Institute, MEF Associates, Social Policy Research Associates, and Sage Consulting are conducting Phase 1 of a planned two-phase Evaluation of the HCV Mobility Demonstration. The Demonstration is a multi-site, randomized-controlled trial of the effect of housing mobility-related services on the share of HCV holders with children that move to lower poverty areas.

This Demonstration will allow participating public housing agencies (PHAs) throughout the country to implement housing mobility programs by offering mobility-related services to increase the number of voucher families with children living in opportunity areas. Participating PHAs will work together in their regions to adopt

administrative policies that further enable housing mobility, increase landlord participation, and reduce barriers for families to move across PHA jurisdictions through portability. Eligible families that consent to participate in the Demonstration are randomly assigned to either receive mobility-related services or to not receive services.

Through the Demonstration, HUD will implement, test, and evaluate whether housing mobility programs expand access to opportunity neighborhoods. The Demonstration will roll out in two phases over a period of approximately six years. The Phase 1 Evaluation has a five-year period of performance and will evaluate the effectiveness of a comprehensive set of mobility-related services at no more than 10 sites. For voucher holders, outcomes of the mobility-related services are hypothesized to be increases in the number of families who move to lower poverty areas. The Phase 1 evaluation will also document the implementation of the Demonstration and analyze the cost-effectiveness of mobility-related services.

Data collection efforts include the families that are part of the treatment and control groups, as well as PHA and mobility-related services staff, and landlords of properties participating in the HCV program. Data will be gathered through a variety of methods including informational interviews and discussions, direct observation, and analysis of administrative records.

EXHIBIT A-4—ESTIMATED ANNUAL RESPONDENT BURDEN

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Household Roster and Baseline Information Form (Instrument 1)	10,100	1	10,100	0.75	7,575	\$7.39	\$55,979.25
Phase 1—Head of Household Existing Voucher Family Informed Consent for Study Participation (Attachment B)	6,334	1	6,334	0.25	1,583.5	7.39	11,702.07
Phase 1—Head of Household Waitlist Family Informed Consent for Study Participation (Attachment C)	3,166	1	3,166	0.25	791.5	7.39	5,849.19
Phase 2—Head of Household Existing Voucher Family Informed Consent for Study Participation (Attachment N)	400	1	400	0.25	100	7.39	739.00
Phase 2—Head of Household Waitlist Family Informed Consent for Study Participation (Attachment O)	200	1	200	0.25	50	7.39	369.50
Phase 1—Other Adult Household Member Informed Consent for Study Participation (Attachment D)	10,100	1	10,100	0.25	2,525	7.39	18,659.75
Phase 2—Other Adult Household Member Informed Consent for Study Participation (Attachment P)	5,050	1	5,050	0.25	1,262.5	7.39	9,329.88
Parent/Guardian Permission Form (Attachment E)	10,100	1	10,100	0.25	2,525	7.39	18,659.75
Baseline Survey (Instrument 2)	10,100	1	10,100	0.75	7,575	7.39	55,979.25
PHA Staff Interview Guide (Instrument 3)	45	1	45	1.5	67.5	42.47	2,866.73
Head of Household Family Interview Advance Letter (Attachment I)	180	1	180	0.17	30.6	7.39	226.13
Head of Household Family Interview Email Reminder (Attachment J)	180	1	180	0.08	14.4	7.39	106.42
Head of Household Family Interview Consent Form (Attachment H)	180	1	180	0.25	45	7.39	332.55
Interview Guide for Participating Families Currently Searching for Housing (Instrument 5)	90	1	90	1.5	135	7.39	997.65
Interview Guide for Participating Families Who Have Leased Up (Instrument 6)	90	1	90	1.5	135	7.39	997.65

EXHIBIT A-4—ESTIMATED ANNUAL RESPONDENT BURDEN—Continued

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Cost
Mobility Services Provider Interview Outreach (Attachment K)	45	1	45	0.17	7.65	25.06	191.71
Mobility Services Provider Interview Guide (Instrument 4)	45	1	45	1.5	67.5	25.06	1,691.55
Cost Study Data Collection Outreach (Attachment M)	34	1	34	0.17	5.78	42.47	245.48
Cost Data Collection Interview Guide (Instrument 8)	34	1	34	2	68	42.47	2,887.96
Landlord Interview Advance Letter (Attachment L)	72	1	72	0.17	12.24	35.37	432.93
Interview Guide for Opportunity Area Landlords (Instrument 7)	36	1	36	1	36	35.37	1,273.32
Mobility Services Delivery Tool (Attachment G)	30	1,512	45,360	0.2	9,072	25.06	227,344.32
Total	56,611	.....	101,941	.....	33,684.17	.....	416,862.01

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) If the information will be processed and used in a timely manner;

(3) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(4) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(5) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Anna P. Guido,

*Department Reports Management Officer,
Office of the Chief Information Officer.*

[FR Doc. 2021-22755 Filed 10-18-21; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[Docket No. FWS-HQ-IA-2021-0095;
FXIA16710900000-212-FF09A30000]

Foreign Endangered Species; Receipt of Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by November 18, 2021.

ADDRESSES: *Obtaining Documents:* The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <http://www.regulations.gov> in Docket No. FWS-HQ-IA-2021-0095.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet:* <http://www.regulations.gov>. Search for and submit comments on Docket No. FWS-HQ-IA-2021-0095.

- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS-HQ-IA-2021-0095; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041-3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT:

Brenda Tapia, by phone at 703-358-2185, via email at DMAFR@fws.gov, or via the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures**A. How do I comment on submitted applications?**

We invite the public and local, State, Tribal, and Federal agencies to comment on these applications. Before issuing any of the requested permits, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or fax, or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at <http://www.regulations.gov>, unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at <http://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold

this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities. Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Applications

We invite comments on the following applications.

Endangered Species

Applicant: American Museum of Natural History, New York, NY; Permit No. 51221D

The applicant requests a permit to import biological samples derived from wild golden-shouldered parrots (*Psephotus chrysopterygius*), taken in Queensland, Australia, for the purpose of scientific research. This notification is for a single import.

Applicant: Associated Humane Societies, dba Popcorn Park Animal Refuge, Forked River, NJ; Permit No. 83167D

The applicant requests a permit to import one male and one female tiger (*Panthera tigris*) of unknown origin, from the Cherry Brook Zoo, St. John, New Brunswick, Canada, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

Applicant: Arizona State University, Tempe, AZ; Permit No. 094332

The applicant requests a permit to import biological samples from wild,

captive-held and captive-born chimpanzees (*Pan troglodytes*), bonobos (*Pan paniscus*), gorillas (*Gorilla gorilla*), and orangutans (*Pongo pygmaeus*) from various countries for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Wade Harrell, Whooping Crane Recovery Plan Coordinator, U.S. Fish and Wildlife Service, Region 2, Austwell, TX; Permit No. PER0016823

The applicant requests renewal of a permit to import captive-bred/captive-hatched and wild live specimens, captive-bred/wild-collected viable eggs, biological samples, and salvaged materials from captive-bred/wild specimens of whooping cranes (*Grus Americana*) from Canada, for completion of identified task and objectives mandated under the Service Whooping Crane Recovery Plan. Salvage materials may include, but are not limited to, whole or partial specimens, feathers, eggs, and eggshell fragments. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Smithsonian National Zoo and Conservation Biology Institute, Washington, DC; Permit No. PER0017129

The applicant requests a permit to import two female captive-bred Asian elephants (*Elephas maximus*) from the Rotterdam Zoo, Rotterdam, Netherlands, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

Applicant: Wildlife World Zoo, Inc., Litchfield Park, AZ; Permit No. 54998D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species, to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
African penguin	<i>Spheniscus demersus</i>
Southern white rhinoceros.	<i>Ceratotherium simum simum</i>
Saltwater crocodile	<i>Crocodylus porosus</i>
Madagascar radiated tortoise.	<i>Geochelone radiata</i>
Galapagos tortoise	<i>Geochelone nigra</i>
Apaporis river caiman	<i>Caiman crocodylus apaporiensis</i>
Brown caiman	<i>Caiman crocodylus fuscus</i>
Common caiman	<i>Caiman crocodylus crocodylus</i>
African dwarf crocodile	<i>Osteolaemus tetraspis tetraspis</i>
Congo dwarf crocodile	<i>Osteolaemus tetraspis osborni</i>
Nile crocodile	<i>Crocodylus niloticus</i>

Common name	Scientific name
Lar white-handed gibbon.	<i>Hylobates lar</i>
Pileated gibbon	<i>Hylobates pileatus</i>
Siamang	<i>Symphalangus syndactylus</i>
Cotton-top tamarin	<i>Saguinus oedipus</i>
Brush-tailed rat-kangaroo.	<i>Bettongia penicillata</i>
Cheetah	<i>Acinonyx jubatus</i>
African lion	<i>Panthera leo leo</i>
African lion	<i>Panthera leo melanochaita</i>
Tiger	<i>Panthera tigris</i>
Andean condor	<i>Vultur gryphus</i>
White-naped crane	<i>Grus vipio</i>
Leopard	<i>Panthera pardus</i>
Ring-tailed lemur	<i>Lemur catta</i>
Black-and-white ruffed lemur.	<i>Varecia variegata</i>
Red ruffed lemur	<i>Varecia rubra</i>
Arabian oryx	<i>Oryx leucomyx</i>
Red lechwe	<i>Kobus leche</i>
South American tapir ..	<i>Tapirus terrestris</i>
Scarlet macaw	<i>Ara macao cyanoptera</i>
Blue-throated macaw ..	<i>Ara glaucogularis</i>
Military macaw	<i>Ara militaris</i>
Clouded leopard	<i>Neofelis nebulosa</i>

Applicant: Point Defiance Zoo and Aquarium, Tacoma, WA; Permit No. 77904D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Radiated tortoise	<i>Astrochelys radiata</i>
Parma wallaby	<i>Macropus parma</i>
Asian elephant	<i>Elephas maximus</i>
Black-and-white ruffed lemur.	<i>Varecia variegata</i>
Ring-tailed lemur	<i>Lemur catta</i>
Northern white-cheeked gibbon.	<i>Nomascus leucogenys</i>
Siamang	<i>Symphalangus syndactylus</i>
Clouded leopard	<i>Neofelis nebulosa</i>
Sumatran tiger	<i>Panthera tigris sumatrae</i>
Malayan tapir	<i>Tapirus indicus</i>
Lowland anoa	<i>Bubalus depressicornis</i>

Applicant: Caldwell Zoo, Tyler, TX; Permit No. 71365D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Cheetah	<i>Acinonyx jubatus</i>
Military macaw	<i>Ara militaris</i>
Black rhinoceros	<i>Diceros bicornis</i>
Grevy's zebra	<i>Equus grevyi</i>
Northern bald ibis	<i>Geronticus eremita</i>
Red-ruffed lemur	<i>Varecia rubra</i>
Ring-tailed lemur	<i>Lemur catta</i>
African lion	<i>Panthera leo melanochaita</i>
Tiger	<i>Panthera tigris</i>
Cotton-top tamarin	<i>Saguinus oedipus</i>
African penguin	<i>Spheniscus demersus</i>

Applicant: Henry Vilas Zoo, Madison, WI; Permit No. 77262D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Bactrian camel	<i>Camelus bactrianus.</i>
African wild ass	<i>Equus africanus.</i>
Lar gibbon	<i>Hylobates lar.</i>
Ring-tailed lemur	<i>Lemur catta.</i>
Black-and-white ruffed lemur.	<i>Varecia variegata.</i>
Golden lion tamarin	<i>Leontopithecus rosalia.</i>
African lion	<i>Panthera leo melanochaita.</i>
Siberian tiger	<i>Panthera tigris altaica.</i>
Bornean orangutan	<i>Pongo pygmaeus pygmaeus.</i>
African penguin	<i>Spheniscus demersus.</i>
Southern white rhinoceros.	<i>Ceratotherium simum simum.</i>

Applicant: Venado Ventures, LLC, Columbus, TX; Permit No. 79076D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for red lechwe (*Kobus leche*), to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Honolulu Zoo, Honolulu, HI; Permit No. 77784D

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance the propagation or survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Common name	Scientific name
Cheetah	<i>Acinonyx jubatus.</i>
Black rhinoceros	<i>Diceros bicornis.</i>
Ring-tailed lemur	<i>Lemur catta.</i>
African lion	<i>Panthera leo melanochaita.</i>
Tiger	<i>Panthera tigris.</i>
African penguin	<i>Spheniscus demersus.</i>
Japanese giant salamander.	<i>Andrias japonicus.</i>
Radiated tortoise	<i>Astrochelys radiata.</i>
Galapagos tortoise	<i>Geochelone nigra.</i>
Komodo Island monitor	<i>Varanus komodoensis.</i>
Lar gibbon	<i>Hylobates lar.</i>
Siamang	<i>Symphalangus syndactylus.</i>
Chimpanzee	<i>Pan troglodytes.</i>
Orangutan	<i>Pongo pygmaeus.</i>
African wild dog	<i>Lycan pictus.</i>
Gavial	<i>Gavialis gangeticus.</i>
Asian Elephant	<i>Elephas maximus.</i>

Applicant: Venado Ventures, LLC, Columbus, TX; Permit No. 79085D

The applicant requests a permit authorizing the culling of excess red lechwe (*Kobus leche*) from the captive herd maintained at their facility, to enhance the species' propagation and

survival. This notification covers activities to be conducted by the applicant over a 5-year period.

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching <http://www.regulations.gov> for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to [regulations.gov](http://www.regulations.gov) and search for "12345A".

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Brenda Tapia,

Program Analyst/Data Administrator Branch of Permits, Division of Management Authority.

[FR Doc. 2021-22702 Filed 10-18-21; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DOI-2021-0008]

Advancing Racial Equity and Support for Underserved Communities Through Recreation Opportunities

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of listening sessions and request for public comments.

SUMMARY: As part of its implementation of an Executive order, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, the Department of the Interior (DOI) is conducting five virtual listening sessions and inviting public comments to obtain stakeholder input on barriers that underserved communities and individuals may face in participating in recreation opportunities on DOI-managed public lands and waters.

DATES: DOI will hold five virtual listening sessions on the following dates:

- October 19, 2021 from 5:00 p.m.–7:00 p.m. ET
- October 21, 2021 from 8:00 p.m.–10:00 p.m. ET
- October 25, 2021 from 5:00 p.m.–7:00 p.m. ET

- October 26, 2021 from 8:00 p.m.–10:00 p.m. ET
- October 27, 2021 from 5:00 p.m.–7:00 p.m. ET

Interested persons are also invited to submit comments in writing or online (see **ADDRESSES** below) on or before November 18, 2021.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments online at <https://www.regulations.gov> by entering "DOI-2021-0008" in the Search bar and clicking "Search" or by mail to U.S. Department of the Interior, Office of Policy Analysis—Mailstop 3530, ATTN: E.O. 13985 Recreation Comments, 1849 C Street NW, Washington, DC 20240. You may respond to some or all of the questions listed in the "Supplementary Information—Questions" section of this document. All public comments received are subject to the Freedom of Information Act and will be posted in their entirety at <https://www.regulations.gov>, including any personal or business confidential information provided. Do not include any information you would not like to be made publicly available.

If you plan to attend one of the virtual listening sessions and need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation, please contact DEIA@ios.doi.gov.

FOR FURTHER INFORMATION CONTACT: Kim Oliver, D&I Strategist, Office of Diversity, Inclusion, and Civil Rights, DEIA@ios.doi.gov. (202) 208-7301.

SUPPLEMENTARY INFORMATION:

Background

On January 20, 2021, President Joseph R. Biden issued Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities through the Federal Government. In response to Executive Order 13985, DOI is consulting with members of communities who have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination, in Federal policies and programs. The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, questioning/queer and

related identities (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. In addition to identifying barriers, DOI seeks recommendations on how to update processes, policies, regulations, and guidance to address inequities associated with recreation on DOI-managed public lands and waters. While all members of the public are invited to submit comments, the target audience for listening sessions is members of the underserved communities identified in Executive Order 13985, which includes:

- Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color;
- LGBTQ+ persons;
- Persons with disabilities;
- Persons who live in rural areas; and
- Persons otherwise adversely affected by persistent poverty or inequality.

Questions for Discussion

The Department of the Interior is generally interested in input on the following questions, where applicable:

1. What are the barriers to visiting public lands and waters managed by DOI (including the Bureau of Land Management, Bureau of Reclamation, National Park Service, and U.S. Fish and Wildlife Service)?
2. How can DOI remove or reduce barriers (e.g., update policies, practices, or programs) that underserved communities and individuals may face when they recreate or attempt to recreate on DOI-managed lands and waters?
3. How can DOI establish and maintain connections to a wider and more diverse set of stakeholders representing underserved communities? What are the best ways to notify and engage underserved stakeholders about recreational opportunities?

Comments received in response to this notice and from listening sessions will be evaluated and, as appropriate, incorporated into DOI's efforts to improve access to recreational opportunities on DOI-managed public lands and waters.

Listening Session Registration Information

Advanced registration for individuals and groups is strongly encouraged. For additional information about the listening sessions and to register for a listening session, please visit <https://www.doi.gov/ppa/equity/13985>. Details for the sessions will be posted to the

website and additional information will be emailed to registered participants in advance of the sessions.

Eric Werwa,

Acting Principal Deputy Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2021–22766 Filed 10–15–21; 11:15 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DOI–2021–0009]

Advancing Racial Equity and Support for Underserved Communities Through Procurement and Contracting Opportunities

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of listening session and request for public comments.

SUMMARY: As part of its implementation of an Executive order, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, the Department of the Interior (DOI) is conducting five virtual listening sessions and inviting public comments to obtain stakeholder input on barriers that underserved communities and individuals may face in taking advantage of DOI procurement and contracting opportunities.

DATES: DOI will hold five virtual listening sessions on the following dates:

- October 19, 2021 from 1:00 p.m.–3:00 p.m. ET
- October 20, 2021 from 5:00 p.m.–7:00 p.m. ET
- October 21, 2021 from 5:00 p.m.–7:00 p.m. ET
- October 25, 2021 from 8:00 p.m.–10:00 p.m. ET
- October 26, 2021 from 1:00 p.m.–3:00 p.m. ET

Interested persons are invited to submit comments on or before November 18, 2021.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments online at <https://www.regulations.gov> by entering “DOI–2021–0009” in the Search bar and clicking “Search” or by mail to U.S. Department of the Interior, Office of Policy Analysis—Mailstop 3530, ATTN: E.O. 13985 Contracting Comments, 1849 C Street NW, Washington, DC 20240. You may respond to some or all of the questions listed in the “Supplementary Information—Questions” section of this document. All public comments received are subject to the Freedom of Information Act and will be posted in

their entirety at <https://www.regulations.gov>, including any personal or business confidential information provided. Do not include any information you would not like to be made publicly available.

If you plan to attend one of the virtual listening sessions and need assistance in a language other than English or if you are a person with disabilities who needs a reasonable accommodation, please contact DEIA@ios.doi.gov.

FOR FURTHER INFORMATION CONTACT: Kim Oliver, D&I Strategist, Office of Diversity, Inclusion, and Civil Rights, DEIA@ios.doi.gov. 202–208–7301.

SUPPLEMENTARY INFORMATION:

Background

On January 20, 2021, President Joseph R. Biden issued Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities through the Federal Government. In response to Executive Order 13985, DOI is consulting with members of communities who have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination, in Federal policies and programs. The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, questioning/queer and related identities (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. In addition to identifying barriers, DOI seeks recommendations on how to update processes, policies, regulations, and guidance to address inequities in DOI procurement and contracting opportunities. While all members of the public are invited to submit comments, the target audience for listening sessions is members of the underserved communities identified in Executive Order 13985, which includes:

- Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color;
- LGBTQ+ persons;
- Persons with disabilities;
- Persons who live in rural areas; and

• Persons otherwise adversely affected by persistent poverty or inequality.

Questions

The Department of the Interior is generally interested in input on the following questions, where applicable:

1. Have you applied for or accessed procurement and contracting opportunities with DOI in the past? If so, please describe what you liked and did not like about the process. If not, why not? What would have made it easier for you to apply or access procurement and contracting opportunities with DOI?

2. What are the barriers to applying for procurement and contracting opportunities with DOI? How can DOI remove or reduce barriers (*e.g.*, update policies, practices, or programs) that underserved communities and individuals face when they participate or attempt to participate in agency procurement and contracting opportunities?

3. How can DOI establish and maintain connections to a wider and more diverse set of stakeholders representing underserved communities? How can DOI better share information with underserved stakeholders about procurement and contracting opportunities? What are the best ways to notify and engage underserved stakeholders about new opportunities?

4. What have been your experience(s) interacting with DOI when trying to access procurement and contracting opportunities using the following tools/mechanisms:

- One-on-one interactions with DOI staff, offices, programs, and/or leadership in person, by email or phone
- DOI websites, including Bureau web pages and the Office of Small and Disadvantaged Business Utilization's web page
- DOI-hosted industry days and/or matching-making event(s)
- DOI Forecast of Contracting Opportunities

Consider how you became aware of the tool/mechanism, if the tool/mechanism was helpful, if you were able to obtain useful and/or relevant information, what could be improved upon, if you would use or have used the tool/mechanism again, and other tools/mechanisms you have utilized or would like to have available to utilize to support your efforts.

5. Are there sources of data and metrics that DOI should use to evaluate the effects of DOI procurement and contracting policies or regulations on

underserved communities? If so, please identify or describe them.

Comments received in response to this notice and from listening sessions will be evaluated and, as appropriate, incorporated into DOI's efforts to improve support to underserved communities through procurement and contracting opportunities.

Listening Session Registration Information

Advanced registration for individuals and groups is strongly encouraged. For additional information about the listening sessions and to register for a listening session, please visit <https://www.doi.gov/ppa/equity/13985>. Details for the sessions will be posted to the website and additional information will be emailed to registered participants in advance of the sessions.

Eric Werwa,

Acting Principal Deputy Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2021–22767 Filed 10–15–21; 11:15 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0032767; PPWOCRADNO–PCU00RP14.R50000]

Notice of Inventory Completion: Culver-Stockton College, Canton, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Culver-Stockton College has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Culver-Stockton College. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to

request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Culver-Stockton College at the address in this notice by November 18, 2021.

FOR FURTHER INFORMATION CONTACT: C. Patrick Hotle, Culver-Stockton College, No. 1 College Hill, Canton, MO 63435, telephone (573) 288–6394, email photle@culver.edu.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Culver-Stockton College, Canton, MO. The human remains and associated funerary objects were removed from Clarksville, Pike County, MO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Culver-Stockton College's professional staff in consultation with representatives of The Osage Nation [previously listed as Osage Tribe].

History and Description of the Remains

In the fall of 1971 and spring of 1972, human remains representing, at minimum, 10 individuals were removed from the Clarksville Mound Group site in Pike County, MO, by John Sperry Jr., Archeology Professor of History and Anthropology, as part of a course offered by Culver-Stockton College entitled Field Archaeology I and II. The items have been in the possession of the College since their removal from the site. The human remains belong to 10 individuals of unknown age and sex. No known individuals were identified. The three associated funerary objects are one arrowhead and two lots of small snail shells.

The human remains were determined to be Native American through physical examination and archeological provenience documentation. Cultural affiliation of the human remains and associated funerary objects from the Clarksville Mound Group site with The

Osage Nation has been determined based on geographical, historical, oral traditional, and archeological information.

Determinations Made by Culver-Stockton College

Officials of Culver-Stockton College have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the three objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and The Osage Nation [previously listed as Osage Tribe].

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to C. Patrick Hotle, Culver-Stockton College, No. 1 College Hill, Canton, MO 63435, telephone (573) 288-6394, email photle@culver.edu, by November 18, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Osage Nation [previously listed as Osage Tribe] may proceed.

Culver-Stockton College is responsible for notifying The Osage Nation [previously listed as Osage Tribe] that this notice has been published.

Dated: October 6, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-22740 Filed 10-18-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0032769; PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: American University, Department of Anthropology, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, American University has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of Anthropology at American University. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the address in this notice by November 18, 2021.

FOR FURTHER INFORMATION: Rachel Watkins, Department of Anthropology, American University, 4400 Massachusetts Avenue NW, Washington, DC 20016, telephone (202) 531-5974, email watkins@american.edu. Due to covid restrictions on university mail, requests should be sent to the email included in this notice.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of American University, Department of Anthropology, Washington, DC. The human remains were removed from Bison, Perkins County, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

An assessment of the human remains was made by the Department of Anthropology, American University professional staff in consultation with

representatives of the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

History and Description of the Remains

In 1958, human remains representing, at minimum, eight individuals, were removed from Site 39SL4 (known as the Sully site) in Bison, Perkins County, SD. The circumstances under which these human remains came to be in the possession of the Department of Anthropology at American University is unknown, but they may have been excavated by archeologist Charles McNutt (1928-2017). As a doctoral student, McNutt worked for a period on the Missouri River Basin Project that involved excavation of the Sully Site. The human remains belong to eight individuals of unknown sex and age. No known individuals were identified. No associated funerary objects are present.

The Sully site is considered to have been the largest earthlodge village in the Middle Missouri subarea. It was occupied from about A.D. 1550 to 1725 and is identified as the likely location of an Arikara village.

Determinations Made by the Department of Anthropology, American University

Officials in the Department of Anthropology, American University, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of eight individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Rachel Watkins, Department of Anthropology, American University, 4400 Massachusetts Avenue NW, Washington, DC 20016 telephone (202) 531-5974, email watkins@american.edu by November 18, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota may proceed.

The Department of Anthropology, American University is responsible for notifying the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, that this notice has been published.

Dated: October 6, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-22742 Filed 10-18-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NAGPRA-NPS0032770;
PPWOCRADNO-PCU00RP14.R50000]

Notice of Inventory Completion: Baylor University's Mayborn Museum Complex, Waco, TX (formerly Baylor University's Strecker Museum; formerly Baylor University Museum)

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Baylor University's Mayborn Museum Complex (formerly Baylor University's Strecker Museum; formerly Baylor University Museum) has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Baylor University's Mayborn Museum Complex. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Baylor University's Mayborn Museum Complex at the address in this notice by November 18, 2021.

FOR FURTHER INFORMATION CONTACT:

Anita L. Benedict, Baylor University's Mayborn Museum Complex, One Bear Place #97154, Waco, TX 76798-7154, telephone (254) 710-4835, email anita_benedict@baylor.edu.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of Baylor University's Mayborn Museum Complex, Waco, TX. The human remains are reasonably believed to have been removed from or near Fort Cobb, Caddo County, OK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Baylor University's Mayborn Museum Complex professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Caddo Nation of Oklahoma; Comanche Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Kiowa Indian Tribe of Oklahoma; The Osage Nation [previously listed as Osage Tribe]; Tonkawa Tribe of Indians of Oklahoma; Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma; and the Ysleta del Sur Pueblo [previously listed as Ysleta Del Sur Pueblo of Texas]. In addition, an invitation to consult was extended to the Alabama-Coushatta Tribe of Texas [previously listed as Alabama-Coushatta Tribes of Texas]; Alabama-Quassarte Tribal Town; Apache Tribe of Oklahoma; Cherokee Nation; Cheyenne and Arapaho Tribes, Oklahoma [previously listed as Cheyenne-Arapaho Tribes of Oklahoma]; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Fort McDowell Yavapai Nation, Arizona; Fort Sill Apache Tribe of Oklahoma; Jena Band of Choctaw Indians; Jicarilla Apache Nation, New Mexico; Kialegee Tribal Town; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Northern Arapaho Tribe of the Wind River Reservation, Wyoming [previously listed as Arapaho Tribe of the Wind River Reservation,

Wyoming]; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Poarch Band of Creek Indians [previously known as the Poarch Band of Creeks and as the Poarch Band of Creek Indians of Alabama]; Quapaw Nation [previously listed as The Quapaw Tribe of Indians]; San Carlos Apache Tribe of the San Carlos Reservation, Arizona; Seminole Tribe of Florida [previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood, & Tampa Reservations)]; Shawnee Tribe; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; Tonto Apache Tribe of Arizona; Tunica-Biloxi Indian Tribe; United Keetoowah Band of Cherokee Indians in Oklahoma; White Mountain Apache Tribe of the Fort Apache Reservation, Arizona; and the Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona, but they did not participate. The Tribes identified in this section are hereafter referred to as "The Consulted and Notified Indian Tribes."

History and Description of the Remains

On October 23-24, 1862, human remains representing, at minimum, one individual were removed from or near Fort Cobb, Caddo County, OK. Sometime after 1927, the left hand of the individual was donated to the Texas Collection at Baylor University by Mr. Clint Padgitt. In 1989, the human remains were transferred from the Texas Collection to the Strecker Museum. No associated funerary objects are present.

The individual (AR 20799) was purported to have been killed by Chief Placido of the Tonkawa, during what is known as the Tonkawa Massacre. Stories and newspaper accounts about the hand relate that Chief Placido of the Tonkawa killed Chief Black Foot (or Black Hawk) of the Comanche in a knife fight, during which Chief Placido was also wounded and later died of his wounds. After the fight, Chief Placido proceeded to cut off Chief Black Foot's (or Black Hawk's) left hand and sent it to his friend Captain Ross in Texas. The Padgitt family acquired the hand when Mr. Clint Padgitt's father, Mr. Tom Padgitt, married Captain Ross' daughter.

On June 15, 2018, the Comanche Nation informed Baylor University's Mayborn Museum Complex that after extensive research, "Chief Black Foot" is not known to the Comanche Nation. In December of 2020, the name Chief Black Hawk came to light. On February 9, 2021, the Comanche Nation informed Baylor University's Mayborn Museum Complex that after extensive research,

“Chief Black Hawk” is not known to the Comanche Nation. On June 24, 2021, after reviewing new information uncovered by the Museum about the Tonkawa Massacre and information the Comanche Nation acquired from the Smithsonian Institution, the Comanche Nation informed the Museum that the Nation could find no evidence to support a finding that the individual is Comanche. Consequently, the tribal affiliation of the individual is unknown. Moreover, Delaware, Caddo, Comanche, Kiowa, and Shawnee individuals were reported to have been present on October 23–24, 1862 (although there are conflicting accounts).

Determinations Made by Baylor University’s Mayborn Museum Complex

Officials of Baylor University’s Mayborn Museum Complex have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on museum records, including stories and newspaper accounts.

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.

- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Cheyenne and Arapaho Tribes, Oklahoma [previously listed as Cheyenne-Arapaho Tribes of Oklahoma]; Comanche Nation, Oklahoma; Jena Band of Choctaw Indians; Kiowa Indian Tribe of Oklahoma; Mississippi Band of Choctaw Indians; Northern Arapaho Tribe of the Wind River Reservation, Wyoming [previously listed as Arapaho Tribe of the Wind River Reservation, Wyoming]; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Quapaw Nation [previously listed as The Quapaw Tribe of Indians]; The Chickasaw Nation; The Choctaw Nation of Oklahoma; Tonkawa Tribe of Indians of Oklahoma; and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (hereafter referred to as “The Tribes”).

- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Anita L. Benedict, Baylor University’s Mayborn Museum Complex, One Bear Place #97154, Waco, TX 76798–7154, telephone (254) 710–4835, email anita_benedict@baylor.edu, by November 18, 2021. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

Baylor University’s Mayborn Museum Complex is responsible for notifying The Consulted and Notified Indian Tribes that this notice has been published.

Dated: October 6, 2021.

Melanie O’Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021–22743 Filed 10–18–21; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0032768; PPWOCRADNO–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Ohio History Connection, Columbus, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Ohio History Connection, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of an unassociated funerary object. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to the Ohio History Connection. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to the Ohio History

Connection at the address in this notice by November 18, 2021.

FOR FURTHER INFORMATION CONTACT: Nekole Alligood, NAGPRA Specialist, Ohio History Connection, 800 E 17th Avenue, Columbus, OH 43211, telephone (405) 933–7643, email nalligood@ohiohistory.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate a cultural item under the control of the Ohio History Connection, Columbus, OH, that meets the definition of an unassociated funerary object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service’s administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Item

In 1886, one cultural item was removed from Duck River in Tennessee. According to the Ohio History Connection catalog, the object, a shell gorget, was part of the W.K. Moorehead collection. While the collection as a whole is described on an accession card as “general collection of archaeological specimens, mainly surface, assembled by W.K. Moorehead,” the notes for catalog number A0067/60 describe the object as belonging to “shell ornaments . . . from a grave, Duck River, Tenn.” Based upon evidence linking the Chickasaw people to the southeastern United States, including Tennessee, as documented in the Treaties of 1805 and 1816, a relationship of shared group identity can reasonably be traced between Muskogean linguistic cultures and this object.

Determinations Made by the Ohio History Connection

Officials of the Ohio History Connection have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the one cultural item described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group

identity that can be reasonably traced between the unassociated funerary object and The Chickasaw Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Nekole Alligood, Ohio History Connection, 800 E 17th Avenue, Columbus, OH 43211, telephone (405) 933-7643, email nalligood@ohiohistory.org, by November 18, 2021. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary object to The Chickasaw Nation may proceed.

The Ohio History Connection is responsible for notifying The Chickasaw Nation this notice has been published.

Dated: October 6, 2021.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2021-22741 Filed 10-18-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000
212S180110; S2D2S SS08011000
SX064A000 21XS501520]

OSMRE Jurisdiction To Administer the Surface Mining Control and Reclamation Act of 1977 Within the Exterior Boundaries of the Cherokee Nation Reservation and the Choctaw Nation Reservation in the State of Oklahoma

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of jurisdiction.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are notifying the public that the recent decisions of the Oklahoma Court of Criminal Appeals in *Hogner v. Oklahoma*, 2021 WL 958412 (Okla. Ct. Crim. App. March 11, 2021), and *Sizemore v. Oklahoma*, 2021 WL 1231493 (Okla. Ct. Crim. App. April 1, 2021)—which held that the historic Cherokee Nation of Oklahoma and the Choctaw Nation of Oklahoma Reservations, respectively, had not been disestablished—necessarily foreclose the State of Oklahoma's authority to implement the Surface Mining Control and Reclamation Act of 1977 (SMCRA) on Indian lands within the exterior

boundaries of the Cherokee Nation and Choctaw Nation of Oklahoma Reservations. This determination follows the recent decision of the United States Supreme Court in *McGirt v. Oklahoma*, 140 S Ct. 2452 (2020), which legally recognized the ongoing existence of the historic Muscogee (Creek) Nation Reservation in the State of Oklahoma and necessarily foreclosed the State of Oklahoma's authority to implement SMCRA on Indian lands within the exterior boundaries of the Muscogee (Creek) Nation Reservation. As OSMRE stated in its recent notification regarding SMCRA jurisdiction on the Muscogee (Creek) Nation Reservation, SMCRA designates OSMRE as the sole regulatory authority over surface coal mining and reclamation operations on Indian lands where a tribe has not obtained primacy. Consistent with the Supreme Court's decision in *McGirt*, Oklahoma may not exercise its State program regulatory authority over surface coal mining and reclamation operations within the exterior boundaries of the Cherokee Nation and Choctaw Nation of Oklahoma Reservations. Accordingly, for lands within the exterior boundaries of the Cherokee Nation and Choctaw Nation Reservations, OSMRE is the sole agency with jurisdiction over the SMCRA Title IV abandoned mine land (AML) reclamation and Title V regulatory programs. The Cherokee Nation Reservation consists of lands, wholly or partially within the following counties: Adair, Cherokee, Craig, Delaware, Mayes, McIntosh, Muskogee, Nowata, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, and Washington. The Choctaw Nation of Oklahoma Reservation consists of lands, wholly or partially within the following counties: Atoka, Bryan, Choctaw, Coal, Haskell, Hughes, Johnston, Latimer, Le Flore, McCurtain, Pittsburg, Pontotoc, and Pushmataha.

DATES: As of June 17, 2021, OSMRE notified Oklahoma of OSMRE's responsibilities under SMCRA Title IV and Title V programs within the exterior boundaries of the Cherokee Nation and Choctaw Nation of Oklahoma Reservations.

FOR FURTHER INFORMATION CONTACT: Alfred L. Clayborne, Regional Director (DOI Interior Regions 3, 4, and 6), Office of Surface Mining Reclamation and Enforcement, 501 Belle St., Suite 216, Alton, IL 62002; Telephone (618) 463-6463 Ext. 5101.

SUPPLEMENTARY INFORMATION: The decisions in *Hogner* and *Sizemore* both rely on the rationale of the United States Supreme Court in *McGirt v. Oklahoma*,

140 S Ct. 2452 (2020). Following *McGirt*, OSMRE evaluated Oklahoma's implementation of its approved regulatory program to identify any inconsistency with the *McGirt* decision. On April 2, 2021, OSMRE sent letters to the Oklahoma Conservation Commission (OCC) and the Oklahoma Department of Mines (ODM) notify those agencies of OSMRE's responsibilities under SMCRA's Title IV and Title V program within the exterior boundaries of the Muscogee (Creek) Nation Reservation. OSMRE notified the public of its jurisdiction via **Federal Register** notice, published on May 18, 2021 (86 FR 26941).

Although *McGirt* expressly recognized the ongoing existence of only the Muscogee (Creek) Nation Reservation, in *Hogner* and *Sizemore* the Oklahoma Court of Criminal Appeals examined the relevant treaties and congressional acts and applied *McGirt's* reasoning to conclude that the Cherokee Nation and Choctaw Nation of Oklahoma Reservations had not been disestablished. The U.S. Department of Justice subsequently recognized that the Cherokee Nation and Choctaw Nation of Oklahoma Reservations had not been disestablished and has determined that the United States has criminal jurisdiction over major crimes committed within the boundaries of these reservations. As those reservations have not been disestablished, the lands within the exterior boundaries of the Cherokee Nation and Choctaw Nation of Oklahoma Reservations constitute "Indian lands" as defined by SMCRA, prohibiting the State of Oklahoma from exercising jurisdiction over surface coal mining and reclamation operations within the exterior boundaries of these reservations. On June 17, 2021, OSMRE sent letters to OCC and ODM notifying those agencies of OSMRE's responsibilities under SMCRA's Title IV and Title V programs within the exterior boundaries of the Cherokee Nation and Choctaw Nation Reservations. This notification began a coordination period to allow for the orderly transfer of all OCC and ODM records, documents, data, and other information associated with the regulation of activities under SMCRA within the exterior boundaries of the Cherokee Nation and Choctaw Nation of Oklahoma Reservations.

Pursuant to SMCRA, States may acquire the primary responsibility (*i.e.*, primacy) for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within the State. To obtain primacy, a State must develop a regulatory and/or abandoned mine land program(s) that meets the minimum standards set forth

in SMCRA and the Federal regulations, as approved by the Secretary of the Interior. SMCRA, however, does not allow for the delegation of this authority to a State to regulate surface coal mining and reclamation operations on “Indian lands” within the State’s boundaries. Unless a Tribe obtains primacy, SMCRA designates OSMRE as the sole regulatory authority over surface coal mining and reclamation operations on “Indian lands.” 30 U.S.C. 1300. SMCRA defines “Indian lands” as: “all lands, including mineral interests, within the exterior boundaries of any Federal Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands including mineral interests held in trust for or supervised by an Indian tribe.” 30 U.S.C. 1291(9).

Potential Implications of Substitution of Federal Authority

SMCRA established the Abandoned Mine Reclamation Fund to receive reclamation fees that, along with funds from other sources, are used to finance reclamation of abandoned coal mine sites. Title IV of SMCRA authorizes OSMRE to provide grants to eligible States and Tribes that are funded from permanent (mandatory) appropriations. In general, recipients use these funds: To reclaim the highest priority AML coal mine sites that were left abandoned prior to the enactment of SMCRA in 1977; to reclaim eligible non-coal sites; for projects that address the impacts of mineral development; and for eligible non-reclamation projects.

Title V of SMCRA authorizes OSMRE to provide grants to States and Tribes to develop, administer, and enforce State and Tribal regulatory programs that address, among other things, the disturbances from coal mining operations. Additionally, upon approval of a State or Tribal regulatory program, Title V authorizes a State or Tribe to assume regulatory primacy and act as the regulatory authority within the State or Tribe, and to administer and enforce its approved SMCRA regulatory program with oversight and backup enforcement authority provided by OSMRE. The regulations at Title 30 of the Code of Federal Regulations, Chapter VII, implement these provisions of SMCRA.

OSMRE will revisit and revise Oklahoma’s regulatory and reclamation grants, as appropriate and consistent with OSMRE’s assumption of regulatory

and reclamation jurisdiction over Indian lands in Oklahoma.

Glenda H. Owens,

Deputy Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2021–22720 Filed 10–18–21; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–282 (Fifth Review)]

Petroleum Wax Candles From China

Determination

On the basis of the record¹ developed in the subject five-year review, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the antidumping duty order on petroleum wax candles from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.²

Background

The Commission instituted this review on April 1, 2021 (86 FR 17203) and determined on July 7, 2021 that it would conduct an expedited review (86 FR 51380, September 15, 2021).

The Commission made this determination pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determination in this review on October 13, 2021. The views of the Commission are contained in USITC Publication 5232 (October 2021), entitled *Petroleum Wax Candles from China: Investigation No. 731–TA–282 (Fifth Review)*.

By order of the Commission.

Issued: October 13, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–22694 Filed 10–18–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On October 13, 2021, the Department of Justice lodged a proposed consent decree with the United States District

Court for the Southern District of Texas in the lawsuit entitled *United States v. Equistar Chemicals, LP; LyondellBasell Acetyls, LLC; and Lyondell Chemical Co.*, Civil Action No. 4:21–cv–3359.

The United States filed this lawsuit under the Clean Air Act. The complaint seeks injunctive relief and civil penalties based on violations of the Clean Air Act’s New Source Review requirements, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants, “Title V” program requirements and operating permits, and related Texas and Iowa state implementation plan requirements. The alleged violations involve flares used at petrochemical manufacturing plants owned and operated by the defendants, Equistar Chemicals, LP; LyondellBasell Acetyls, LLC; and Lyondell Chemical Co., in Channelview, Corpus Christi, and LaPorte, Texas, and in Clinton, Iowa. The consent decree requires the defendants to perform injunctive relief and pay a \$3,400,000 civil penalty.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Equistar Chemicals, LP; LyondellBasell Acetyls, LLC; and Lyondell Chemical Co.*, D.J. Ref. No. 90–5–2–1–11593. 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 proposed consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$34.00 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² Vice Chair Randolph J. Stayin not participating.

without the exhibits and signature pages, the cost is \$20.50.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021-22706 Filed 10-18-21; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice Announcing the Methodology To Distribute Outcome Payments to States for the Unemployment Insurance (UI) Reemployment Services and Eligibility Assessments (RESEA) Program in Accordance With Title III, Section 306(f)(2) of the Social Security Act (SSA)

AGENCY: Employment and Training Administration (ETA), Department of Labor.

ACTION: Announcement of the methodology to distribute outcome payments to States for the UI RESEA program for states meeting or exceeding program goals.

SUMMARY: The Department is announcing the final methodology to distribute RESEA outcome payments to states each fiscal year (FY) after FY 2020 as required by the SSA. On May 7, 2020, ETA published a notice in the **Federal Register** requesting public comment concerning the proposed methodology to distribute RESEA outcome payments to states each fiscal year (FY) after FY 2020. The notice presented a description of the proposed methodology and public comments were requested. The comment period closed on June 8, 2020. This notice summarizes and responds to the comments received and publishes the final allocation formula that will be used for FY 2021.

DATES: The RESEA outcome payments distribution methodology will be used for FY 2021 and will be based on FY 2020 RESEA program performance.

ADDRESSES: Questions about this notice can be submitted to the U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW, Room S-4524, Washington, DC 20210, Attention: Lawrence Burns, or by email at *DOL-ETA-UI-FRN@dol.gov*.

FOR FURTHER INFORMATION CONTACT: Lawrence Burns, Division of Legislation, Office of Unemployment Insurance, at

202 693-3141 (this is not a toll-free number), TTY 1-877-889-5627 (this is not a toll-free number), or by email at *Burns.Lawrence@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal-State UI program is a required partner in the comprehensive, integrated workforce system. See Workforce Innovation and Opportunity Investment Act (WIOA) section 121(b)(1)(B)(xi) (29 U.S.C. 3151(b)(1)(B)(xi)). Individuals who have lost employment through no fault of their own and have earned sufficient wage credits, may receive unemployment compensation (UC) if they meet initial and continuing eligibility requirements. Beginning in 2005, the Department and participating state workforce agencies began addressing the individual reemployment needs of UC claimants and working to prevent and detect UC improper payments through the voluntary UI Reemployment and Eligibility Assessment (REA) program. In FY 2015, the voluntary Reemployment Services and Eligibility Assessment (RESEA) program replaced the REA program.

The Bipartisan Budget Act of 2018 (Pub. L. 115-123) (BBA), enacted on February 9, 2018, amended the SSA to create a permanent authorization for the RESEA program. A total of 49 states and jurisdictions operated a RESEA program in FY 2020. The primary goals for the RESEA program are: To improve employment outcomes for individuals that receive unemployment compensation and to reduce average duration of receipt of UC through employment; to strengthen program integrity and reduce improper payments of UC by states through the detection and prevention of such payments to individuals who are not eligible for such compensation; to promote alignment with WIOA's broad vision of increased program integration and service delivery for job seekers, including claimants for UC; and to establish RESEAs as an entry point into other workforce system partner programs for individuals receiving UC.

II. Background

The RESEA provisions are contained in Section 306 of the Social Security Act (SSA) (42 U.S.C. 506). In addition to program requirements, Section 306, SSA, contains provisions for the funding of the RESEA program. The law specifies three uses for the funding and designates the proportion of annual appropriations to be assigned to these uses: (1) Base funding for states to

operate the RESEA program (89 percent for fiscal years 2021 through 2026, and 84 percent for fiscal years after 2026); (2) outcome payments designed to reward states meeting or exceeding certain criteria (10 percent for fiscal years 2021 through 2026, and 15 percent for fiscal years after 2026); and (3) up to one percent for the Secretary of Labor to conduct research and provide technical assistance to states. Additionally, the law requires the Department to develop a methodology to allocate and distribute base funding and outcome payments to states beginning in FY 2021. On August 8, 2019 the Department published a notice announcing the methodology for distribution of base funding at 84 FR 39018.

Section 306(f)(2)(A), SSA, requires ETA to make "outcome payments" to states that meet or exceed the outcome goals for reducing the average duration of receipt of UC by improving employment outcomes. The law specifically states:

IN GENERAL.—Of the amounts made available for grants under this section for each fiscal year after 2020, the Secretary shall reserve a percentage equal to the outcome reservation percentage for such fiscal year for outcome payments to increase the amount otherwise awarded to a State [for base funding under paragraph (f)(1)]. Such outcome payments shall be paid to States conducting reemployment services and eligibility assessments under this section that, during the previous fiscal year, met or exceeded the outcome goals provided in subsection (b)(1) related to reducing the average duration of receipt of unemployment compensation by improving employment outcomes.

As described further in Section IV, ETA will be using several data sources to identify states eligible for RESEA outcome payments. These data sources include the ETA 5159 "Claims and Payment Activities" Report (OMB No. 1205-0010, expires April 30, 2022), which will be used to determine changes in UC duration, and RESEA data reported by the Wagner-Peyser Act-funded Employment Service program (ES program). The Wagner-Peyser data is transmitted to ETA via the Workforce Integrated Performance System (WIPS), and the specific data elements and reporting format are specified by the Participant Individual Record Layout (PIRL), (ETA Form 9172 (OMB No. 1205-0521, expires June 30, 2024)). RESEA-specific data reported under Wagner-Peyser Employment Service reports will be used to identify states with improved employment outcome for RESEA participants.

III. Response to Public Comments

ETA received a total of six comments from four commenters concerning the RESEA outcome payment distribution methodology. These comments include: Three comments expressing concerns regarding the unknown impact of the COVID-19 pandemic on RESEA program performance and requesting that ETA either delay implementation of RESEA outcome payments or develop a temporary alternative methodology; one comment expressing concerns about ensuring that states have sufficient time to prepare reporting and other process changes that may be necessary to implement performance outcome payments; one comment requesting ETA consider excluding exhaustion rates in its proposed regression formula that will be used to determine RESEA targets because variations in states' UI adjudication processes may impact performance calculations; and one comment requesting that ETA consider assessing UI duration using RESEA participant data only. The following is a summary of these comments and ETA's responses.

A. Delayed Implementation or Alternative Allocation Methodology

Three commenters expressed general concern regarding implementation of performance based outcome payments during a time when the total impact of the COVID-19 pandemic on RESEA program performance is unknown. One of the commenters requested ETA to provide broad considerations to states negatively impacted by COVID-19 pandemic. Two commenters recommended that ETA delay implementation of performance based payments or consider alternatives such as allocating outcome payments across all states or modifying the award methodology to expand potential eligibility to more states.

ETA Response

As described in Section II above, the timeline for implementing performance based outcome payments is established in the SSA. ETA does not have authority to delay implementation of RESEA outcome payments. ETA is using a modified implementation strategy as discussed more fully below. This modified strategy includes a transition period that leverages RESEA data already collected by the ES program and previously negotiated performance targets for the ES program to inform outcome payments. ETA will continue to use available RESEA-subset information from the ES program data to build regression models based solely on

RESEA data that take into account state-specific variables from other UI performance reports as applicable. These RESEA regression models will be used to set RESEA specific targets for future outcome payments.

B. Ensuring Sufficient Time for State Reporting and Program Modifications

One commenter indicated that states will need adequate time to prepare for the reporting and process changes to accurately report if the Reemployment rate in the 2nd quarter after program exit targets were met or exceeded.

ETA Response

ETA is using this notice to provide final notification of the outcome payment methodology. As described further in Section IV, the final outcome payment methodology uses data that is already being collected and does not introduce any new reporting requirements. States have a preexisting responsibility to maintain adequate processes and procedures to ensure the accurate and timely reporting of the data being used to determine the outcome payments.

C. Excluding Exhaustion Rates From Regression Analysis

One commenter requested ETA to consider excluding exhaustion rates in its proposed regression formula that will be used to determine RESEA targets because variations in states' UI adjudication processes may impact performance calculations.

ETA Response

ETA recognizes that there are variations across states in UI program requirements, processes, benefit levels, eligibility requirements, and state labor market conditions and that some of these variations may have an impact on RESEA performance. Recognizing the existence of these variations across states, ETA has selected a regression-model approach to setting state-specific RESEA targets because the regression model will reflect state specific variables that may be affected by economic conditions and state laws and policies.

D. Limiting Duration Data

One commenter requested that ETA consider assessing UI duration using RESEA participant data only.

ETA Response

UI duration is a statutorily required factor in determining eligibility for RESEA outcome factors. Given that improvements in UI duration resulting from reemployment interventions, such

as RESEA, are small and typically range from a few days to a couple weeks, it is necessary to assess UI durations using a large sample size of data. Therefore, the measurement of improvements in duration currently uses data for all UI claimants. This approach may be reassessed if the number of claimants served by RESEA grows substantially in future years.

IV. Methodology To Determine States Eligible For Outcome Payments

ETA developed a three-step approach to determine whether a state is eligible for RESEA Outcome Payments. The approach reflects RESEA's statutory purpose, as defined in Section 306(b)(1), SSA, to improve employment outcomes of individuals who receive UC and to reduce the average duration of receipt of UC through employment. The three-step approach includes:

1. Evaluation of state reemployment performance using RESEA-subset data collected by the ES program and reported to ETA via WIPS using parameters identified in the PIRL to determine if a state met or exceeded the state-specific reemployment target. As an interim measure, ETA will use each state's Wagner-Peyser program negotiated target for the Reemployment Rate in the 2nd Quarter After Program Exit Quarter as the RESEA reemployment target. As more RESEA data is collected in the coming years and regression models are refined, ETA will develop RESEA-specific targets and discontinue the use of the Wagner-Peyser negotiated target for Reemployment Rate in the 2nd Quarter after Program Exit Quarter (*see* Step 1 of this notice (below) for additional details).

2. Evaluation of the state's Average UI duration to determine if the state met or exceeded the state-specific targets that have been established for UI Duration based on a regression model that is adjusted to reflect state-level variations that may impact performance, such as differing state UI processes and requirements and economic conditions (*see* Step 2 of this notice (below) for additional details).

3. Award Allocation. ETA will base the assessment on the previous fiscal year (typically the full period of October 1 through September 30). While this proposed assessment period for the outcome payments differs from the RESEA program performance year (January to December), it aligns with the assessment period described in Section 306(f)(2), SSA, and provides for the necessary time for data collection, reporting, analysis, and award within the authorized time period for federal

obligation of RESEA funds. For example, FY 2021 RESEA funds must be obligated to states by December 31, 2021. See Consolidated Appropriations Act, Public Law 116–260, Division H, Title I, State Unemployment Insurance and Employment Service Operations (SUIESO) paragraph (1).

Step 1: RESEA Reemployment Measure

To be considered eligible to receive an outcome payment, a state must first meet or exceed its state-specific reemployment target for the Reemployment Rate in the 2nd Quarter After Program Exit.

Further details on the UI and RESEA performance measures, including the 2nd Quarter after Program Exit Quarter for RESEA Program Participants discussed above, are outlined in Unemployment Insurance Program Letter (UIPL) No. 7–21 at the following link: https://wdr.doleta.gov/directives/attach/UIPL/UIPL_7-21.pdf.

Data used to assess RESEA reemployment performance is collected by the ES program and transmitted to ETA via WIPS. The PIRL (ETA Form 9172 (OMB No. 1205–0521, expires June 30, 2024)) identifies specific data elements and the required reporting format for WIPS. The PIRL includes specific elements that enable ETA to excerpt RESEA-specific data from the Wagner-Peyser reports. RESEA operating guidance requires all RESEA participants to be co-enrolled in the ES program. Therefore, all individuals receiving services through the RESEA program should be represented in the ES data set. Additional information on the PIRL elements can be found in the “DOL-only PIRL” at the following link: <https://www.dol.gov/agencies/eta/performance/reporting>.

As discussed in Section IV.i. of this notice, ETA will initially measure RESEA reemployment performance by using each state’s negotiated levels of performance for ES program participants. These performance targets are generated by the WIOA Statistical Adjustment Model required under Section 116(b)(3)(viii), WIOA (29 U.S.C. 3141(b)(3)(viii)). The Department established this Statistical Adjustment Model as an objective statistical regression model to adjust individual state-negotiated levels of performance using actual economic conditions and the characteristics of participants served at the end of the performance period. The model will be updated and refined with ongoing use and application as additional quarters of WIOA outcome data become available. More detailed information on the Statistical Adjustment Model is available at the

Department website: https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3430.

ETA will announce the negotiated targets applicable to the performance period thorough separate guidance to be issued as a joint Unemployment Insurance Program Letter and a Training and Employment Guidance Letter. States that do not meet or exceed the criteria for this measure will be eliminated from the outcome payment pool and will not proceed to the next step of performance outcome analysis.

Also as discussed in Section IV.i. of this notice, as more RESEA data is collected and regression models are refined, ETA will develop RESEA-specific targets. These performance targets that are more tailored to the RESEA program will then be used in place of the established Wagner-Peyser program targets prospectively.

Step 2: UI Duration

States that meet or exceed their targets established for the RESEA Reemployment Measure (Step 1) must also demonstrate reduced average UI duration to be considered for outcome payments. Average UI duration is defined as “The number of weeks compensated for the year divided by the number of first payments in the year.”¹ The performance period used to evaluate UI duration will be the same four-quarter period ending September 30 as the reemployment measure, and will be computed using data reported by states on the ETA 5159 Report (OMB No. 1205–0010, expires April 30, 2022).

Because UI duration can be impacted by factors such as changes in the economy or variations in state UI laws and processes, it is necessary to use a regression model to achieve consistency across states in setting state-specific targets. Therefore, ETA has developed a regression model to estimate a state’s average duration that incorporates state-specific explanatory variables. The following variables allow the model to develop state estimates for UI duration that are unique to a state based on its localized economic conditions:

- Total Unemployment Rate—the number of unemployed people as a percentage of the labor force;²
- Potential Duration of UC—the number of full weeks of benefits for which a claimant is eligible within a benefit year;³

¹ https://oui.doleta.gov/unemploy/content/data_stats/datasum99/4thqtr/gloss.asp.

² https://www.bls.gov/cps/cps_hgm.htm#definitions.

³ https://wdr.doleta.gov/directives/attach/ETAH/ETHand401_5th.pdf, page I–2–24, Section 2(B)(a).

• UI Exhaustion Rate—the average monthly exhaustions divided by the average monthly first payments;⁴

• Average state weekly benefit amount payment—the total amount of benefits paid divided by the total number of weeks compensated;⁵ and

• Year-to-year change in payroll employment (nonfarm payroll)—the total number of persons on establishment payrolls employed full- or part-time who received pay for any part of the pay period which includes the 12th day of the month.⁶

The regression model generates the projected average UI duration for each state and compares it to each state’s actual average UI duration. If a state’s actual average UI duration is lower than the state’s projected average UI duration provided by the regression model, the state will have demonstrated a reduction in UI duration. A state that does not demonstrate a reduction in UI duration as described above will be eliminated from the outcome payment pool. The regression model will be updated each year to incorporate changing state conditions.

Step 3: Award Allocation

Once the pool of eligible states is identified after completing Steps 1 and 2, ETA will distribute the funds reserved for outcome payments. Recognizing that the intent of the outcome payments is to both award performance and serve as an incentive to states to improve service delivery, ETA will apply an award methodology that allocates funding in amounts that reflect the size of the RESEA programs operating in each state. Specifically, ETA will allocate outcome payments using a modified version of the RESEA base funding allocation methodology described in section IV of 84 FR 39018, the **Federal Register** Notice announcing the RESEA base allocation formula. This modified methodology will use the combined Insured Unemployment Rate (IUR)-Civilian Labor Force (CLF) weighting factor described in section IV of the Notice. However, the base funding provisions described in sections V–VII of the Notice (hold-harmless, minimum funding, and carry-over threshold) will not be applied because outcome payments are based on performance and will vary from year to year.

ETA’s approach of allocating outcome payments using a modified version of

⁴ https://oui.doleta.gov/unemploy/content/data_stats/datasum99/4thqtr/gloss.asp.

⁵ https://wdr.doleta.gov/directives/attach/ETAH/ETHand401_5th.pdf, page I–6–59, Section 2(B)(a)(1).

⁶ <https://www.bls.gov/bls/glossary.htm#P>.

the base funding formula is intended to ensure awards are large enough to act as an incentive to states to improve RESEA performance but also prevent inundating small state programs with excessively large awards that cannot be expended within the period of performance or providing a large state program with a small award for which any potential benefit would be outweighed by the administrative burden of implementation.

Outcome Payments Distribution Timeline

Section 306(f)(2)(A), SSA, requires the Department to make outcome payments based on RESEA outcomes reported for the previous fiscal year starting in FY 2021. There are several timing issues associated with calculation of the performance to enable the outcome payments. First, the period of performance for RESEA is January 1 through December 31. The reemployment outcomes data has a four-quarter lag (three quarters for reemployment outcomes to be available, and one quarter for state reporting). In order to allow time for necessary data collection and analysis, the distribution of outcome payments will occur in December of the FY following the year in which the RESEA grant funds are awarded. For example, the outcome payments for FY 2021 will be made to states by December 31, 2021.

Due to the impact of COVID-19 on state RESEA program operations, the performance period was modified from the complete FY 2020 to October 2019 through March 2020 to capture state performance under normal pre-pandemic conditions. The following schedule applies solely to the award of FY 2021 outcome payments:

- Data for performance period October 2019 through March 2020, which became available for ETA review in May 2021;
- The pool of eligible states will be determined using the methodology outlined in Steps 1 and 2 above; and
- Outcome payments will be distributed no later than December 31, 2021.

V. Conclusion

The RESEA outcome payments distribution methodology articulated in this notice will be utilized with respect to FY 2021 for distribution in December 2021.

Signed in Washington, DC.

Angela Hanks,

Acting Assistant Secretary for Employment and Training.

[FR Doc. 2021-22704 Filed 10-18-21; 8:45 am]

BILLING CODE 4510-FW-P

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the annual Labor Surplus Area list for Fiscal Year (FY) 2022.

DATES: The annual LSA list is effective October 1, 2021, for all states, the District of Columbia, and Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Samuel Wright, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue NW, Room C-4514, Washington, DC 20210. Telephone: (202) 693-2870 (This is not a toll-free number) or email wright.samuel@dol.gov.

SUPPLEMENTARY INFORMATION: The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subpart A. These regulations require the Employment and Training Administration (ETA) to classify jurisdictions as Labor Surplus Areas (LSAs) pursuant to the criteria specified in the regulations, and to publish annually a list of LSAs. Pursuant to those regulations, ETA is hereby publishing the annual LSA list.

In addition, the regulations provide exceptional circumstance criteria for classifying LSAs when catastrophic events, such as natural disasters, plant closings, and contract cancellations are expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

Eligible Labor Surplus Areas

A LSA is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20 percent or more above the average annual civilian unemployment rate for all states during the same 24-month reference period. ETA uses only official unemployment estimates provided by the Bureau of Labor Statistics in making these classifications. The average

unemployment rate for all states includes data for the Commonwealth of Puerto Rico. The LSA classification criteria stipulate a civil jurisdiction must have a "floor unemployment rate" of 6 percent or higher to be classified a LSA. Any civil jurisdiction that has a "ceiling unemployment rate" of 10 percent or higher is classified a LSA.

Civil jurisdictions are defined as follows:

1. A city of at least 25,000 population on the basis of the most recently available estimates from the Bureau of the Census; or
2. A town or township in the States of Michigan, New Jersey, New York, or Pennsylvania of 25,000 or more population and which possess powers and functions similar to those of cities; or
3. All counties, except for those counties which contain any type of civil jurisdictions defined in "1" or "2" above; or
4. A "balance of county" consisting of a county less any component cities and townships identified in "1" or "2" above; or
5. A county equivalent which is a town in the States of Connecticut, Massachusetts, and Rhode Island, or a municipio in the Commonwealth of Puerto Rico.

Procedures for Classifying Labor Surplus Areas

ETA issues the LSA list on a fiscal year basis. The list becomes effective each October 1, and remains in effect through the following September 30. The reference period used in preparing the current list was January 2019 through December 2020. The national average unemployment rate (including Puerto Rico) during this period is rounded to 4.45 percent. Twenty percent higher than the national unemployment rate during this period is rounded to 5.34 percent. Since the calculated unemployment rate plus 20 percent (5.34 percent) is below the "floor" LSA unemployment rate of 6 percent, a civil jurisdiction must have a two-year unemployment rate of 6 percent or higher in order to be classified a LSA. To ensure that all areas classified as labor surplus meet the requirements, when a city is part of a county and meets the unemployment qualifier as a LSA, that city is identified in the LSA list, the balance of county, not the entire county, will be identified as a LSA if the balance of county also meets the LSA unemployment criteria. The data on the current and previous years' LSAs are available at www.dol.gov/agencies/eta/lssa.

Petition for Exceptional Circumstance Consideration

The classification procedures also provide criteria for the designation of LSAs under exceptional circumstances criteria. These procedures permit the regular classification criteria to be waived when an area experiences a significant increase in unemployment which is not temporary or seasonal and which was not reflected in the data for the 2-year reference period. Under the program's exceptional circumstance procedures, LSA classifications can be made for civil jurisdictions, Metropolitan Statistical Areas or Combined Statistical Areas, as defined by the U.S. Office of Management and Budget. In order for an area to be classified as a LSA under the exceptional circumstance criteria, the state workforce agency must submit a petition requesting such classification to the ETA. The current criteria for an exceptional circumstance classification are:

1. An area's unemployment rate is at least 6 percent for each of the three most recent months; and
2. A projected unemployment rate of at least 6 percent for each of the next 12 months because of an event.

When submitting such a petition, the state workforce agency must provide documentation that the exceptional circumstance event has occurred. The state workforce agency may file petitions on behalf of civil jurisdictions, Metropolitan Statistical Areas, or Micropolitan Statistical Areas.

State Workforce Agencies may submit petitions in electronic format to wright.samuel.e@dol.gov, or in hard copy to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Avenue NW, Room C-4514, Washington, DC 20210, Attention Samuel Wright. Data collection for the petition is approved under OMB 1205-0207, expiration date May 31, 2023.

Signed at Washington, DC.

Angela Hanks,

Acting Assistant Secretary for Employment and Training Administration.

[FR Doc. 2021-22703 Filed 10-18-21; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Noise Exposure

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-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 18, 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: Crystal Rennie by telephone at 202-693-0456 or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Noise is a harmful physical agent and one of the most pervasive health hazards in mining. Repeated exposure to high levels of sound over time causes occupational noise-induced hearing loss (NIHL). NIHL is a serious, often profound physical impairment for miners, with far-reaching psychological and social effects. NIHL can be distinguished from aging and other factors that can contribute to hearing

loss and it can be prevented. According to the National Institute for Occupational Safety and Health (NIOSH), NIHL is among the "top ten" leading occupational illnesses and injuries.

For many years, NIHL was regarded as an inevitable consequence of working in a mine. Mining, an intensely mechanized industry, relies on drills, crushers, compressors, conveyors, trucks, loaders, and other heavy-duty equipment for the excavation, haulage, and processing of material. This equipment creates high sound levels, exposing machine operators as well as miners working nearby to occupational noise that can contribute to hearing loss. MSHA, the Occupational Safety and Health Administration, the military, and other organizations around the world have established and enforced standards to reduce the loss of hearing. Quieter equipment, isolation of workers from noise sources, and limiting the time workers are exposed to noise are among the many well-accepted methods that will prevent NIHL.

Records of miners' exposures to noise are necessary so that mine operators and MSHA can evaluate the need for and effectiveness of engineering controls, administrative controls, and personal protective equipment to protect miners from harmful levels of noise that can result in hearing loss. However, the Agency believes that extensive records for this purpose are not needed. Instead, the requirements are a performance-oriented approach to monitoring. Records of miners' hearing examinations enable mine operators and MSHA to ensure that the controls are effective in preventing NIHL for individual miners. Records of training are needed to confirm that miners receive the information they need to become active participants in hearing conservation efforts. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 10, 2021 (86 FR 24897).

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–MSHA.

Title of Collection: Occupational Noise Exposure.

OMB Control Number: 1219–0147.

Affected Public: Private Sector: Businesses or other for-profits.

Total Estimated Number of

Respondents: 12,929.

Total Estimated Number of

Responses: 190,001.

Total Estimated Annual Time Burden: 14,153 hours.

Total Estimated Annual Other Costs Burden: \$30,585.

(Authority: 44 U.S.C. 3507(a)(1)(D)).

Crystal Rennie,

Senior PRA Analyst.

[FR Doc. 2021–22744 Filed 10–18–21; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meetings

TIME AND DATE: 10 a.m., Thursday, October 21, 2021.

PLACE: Due to the COVID–19 Pandemic, the meeting will be open to the public via live webcast only. Visit the agency's homepage (www.ncua.gov) and access the provided webcast link.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Board Briefing, Cybersecurity.
2. NCUA Rules and Regulations, Credit Union Service Organizations.
3. NCUA Rules and Regulations, CAMELS Rating System.

CONTACT PERSON FOR MORE INFORMATION: Melane Conyers-Ausbrooks, Secretary of the Board, Telephone: 703–518–6304.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2021–22801 Filed 10–15–21; 11:15 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 18, 2021. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or ACApermits@nsf.gov.

FOR FURTHER INFORMATION CONTACT: Polly Penhale, ACA Permit Officer, at the above address, 703–292–8030.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2022–015

1. *Applicant:* Nikola Bajo, Grand Circle Corporation, 347 Congress St. Boston MA 02210.

Activity for Which Permit is Requested: Waste Management. The applicant seeks an Antarctic Conservation Act permit authorizing waste management activities associated with the operation of Unmanned Aerial Systems (UAS) in Antarctica for commercial, educational and ice reconnaissance purposes. All pilots will be required to have demonstrated flight experience and must be pre-approved by Expedition Leaders. Flights will not be conducted over any wildlife colonies or concentrations of wildlife, Antarctic Specially Protected Areas or any listed Historical Sites and Monuments. Flights near any Antarctic Stations must first be coordinated with and approved by station leadership. Mitigation measures consistent with those published by

IAATO will be adhered to in order to prevent loss of aircrafts and to minimize any potential environmental impacts. The applicant is seeking a waste permit to cover any accidental release that may result from operating UAVs.

Location: Antarctic Peninsula Region.

Dates of Permitted Activities: January 1, 2022–March 31, 2022.

Permit Application: 2022–016

2. *Applicant:* Prash Karnik, Lindblad Expeditions, 2505 2nd Ave. #300, Seattle WA 98121.

Activity for Which Permit is Requested: Waste Management. The applicant seeks an Antarctic Conservation Act permit authorizing waste management activities associated with use of unmanned aerial systems (UAVs) in the Antarctic for marketing, educational, commercial, and navigational use. UAVs are only to be flown by experienced pilots with demonstrated experience and approved by the expedition leaders. Flights will not occur over any concentrations of wildlife, Antarctic Specially Protected Areas or any Historical Sites and Monuments. Mitigation measures will be in place to prevent the loss of aircrafts, including only operating in fair weather; only operating when the wind is less than 25 knots; and having an observer maintain visual contact with the aircraft at all times. The applicant is seeking a waste permit to cover any accidental release that may result from operating UAVs.

Location: Antarctic Peninsula Region.

Dates of Permitted Activities: December 1, 2021–March 31, 2026.

Erika N. Davis,

Program Specialist, Office of Polar Programs.

[FR Doc. 2021–22738 Filed 10–18–21; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–8 and CP2022–9; MC2022–9 and CP2022–10]

New Postal Product

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* October 21, 2021.

ADDRESSES: Submit comments electronically via the Commission's

Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202-789-6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.¹

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633,

39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s)*: MC2022-8 and CP2022-9; *Filing Title*: USPS Request to Add Priority Mail & First-Class Package Service Contract 206 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 13, 2021; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Kenneth R. Moeller; *Comments Due*: October 21, 2021.

2. *Docket No(s)*: MC2022-9 and CP2022-10; *Filing Title*: USPS Request to Add Priority Mail & First-Class Package Service Contract 207 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 13, 2021; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative*: Kenneth R. Moeller; *Comments Due*: October 21, 2021.

This Notice will be published in the **Federal Register**.

Erica A. Barker,
Secretary.

[FR Doc. 2021-22747 Filed 10-18-21; 8:45 am]

BILLING CODE 7710-FW-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93309; File No. SR-NYSE-2021-60]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Rules To Add New Rule 7.13

October 13, 2021.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on October 6, 2021, New York Stock Exchange LLC ("NYSE" or 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 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 its rules to add new Rule 7.13 (Trading Suspensions). The proposed rule change is available on the Exchange's website at www.nyse.com, 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 self-regulatory organization 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 those 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules to add new Rule 7.13 (Trading Suspensions).

Proposed Rule 7.13 would permit the Chair of the Board of the Exchange, or the CEO, or the officer designee of the Chair or the CEO, to suspend trading in any and all securities trading on the Exchange whenever in his or her opinion such suspension would be in the public interest. No such suspension would continue longer than a period of two days, or as soon thereafter as a quorum of Directors can be assembled, unless the Board approves the continuation of such suspension.

Proposed Rule 7.13 is identical to the rule text governing Trading Suspensions currently in place on the Exchange's affiliate exchanges NYSE American LLC ("NYSE American"), NYSE Arca, Inc. ("NYSE Arca"), NYSE Chicago, Inc. ("NYSE Chicago"), and NYSE National, Inc. ("NYSE National").⁴ The Exchange is proposing to add Rule 7.13 to the Exchange in order to harmonize the Exchange's rules with those of its affiliate exchanges and to provide for consistent authority to suspend trading

¹ See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ See NYSE American Rule 7.13E; NYSE Arca Rule 7.13-E; NYSE Chicago Rule 7.13; and NYSE National Rule 7.13.

across the Exchange and its affiliate exchanges.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁵ in general, and with Section 6(b)(5),⁶ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed change would remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, protect investors and the public interest because identical authority to suspend trading already exists on each of the Exchange's affiliate exchanges, and therefore is not novel.⁷ The proposed rule change would further remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest because it would [sic]

The proposed change would further remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest because it would permit the Chair of the Board of the Exchange, or the CEO, or the officer designee of the Chair or the CEO, to act in the public interest to suspend trading in any and all securities trading on the Exchange when he or she believes that such a suspension is warranted. Such a suspension would not impact the ability of NYSE-listed securities to trade on an unlisted trading privileges basis other markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not 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 to address competitive issues but rather would harmonize the Exchange's rules with those of its affiliate exchanges and provide for consistent authority to

suspend trading across the Exchange and its affiliate exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to 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 Act⁸ and Rule 19b-4(f)(6) thereunder.⁹

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁰ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSE-2021-60 on the subject line.

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁰ 15 U.S.C. 78s(b)(2)(B).

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2021-60. 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-NYSE-2021-60, and should be submitted on or before November 9, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-22691 Filed 10-18-21; 8:45 am]

BILLING CODE 8011-01-P

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ See *supra* note 4.

¹¹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93296; File No. SR–NASDAQ–2021–079]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; 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 13, 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, The Nasdaq Stock Market LLC (“Nasdaq” 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 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/nasdaq/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 (“MWCBS”) 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 MWCBS 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(a)–(c) and (f)).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

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 MWCBS Halt. *See, e.g.*, Options 3, Section 9(e).

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

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 MWCBS Task Force and the March 2020 MWCBS Events

In late 2019, Commission staff requested the formation of a MWCBS Task Force (“Task Force”) to evaluate the operation and design of the MWCBS 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 MWCBS 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 MWCBS Level 1 halts, 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.

extraordinary market volatility in individual securities.

⁶ See Securities Exchange Act Release Nos. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–NASDAQ–2011–131) (Approval Order); and 68786 (January 31, 2013), 78 FR 8666 (February 6, 2013) (SR–NASDAQ–2013–021) (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. 85578 (April 9, 2019), 84 FR 15271 (April 15, 2019) (SR–NASDAQ–2019–027).

⁹ See Securities Exchange Act Release No. 86944 (September 12, 2019), 84 FR 49141 (September 18, 2019) (SR–NASDAQ–2019–072).

¹⁰ See Securities Exchange Act Release No. 90144 (October 9, 2020), 85 FR 65460 (October 15, 2020) (SR–NASDAQ–2020–068).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

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 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 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

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).

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:

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).

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-NASDAQ-2021-079 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-NASDAQ-2021-079. 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-NASDAQ-2021-079 and should be submitted on or before November 9, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²³

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-22682 Filed 10-18-21; 8:45 am]

BILLING CODE 8011-01-P

²³ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93304; File No. SR-MIAX-2021-38]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Withdrawal of Proposed Rule Change To Amend Its Fee Schedule To Adjust the Options Regulatory Fee

October 13, 2021.

On August 12, 2021, Miami International Securities Exchange LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to amend the Exchange's fee schedule to revise the Options Regulatory Fee charged starting August 12, 2021. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the **Federal Register** on August 27, 2021.⁴ The Commission received one comment letter on the proposal from the Exchange noting that it planned to withdraw File No. MIAX-2021-38.⁵ On October 7, 2021, the Exchange withdrew the proposed rule change (SR-MIAX-2021-38).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021-22688 Filed 10-18-21; 8:45 am]

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¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ See Securities Exchange Act Release No. 92725 (August 23, 2021), 86 FR 48260.

⁵ See Letter to Vanessa Countryman, Secretary, Commission, from Michael Slade, AVP and Associate Counsel, Exchange, dated September 30, 2021.

⁶ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93300; File No. SR-FINRA-2021-027]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Period Related to FINRA Rule 6121.02 (Market-Wide Circuit Breakers in NMS Stocks)

October 13, 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 7, 2021, the Financial Industry Regulatory Authority, Inc. (“FINRA”) 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 FINRA. FINRA has designated the proposed rule change as constituting a “non-controversial” rule change under paragraph (f)(6) of Rule 19b-4 under the Act,³ which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to extend the pilot period related to FINRA Rule 6121.02 (Market-wide Circuit Breakers in NMS Stocks) to the close of business on March 18, 2022.

The text of the proposed rule change is available on FINRA’s website at <http://www.finra.org>, at the principal office of FINRA 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, FINRA 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. FINRA 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

FINRA proposes to extend the pilot related to the market-wide circuit breaker in Rule 6121.02 to the close of business on March 18, 2022.

Background

The Market-Wide Circuit Breaker (“MWCB”) rules, including FINRA Rule 6121.02, 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, FINRA and all U.S. cash equity exchanges amended their cash equities uniform rules on a pilot basis (the “Pilot Rules,” *i.e.*, for FINRA, Rule 6121.02).⁴ 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”).⁵ 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”),⁶ including any extensions to the pilot period for the LULD Plan.⁷ In April 2019, the Commission approved an amendment to the LULD Plan for it to operate on a permanent, rather than pilot, basis.⁸ In conjunction with the proposal to make the LULD Plan permanent, FINRA amended Rule 6121.02 to untie Rule 6121.02’s effectiveness from that of the LULD Plan and to extend Rule 6121.02’s effectiveness to the close of business on October 18, 2019.⁹ FINRA subsequently amended Rule 6121.02 to extend Rule 6121.02’s effectiveness for an additional year to the close of business on October 18, 2020,¹⁰ and later, on October 18, 2021.¹¹

FINRA now proposes to amend Rule 6121.02 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 6121.02.

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

⁶ See Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the “Limit Up-Limit Down Release”). The LULD Plan provides a mechanism to address extraordinary market volatility in individual securities.

⁷ See Securities Exchange Act Release Nos. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (Order Approving File No. SR-FINRA-2011-054); and 68778 (January 31, 2013), 78 FR 8668 (February 6, 2013) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2013-011) (Proposed Rule Change to Delay the Operative Date of FINRA Rule 6121.02).

⁸ See Securities Exchange Act Release No. 85623 (April 11, 2019), 84 FR 16086 (April 17, 2019) (Order Approving the Eighteenth Amendment to the National Market System Plan To Address Extraordinary Market Volatility).

⁹ See Securities Exchange Act Release No. 85547 (April 8, 2019), 84 FR 14981 (April 12, 2019) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2019-010).

¹⁰ See Securities Exchange Act Release No. 87078 (September 24, 2019), 84 FR 51669 (September 30, 2019) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2019-023).

¹¹ See Securities Exchange Act Release No. 90160 (October 13, 2020), 85 FR 67072 (October 21, 2020) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2020-033).

⁴ 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”).

⁵ The rules of the equity options exchanges similarly provide for a halt in trading if the cash equity exchanges invoke a MWCB Halt. *See, e.g.*, NYSE Arca Rule 6.65-O(d)(4).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 17 CFR 240.19b-4(f)(6).

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, 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, 2020.¹²

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 an MWCB Task Force.

¹² 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.

The Working Group submitted its study to the Commission on March 31, 2021 (the "Study").¹³ 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.¹⁴

Proposal To Extend the Operation of the Pilot Rules Pending the Commission's Consideration of the NYSE's Filing To Make the Pilot Rules Permanent

On July 16, 2021, the NYSE proposed a rule change to make the Pilot Rules permanent, consistent with the Working Group's recommendations.¹⁵ On August 27, 2021, the Commission extended its time to consider the proposed rule change to October 20, 2021.¹⁶ FINRA now proposes to extend the expiration date of FINRA Rule 6121.02 to the end of business on March 18, 2022.

FINRA has filed the proposed rule change for immediate effectiveness and

¹³ 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.

¹⁴ See the Study, *supra* note 13, at 46.

¹⁵ See Securities Exchange Act Release No. 92428 (July 16, 2021), 86 FR 38776 (July 22, 2021) (Notice of Filing File No. SR-NYSE-2021-40).

¹⁶ See Securities Exchange Act Release No. 92785A (August 27, 2021), 86 FR 50202 (September 7, 2021) (Notice of Designation of a Longer Period for Commission Action on File No. SR-NYSE-2021-40).

has requested that the SEC waive the requirement that the proposed rule change not become operative for 30 days from the date of filing, so that FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that its proposal is consistent with Section 15A(b) of the Act,¹⁷ in general, and furthers the objectives of Section 15A(b)(6) of the Act,¹⁸ 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 6121.02 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 under Rule 6121.02 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 NYSE's proposed rule change to make the Pilot Rules permanent.

FINRA 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, FINRA believes the benefits to market participants under Rule 6121.02 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

FINRA 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 NYSE's proposed rule change to make the Pilot Rules permanent.

Further, FINRA understands that other SROs will file proposals to extend their rules regarding the market-wide

¹⁷ 15 U.S.C. 78o-3(b).

¹⁸ 15 U.S.C. 78o-3(b)(6).

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 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 Act¹⁹ and Rule 19b-4(f)(6) thereunder.²⁰

A proposed rule change filed under Rule 19b-4(f)(6)²¹ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),²² 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.²³

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-FINRA-2021-027 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-FINRA-2021-027. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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-FINRA-

2021-027 and should be submitted on or before November 9, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁴

J. Matthew DeLesDernier,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93306; File No. SR-MIAX-2021-42]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

October 13, 2021.

Pursuant to the provisions of 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, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (the "Fee Schedule").

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings>, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

¹⁹ 15 U.S.C. 78s(b)(3)(A).

²⁰ 17 CFR 240.19b-4(f)(6).

²¹ 17 CFR 240.19b-4(f)(6).

²² 17 CFR 240.19b-4(f)(6)(iii).

²³ 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).

²⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to modify (i) the MIAX Price Improvement Mechanism ("PRIME") Fees table and accompanying notes; and (ii) the MIAX Complex Price Improvement Mechanism ("cPRIME") Fees table. The Exchange proposes to implement the fee changes effective October 1, 2021.

Background

PRIME is a process by which a Member³ may electronically submit for execution an order it represents as agent (an "Agency Order") against principal interest and/or solicited interest. The Member that submits the Agency Order ("Initiating Member") agrees to guarantee the execution of the Agency Order by submitting a contra-side order representing principal interest or solicited interest ("Contra-Side Order"). When the Exchange receives a properly designated Agency Order for Auction processing, a request for response ("RFR") detailing the option, side, size and initiating price is broadcasted to MIAX participants up to an optional designated limit price. Members may submit responses to the RFR, which can be either an Auction or Cancel ("AOC") order⁴ or an AOC eQuote.⁵ The PRIME mechanism is used for orders on the

³ The term "Member" means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed "members" under the Exchange Act. See Exchange Rule 100.

⁴ An Auction-or-Cancel or "AOC" order is a limit order used to provide liquidity during a specific Exchange process (such as the Opening Imbalance process described in Rule 503) with a time in force that corresponds with that event. AOC orders are not displayed to any market participant, are not included in the MBBO and therefore are not eligible for trading outside of the event, may not be routed, and may not trade at a price inferior to the away markets. See Exchange Rule 516(b)(4).

⁵ AOC eQuote An Auction or Cancel or "AOC" eQuote is a quote submitted by a Market Maker to provide liquidity in a specific Exchange process (such as the Opening Imbalance Process described in Rule 503) with a time in force that corresponds with the duration of that event and will automatically expire at the end of that event. AOC eQuotes are not displayed to any market participant, are not included in the MBBO and therefore are not eligible for trading outside of the event. An AOC eQuote does not automatically cancel or replace the Market Maker's previous Standard quote or eQuote. See Exchange Rule 517(a)(2)(ii).

Exchange's Simple Order Book.⁶ The Exchange notes that for Complex Orders⁷ on the Strategy Book,⁸ the Exchange's cPRIME⁹ mechanism operates in the same manner for processing and execution of cPRIME Orders that is used for PRIME Orders on the Simple Order Book.

Exchange Rule 518(b)(7) defines a cPRIME Order as a type of complex order that is submitted for participation in a cPRIME Auction and trading of cPRIME Orders is governed by Rule 515A, Interpretation and Policies.¹⁰ cPRIME Orders are processed and executed in the Exchange's PRIME [sic] mechanism, the same mechanism that the Exchange uses to process and execute simple PRIME orders, pursuant to Exchange Rule 515A.¹¹ A cPRIME Auction is the price-improvement mechanism of the Exchange's System pursuant to which an Initiating Member electronically submits a complex Agency Order into a cPRIME Auction. The Initiating Member, in submitting an Agency Order, must be willing to either (i) cross the Agency Order at a single price against principal or solicited interest, or (ii) automatically match against principal or solicited interest, the price and size of a RFR that is broadcast to MIAX participants up to an optional designated limit price. Such responses are defined as cPRIME AOC

⁶ The "Simple Order Book" is the Exchange's regular electronic book of orders and quotes. See Exchange Rule 518(a)(15).

⁷ A "complex order" is any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the "legs" or "components" of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. Mini-options may only be part of a complex order that includes other mini-options. Only those complex orders in the classes designated by the Exchange and communicated to Members via Regulatory Circular with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis and communicated to Members via Regulatory Circular, are eligible for processing. See Exchange Rule 518(a)(5).

⁸ The "Strategy Book" is the Exchange's electronic book of complex orders and complex quotes. See Exchange Rule 518(a)(17).

⁹ "cPRIME" is the process by which a Member may electronically submit a "cPRIME Order" (as defined in Rule 518(b)(7)) it represents as agent (a "cPRIME Agency Order") against principal or solicited interest for execution (a "cPRIME Auction"), subject to the restrictions set forth in Exchange Rule 515A, Interpretation and Policy .12. See Exchange Rule 515A.

¹⁰ See Securities Exchange Act Release No. 81131 (July 12, 2017), 82 FR 32900 (July 18, 2017) (SR-MIAX-2017-19) (Order Granting Approval of a Proposed Rule Change to Amend MIAX Options Rules 515, Execution of Orders and Quotes; 515A, MIAX Price Improvement Mechanism ("PRIME") and PRIME Solicitation Mechanism; and 518, Complex Orders).

¹¹ *Id.*

Responses or cPRIME eQuotes. The PRIME mechanism is used for orders on the Exchange's Simple Order Book. The cPRIME mechanism is used for Complex Orders on the Exchange's Strategy Book, with the cPRIME mechanism operating in the same manner for processing and execution of cPRIME Orders that is used for PRIME Orders on the Simple Order Book.

Responder to PRIME Auction Fee

The Exchange proposes to amend the Fee Schedule to modify the transaction fees for Members that participate in the PRIME Auction. Specifically, the Exchange proposes to amend the Responder to PRIME Auction Fee, Per Contract Fee for Non-Penny Classes, in the PRIME Fees table. Currently, the Exchange charges a fee of \$0.99 for all Origins (Priority Customer,¹² Public Customer¹³ that is not a Priority Customer, MIAX Market Maker,¹⁴ Non-MIAX Market Maker, Non-Member Broker-Dealer, and Firm). The Exchange now proposes to increase the Responder fee for Non-Penny Classes from \$0.99 to \$1.10 per contract for all Origins in the PRIME Fees table.

The purpose of adjusting the per contract Responder fee for Non-Penny Classes in the PRIME Fees table for all Origins is for business and competitive reasons. In order to attract order flow the Exchange initially set its PRIME rebates and fees so that they were meaningfully higher/lower than other options exchanges that provide a comparable price improvement mechanism. The Exchange now believes that it is appropriate to further adjust these fees so that they are more in line with other exchanges,¹⁵ but remain competitive such that it should enable the Exchange to continue to attract order

¹² The term "Priority Customer" means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 290 orders in listed options per day on average during a calendar month for its own beneficial account(s). See Exchange Rule 100.

¹³ The term "Public Customer" means a person that is not a broker or dealer in securities. See Exchange Rule 100.

¹⁴ The term "Market Makers" refers to "Lead Market Makers", "Primary Lead Market Makers" and "Registered Market Makers" collectively. See Exchange Rule 100.

¹⁵ The Exchange notes that BOX Options has a \$1.15 responder fee in Non-Penny classes. See BOX Options Fee Schedule as of September 1, 2021, Section I. Electronic Transaction Fees, B. PIP and COPIP Transactions at <https://boxoptions.com/regulatory/fee-schedule/>. The Exchange also notes that Nasdaq MRX has a responder fee of \$1.10 in Non-Penny classes. See Nasdaq MRX Options 7 Pricing Schedule, Section 3. Regular Order Fees and Rebates, A. PIM Pricing for Regular and Complex Orders at <https://listingcenter.nasdaq.com/rulebook/mrx/rules/mrx-options-7>.

flow to PRIME Auctions and to also maintain market share.

Priority Customer PRIME Break-Up Credit

The Exchange proposes to amend the Fee Schedule to modify the PRIME Break-up Credit per contract credit for Non-Penny Classes for the Priority Customer Origin in PRIME. Currently, the Exchange provides Priority Customers a PRIME break-up credit of \$0.60 per contract for Non-Penny Classes in a PRIME Auction. The Exchange now proposes to adopt an alternative Priority Customer PRIME break-up credit of \$0.69, instead of \$0.60, per contract for Non-Penny Classes when the order breakup percentage is greater than 40%. Orders in this segment with order break-up percentages of 40% or less will continue to receive the \$0.60 per contract break-up credit. The Exchange proposes to add new footnote “*” after the PRIME Fee table that will provide the following: MIAX will apply an enhanced PRIME Break-up credit of \$0.69 per contract to the EEM that submitted a PRIME Order in Non-Penny Classes that is submitted to the PRIME Auction that trades with PRIME AOC Responses and/or PRIME Participating Quotes or Orders, if the PRIME Order experiences a break-up of greater than forty percent (40%).

The decision to offer an alternative enhanced Priority Customer Break-up credit is based on an analysis of current revenue and volume levels and is designed to encourage Priority Customer order flow to PRIME Auctions.

Remove Discounted PRIME Response Fee for PCRFP Tier 3 or Higher

Next, the Exchange proposes to remove the discounted PRIME Response fee for standard options in Penny Classes and discounted PRIME Response fee for standard options in Non-Penny Classes for Members or their Affiliates that qualifies for Priority Customer Rebate Program (“PCRFP”) volume tier 3 or higher.

Currently MIAX will assess the Responder to PRIME Auction Fee to: (i) A PRIME AOC Response that executes against a PRIME Order, and (ii) a PRIME Participating Quote or Order that executes against a PRIME Order. MIAX will apply the PRIME Break-up credit to the EEM that submitted the PRIME Order for agency contracts that are submitted to the PRIME Auction that trade with a PRIME AOC Response or a PRIME Participating Quote or Order that trades with the PRIME Order. Transaction fees in mini-options will be 1/10th of the standard per contract fee

or rebate described in the table above for the PRIME Auction. MIAX will assess the standard transaction fees to a PRIME AOC Response if it executes against unrelated orders. Any Member or its Affiliate¹⁶ that qualifies for Priority Customer Rebate Program volume tiers 3 or higher and submits a PRIME AOC Response that is received during the Response Time Interval and executed against the PRIME Order, or a PRIME Participating Quote or Order that is received during the Response Time Interval and executed against the PRIME Order, will be assessed a Discounted PRIME Response Fee of \$0.46 per contract for standard options in Penny Program classes. Any Member or its Affiliate that qualifies for Priority Customer Rebate Program (“PCRFP”) volume tiers 3 or higher and submits a PRIME AOC Response that is received during the Response Time Interval and executed against the PRIME Order, or a PRIME Participating Quote or Order that is received during the Response Time Interval and executed against the PRIME Order, will be assessed a Discounted PRIME Response Fee of \$0.95 per contract for standard options in non-Penny Program classes.

The Exchange now proposes to remove both the Discounted PRIME Response Fee of \$0.46 per contract for standard options in Penny Classes and

¹⁶ The term “Affiliate” means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm’s Form BD, Schedule A, (“Affiliate”), or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An “Appointed Market Maker” is a MIAX Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an “Appointed EEM” is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX Market Maker) that has been appointed by a MIAX Market Maker, pursuant to the following process. A MIAX Market Maker appoints an EEM and an EEM appoints a MIAX Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to membership@miaxoptions.com no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange’s acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties. See Fee Schedule, note 1.

the Discounted PRIME Response Fee of \$0.95 per contract for standard options in Non-Penny Classes, and will remove the portion that describes the discounted fees from the accompanying footnotes. The purpose of this change is for business and competitive reasons.

Responder to cPRIME Auction Fee

The Exchange proposes to amend the Fee Schedule to modify the transaction fees for Members that participate in the cPRIME Auction. Specifically, the Exchange proposes to amend the per contract Responder fee for Non-Penny Classes in a cPRIME Auction for all Origins in the cPRIME Fees table. Currently, the Exchange charges a Responder fee of \$0.99 per contract for Non-Penny Classes in all Origins for a cPRIME Auction. The Exchange now proposes to increase the Responder fee to \$1.10 per contract for Non-Penny Classes for all Origins in a cPRIME Auction.

The purpose of adjusting the per contract Responder fee for Non-Penny Classes for all Origins is for business and competitive reasons. In order to attract order flow the Exchange initially set its cPRIME rebates and fees so that they were meaningfully higher/lower than other options exchanges that provide a comparable complex order price improvement mechanism. The Exchange now believes that it is appropriate to further adjust these fees so that they are more in line with other exchanges,¹⁷ but will remain competitive such that it should enable the Exchange to continue to attract complex order flow to cPRIME Auctions and also maintain market share.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹⁸ in general, and furthers the objectives of Section 6(b)(4) of the Act¹⁹ in particular, in that it is an equitable allocation of reasonable fees and other charges among its members and issuers and other persons using its facilities. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act 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 and is not designed to permit unfair

¹⁷ See *supra* note 15.

¹⁸ 15 U.S.C. 78f(b).

¹⁹ 15 U.S.C. 78f(b)(4) and (5).

discrimination between customers, issuers, brokers and dealers.

The Exchange believes that its proposal provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory for the following reasons. The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”²⁰ There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, for the month of September 2021, no single exchange has more than approximately 12%–13% of the market share of executed volume of multiply-listed equity and exchange-traded fund (“ETF”) options trades as of September 21, 2021.²¹ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, as of September 21, 2021, the Exchange had a market share of approximately 5.47% of executed volume of multiply-listed equity and ETF options for the month of September 2021.²²

The Exchange believes that the ever-shifting market shares among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to transaction and/or non-transaction fee changes. For example, on February 28, 2019, the Exchange’s affiliate, MIAX PEARL, LLC (“MIAX Pearl”), filed with the Commission a proposal to increase Taker fees in certain Tiers for options transactions in certain Penny classes for Priority Customers and decrease Maker rebates in certain Tiers for options transactions in Penny classes for Priority Customers (which fee was to be

effective March 1, 2019).²³ MIAX Pearl experienced a decrease in total market share between the months of February and March of 2019, after the fees were in effect. Accordingly, the Exchange believes that the MIAX Pearl March 1, 2019, fee change may have contributed to the decrease in the MIAX Pearl’s market share and, as such, the Exchange believes competitive forces constrain options exchange transaction fees and market participants can shift order flow based on fee changes instituted by the exchanges.

Accordingly, competitive forces constrain the Exchange’s transaction fees, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. In response to the competitive environment, the Exchange offers specific rates and credits in its fee schedule, like those of other options exchanges’, which the Exchange believes provides incentives to Members to increase order flow of certain qualifying orders.

The Exchange believes its proposal to amend its Responder fees for Non-Penny Classes for all Origins in PRIME and cPRIME Auctions is reasonable, equitably allocated and not unfairly discriminatory because these changes are for business and competitive reasons. In order to attract order flow the Exchange initially set its rebates and fees for its PRIME and cPRIME Auctions so that they were meaningfully higher/lower than other options exchanges that provide a comparable price improvement mechanisms. The Exchange now believes that it is appropriate to further adjust these fees so that they are more in line with those of other exchanges,²⁴ but will remain competitive and should enable the Exchange to continue to attract order flow to PRIME and cPRIME Auctions and also maintain market share.

The Exchange also believes that its proposal to amend the Responder fees for Non-Penny Classes for all Origins in PRIME and cPRIME Auctions is not unfairly discriminatory as all Origins that respond to a PRIME or cPRIME Auction will be assessed an identical fee and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange believes it is equitable and not unfairly discriminatory to increase the Responder fee as certain other option exchanges that offer similar price improvement functionality charge

similar fees.²⁵ The Exchange believes that it is appropriate to increase the fees so that they are more in line with other exchanges,²⁶ and will still remain competitive such that they should enable the Exchange to continue to attract order flow to its PRIME and cPRIME Auctions and maintain market share.

The Exchange believes its proposal to offer an enhanced PRIME Break-up Credit for Non-Penny Classes for Priority Customers is reasonable, equitably allocated and not unfairly discriminatory because this change is for business and competitive reasons. The Exchange believes that its proposal will encourage Priority Customer order flow to PRIME Auctions. Increased Priority Customer order flow benefits all market participants because it continues to attract liquidity to the Exchange by providing more trading opportunities. This attracts Market Makers and other liquidity providers, thus, facilitating price improvement in the auction process, signaling additional corresponding increase in order flow from other market participants, and, as a result, increasing liquidity on the Exchange.

As noted above, the Exchange operates in a highly competitive market. The Exchange is only one of several options venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. The Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory in that at least one competing options exchange offers similar fees and credits in connection with similar price improvement auctions.²⁷

The Exchange believes its proposal to remove the discounted PRIME Responder fees for Penny and Non-Penny Classes for Members who achieve Tier 3 or higher in the PCRFP is reasonable, equitably allocated and not unfairly discriminatory because these changes are for business and competitive reasons. In order to attract order flow, the Exchange initially set its rebates and fees so that they were meaningfully higher/lower than other options exchanges that provide a comparable price improvement mechanism. The Exchange conducted an internal review and analysis of fees and rebates and determined that it was appropriate to

²⁵ See *id.*

²⁶ See *id.*

²⁷ The Cboe Exchange provides for a \$0.60 per contract credit in Non-Penny classes. See Cboe Fee Schedule, “Break-Up Credits,” available at https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf.

²⁰ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

²¹ See MIAX’s “The Market at a Glance”, available at <https://www.miaxoptions.com/> (last visited September 21, 2021).

²² See *id.*

²³ See Securities Exchange Act Release No. 85304 (March 13, 2019), 84 FR 10144 (March 19, 2019) (SR-PEARL-2019-07).

²⁴ See *supra* note 15.

remove the discounted PRIME Response fees so that all PRIME response fees are more line with other exchanges,²⁸ but will still remain highly competitive such that it should enable the Exchange to continue to attract order flow to PRIME Auctions and also maintain market share.

In addition, The Exchange believes that its proposal is consistent with Section 6(b)(5) of the Act²⁹ because it perfects the mechanisms of a free and open market and a national market system and protects investors and the public interest because an increase in Priority Customer order flow will bring greater volume and liquidity to the Exchange, which benefits all market participants by providing more trading opportunities and tighter spreads. To the extent Priority Customer order flow is increased by this proposal, market participants will increasingly compete for the opportunity to trade on the Exchange including sending more orders and provided narrower and larger-sized quotations in the effort to trade with such Priority Customer order flow.

The Exchange believes that increasing the Responder fees for PRIME and cPRIME Auctions is equitable and not unfairly discriminatory because the proposed fees will apply equally to all Origins that respond to PRIME and cPRIME Auctions. The Exchange believes that the application of this fee is equitable and not unfairly discriminatory because the fee is identical for all market participants that respond to PRIME and cPRIME Auctions.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,³⁰ the Exchange does not believe that the proposed rule change will impose any burden on intra-market or inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that its proposal will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because its proposal to amend its Responder fees for PRIME and cPRIME Auctions is uniform and will be applied equally to all Origins that respond to PRIME and cPRIME Auctions.

The Exchange does not believe its proposal to remove the discounted PRIME Response fees for Penny and

Non-Penny Classes for Members who achieve Tier 3 or higher in the PCRCP will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange conducted an internal review and analysis of fees and rebates and determined that it was appropriate to remove the discounted PRIME Response fees so that all PRIME response fees are more line with other exchanges,³¹ but will still remain highly competitive such that it should enable the Exchange to continue to attract order flow to PRIME Auctions and also maintain market share. The removal of these fees will impact all Priority Customers equally.

The Exchange believes its proposal to offer an enhanced PRIME Break-up Credit for Non-Penny Classes for Priority Customers is reasonable, equitably allocated and not unfairly discriminatory because this change is for business and competitive reasons. The Exchange believes that its proposal will encourage additional Priority Customer order flow to PRIME Auctions. Increased Priority Customer order flow benefits all market participants because it continues to attract liquidity to the Exchange by providing more trading opportunities and tighter spreads.

The Exchange does not believe that its proposal will impose any burden on inter-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because, as noted above, other competing options exchanges currently have similar rebates in place in connection with similar price improvement auctions.³² Additionally, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they participate on and direct their order flow to, including 15 other options exchanges, many of which offer substantially similar price improvement auctions. Based on publicly available information, no single options exchange has more than 12–13% of the market share.³³ Therefore, no exchange possesses significant pricing power in the execution of option order flow. Participants can readily choose to send their orders to other exchanges if they deem fee levels at those other exchanges to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the

securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”³⁴ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit states 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’ . . .”³⁵ Accordingly, the Exchange does not believe its proposed fee changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,³⁶ and Rule 19b-4(f)(2)³⁷ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine

²⁸ See *supra* note 15.

²⁹ 15 U.S.C. 78f(b)(4).

³⁰ 15 U.S.C. 78f(b)(8).

³¹ See *supra* note 15.

³² See *supra* note 15.

³³ See *supra* note 21.

³⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

³⁵ *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)).

³⁶ 15 U.S.C. 78s(b)(3)(A)(ii).

³⁷ 17 CFR 240.19b-4(f)(2).

whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2021-42 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-MIAX-2021-42. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-MIAX-2021-42, and should be submitted on or before November 9, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁸

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-22689 Filed 10-18-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93297; File No. SR-CboeEDGX-2021-042]

Self-Regulatory Organizations; Cboe EDGX 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 EDGX in Accordance With Rule 19c-1 Under the Securities Exchange Act of 1934

October 13, 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 October 8, 2021, Cboe EDGX 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 EDGX Exchange, Inc. (the "Exchange" or "EDGX") proposes to adopt a rule regarding the allowance of off-exchange transactions by a Member acting as agent otherwise than on EDGX 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/options/regulation/rule_filings/edgx/), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

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.

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

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).

³⁸ 17 CFR 200.30-3(a)(12).

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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CboeEDGX-2021-042 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CboeEDGX-2021-042. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeEDGX-2021-042, and

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).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

should be submitted on or before November 9, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-22683 Filed 10-18-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93308; File No. SR-CboeBZX-2021-067]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend its Fee Schedule

October 13, 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 30, 2021, Cboe BZX Exchange, Inc. (the “Exchange” or “BZX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the “Exchange” or “BZX” or “BZX Equities”) proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s website (http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule by (1) modifying Tier 2 of the Step-Up Tiers as provided under footnote 2 of the Fee Schedule; and (2) eliminating two existing tiers and introducing a new tier of the Single Market Participant Identifier (“MPID”) Investor Tiers, as provided under footnote 4 of the Fee Schedule, effective October 1, 2021.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,³ no single registered equities exchange has more than 17% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a “Maker-Taker” model whereby it pays credits to Members that add liquidity and assesses fees to those that remove liquidity. The Exchange’s fee schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Particularly, for securities at or above \$1.00, the Exchange provides a standard rebate of \$0.0018 per share for orders that add liquidity and assesses a fee of \$0.0030 per share for orders that remove liquidity. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing

provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Step-Up Tiers

The Step-Up Tiers set forth in footnote 2 of the Fee Schedule provides Members an opportunity to qualify for an enhanced rebate for liquidity adding orders that yield fee codes B, V and Y⁴ where they increase their relative liquidity each month over a predetermined baseline. Tier 2 of the Step-Up Tiers provides an enhanced rebate of \$0.0032 per share to a Member that has a Step-Up Add TCV⁵ from April 2020 equal to or greater than 0.30%. The Exchange notes that step-up tiers are designed to encourage Members that provide displayed liquidity on the Exchange to increase their order flow, which would benefit all Members by providing greater execution opportunities on the Exchange. Now the Exchange proposes to replace the current criteria for Step-Up Tier 2, with the following:

- Member has a Step-Up ADAV⁶ from June 2021 equal to or greater than 10,000,000; and
- Member has an ADV⁷ equal to or greater than 0.30% of the TCV⁸ or Member has an ADV equal to or greater than 35,000,000.

The Exchange believes that the tier as proposed will further incentivize increased order flow to the Exchange, which may contribute to a deeper, more liquid market to the benefit of all market participants by creating a more robust and well-balanced market ecosystem. Step-Up Tier 2, as modified, continues to be available to all Members and provide Members an opportunity to receive an enhanced rebate.

⁴ Fee code B is appended to displayed orders adding liquidity to BZX (Tape B), fee code V is appended to displayed orders adding liquidity to BZX (Tape A), and fee code V [sic] is appended to displayed orders adding liquidity to BZX (Tape C). Each is provided a rebate of \$ 0.00180.

⁵ “Step-Up Add TCV” means ADAV as a percentage of TCV in the relevant baseline month subtracted from current ADAV as a percentage of TCV.

⁶ “Step-Up ADAV” means ADAV (as defined below) in the relevant baseline month subtracted from current ADAV.

⁷ “ADAV” means average daily added volume calculated as the number of shares added per day and “ADV” means average daily volume calculated as the number of shares added or removed, combined, per day. ADAV and ADV are calculated on a monthly basis.

⁸ “TCV” means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

¹⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (September 27, 2021), available at https://markets.cboe.com/us/equities/market_statistics/.

Single MPID Investor Tiers

Pursuant to footnote 4 of the Fee Schedule, the Exchange currently offers three [sic] Single MPID Investor Tiers that provide Members an opportunity to receive incrementally greater enhanced rebates from the standard rebate for liquidity adding orders that yield fee codes B, V and Y where Members (by MPID) meet certain incrementally more difficult volume-based criteria. For example, Single MPID Investor Tier 1 currently provides an enhanced rebate of \$0.0030 per share for qualifying orders (*i.e.*, yield fee code B, V and Y) where 1) an MPID has an Step-Up ADV⁹ from May 2021 equal to or greater than 0.10% TCV or the MPID has a Step-Up ADV from May 2021 equal to or greater than 8,000,000; and 2) an MPID adds a Step-Up ADAV from May 2021 equal to or greater than 0.05% of TCV. The Exchange proposes to eliminate existing Tiers 2 and 3 of the Single MPID Investor Tiers, and rename existing Tier 4 to Tier 2. The Exchange notes that no Member has reached Tiers 2 or 3 in several months, and the Exchange no longer wishes to, nor is it required to, maintain such tiers.

The Exchange also proposes to adopt new Tier 3 of the Single MPID Investor Tiers. New Tier 3 provides a proposed enhanced rebate \$0.0034 for a Member's qualifying orders where an MPID has a Step-Up ADAV as a percentage of TCV equal to or greater than 0.20% from September 2021 or the MPID has a Step-Up ADAV from September 2021 equal to or greater than 20,000,000. Members that achieve the proposed Single MPID Investor Tier 3 must therefore increase the amount of liquidity added on BZX over a baseline amount, thereby contributing to a deeper and more liquid market. Incentivizing an increase in liquidity adding volume through additional criteria and enhanced rebate opportunities, encourages liquidity adding Members on the Exchange to contribute to a deeper, more liquid market, and to increase transactions opportunities provided by such increased liquidity, together providing for overall enhanced price discovery and price improvement opportunities on the Exchange. As such, increased overall order flow benefits all Members by contributing towards a robust and well-balanced market ecosystem.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,¹⁰

in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5),¹¹ in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members, issuers and other persons using its facilities. The Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

The Exchange believes the proposed changes to the Step-Up Tier 2 are reasonable because the tier, as modified, continues to be available to all Members and provide Members an opportunity to receive an enhanced rebate. The Exchange next notes that relative volume-based incentives and discounts have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable, and non-discriminatory because they are open to all Members on an equal basis and provide additional discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. The Exchange also believes that the current enhanced rebates under the Step-Up Tier 2 continues to be commensurate with the proposed criteria. That is, the rebate reasonably reflects the difficulty in achieving the criteria as amended. The Exchange believes the proposed changes to the Step-Up Tier 2 represents an equitable allocation of rebates and is not unfairly discriminatory because all Members are eligible for the Step-Up Tier 2 and would have the opportunity to meet the tier's criteria and would receive the current rebate if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed tier. While the Exchange has no way of predicting with certainty how the proposed tier will impact Member activity, the Exchange anticipates that at least three Member will be able to satisfy the

criteria proposed under the new tier.¹² The Exchange also notes that proposed tier/rebate will not adversely impact any Member's ability to qualify for other reduced fee or enhanced rebate tiers. Should a Member not meet the proposed criteria under the modified tier, the Member will merely not receive that corresponding enhanced rebate.

The Exchange believes the proposed amendment to remove the Single MPID Investor Tiers 2 and 3 is reasonable because no Member has achieved these tiers in several months. Furthermore, the Exchange is not required to maintain these tiers and Members still have a number of other opportunities and a variety of ways to receive enhanced rebates, including the proposed Single MPID Investor Tier 3. The Exchange believes the proposal to eliminate the Single MPID Investor Tiers 2 and 3 is also equitable and not unfairly discriminatory because it applies to all Members.

The Exchange also believes proposed Single MPID Investor Tier 3 is a reasonable means to encourage Members to increase their added liquidity on the Exchange each month over a predetermined baseline by offering Members an additional opportunity to meet criteria to receive an enhanced rebate. More specifically, the Exchange notes that greater add volume order flow may provide for deeper, more liquid markets and execution opportunities at improved prices, which the Exchange believes incentivizes liquidity providers to submit additional liquidity opportunities. This overall increase in activity deepens the Exchange's liquidity pool, offers additional cost savings, supports the quality of price discovery, promotes market transparency and improves market quality, for all investors.

Further, the Exchange believes that the proposed Single MPID Investor Tier 3 is reasonable as it does not represent a significant departure from the criteria or corresponding enhanced rebates currently offered in the Fee Schedule, including other Single MPID Investor Tiers, and that the proposed enhanced rebate is commensurate with the new criteria. Particularly, the proposed rebate is reasonably based on the difficulty of satisfying the tier's proposed criteria as compared to the existing Single MPID Investor Tiers, which provide lower rebates for less stringent criteria. Indeed, the proposed criteria in new Tier 3 includes higher growth thresholds that Members can

⁹ "Step-Up ADV" means ADV in the relevant baseline month subtracted from current day ADV.

¹⁰ 15 U.S.C. 78f.

¹¹ 15 U.S.C. 78f(b)(4) and (5).

¹² The Exchange notes that no Members have met Step-Up Tier 2 in recent months.

achieve than other Single MPID Investor Tiers and, as a result, a higher enhanced rebate of \$0.0034, as proposed, than the enhanced rebates offered in the other Single MPID Investor Tiers.

The Exchange also believes that the proposed Single MPID Investor Tier 3 represents an equitable allocation of fees and rebates and is not unfairly discriminatory because all Members are eligible for the new Single MPID Investor Tier 3 and have the opportunity to meet the tier's criteria and receive the applicable enhanced rebate if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would definitely result in any Members qualifying for the proposed tier. While the Exchange has no way of predicting with certainty how the proposed tier will impact Member activity, the Exchange anticipates that at least one Member will be able to satisfy the criteria proposed under the new tier. The Exchange also notes that the proposed tier will not adversely impact any Member's ability to qualify for reduced fees or enhanced rebate offered under other tiers. Should a Member not meet the proposed new criteria, the Member will merely not receive the corresponding proposed enhanced rebate.

As noted above, the Exchange operates in a highly competitive market. The Exchange is only one of 16 equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several maker-taker exchanges. Competing equity exchanges offer similar rates and tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Securities and Exchange Commission's (the "Commission's" or the "SEC's") goal in

adopting Regulation NMS of fostering competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."

The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the amended Step-Up Tier 2 and proposed Single MPID Investor Tier 3 apply to all Members equally in that all Members are eligible for these tiers, have a reasonable opportunity to meet the tiers' criteria and will receive the enhanced rebate on their qualifying orders if such criteria is met. The Exchange does not believe the proposed changes burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of BZX by adopting an additional pricing incentive in order to attract order flow and incentivize participants to increase their participation on the Exchange, providing for additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 17% of the market share.¹³ Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission

¹³ See *supra* note 3.

has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁴ The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."¹⁵ Accordingly, the Exchange does not believe its proposed fee changes imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹⁶ and paragraph (f) of Rule 19b-4¹⁷ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

¹⁴ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

¹⁵ *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)).

¹⁶ 15 U.S.C. 78s(b)(3)(A).

¹⁷ 17 CFR 240.19b-4(f).

Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CboeBZX-2021-067 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-2021-067. 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-2021-067, and should be submitted on or before November 9, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-22690 Filed 10-18-21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93301; File No. SR-PEARL-2021-38]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Withdrawal of Proposed Rule Change To Amend Its Fee Schedule To Adjust the Options Regulatory Fee

October 13, 2021.

On August 12, 2021, MIAX PEARL, LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to amend the Exchange's fee schedule to revise the Options Regulatory Fee charged starting August 12, 2021. The proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the **Federal Register** on August 27, 2021.⁴ The Commission received one comment letter on the proposal from the Exchange noting that it planned to withdraw File No. PEARL-2021-38.⁵ On October 7, 2021, the Exchange withdrew the proposed rule change (SR-PEARL-2021-38).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-22686 Filed 10-18-21; 8:45 am]

BILLING CODE 8011-01-P

¹⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ See Securities Exchange Act Release No. 92728 (August 23, 2021), 86 FR 48253.

⁵ See Letter to Vanessa Countryman, Secretary, Commission, from Michael Slade, AVP and Associate Counsel, Exchange, dated September 30, 2021.

⁶ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93298; File No. SR-PEARL-2021-44]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule

October 13, 2021.

Pursuant to the provisions of 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, MIAX PEARL, LLC ("MIAX Pearl" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Pearl Options Fee Schedule (the "Fee Schedule").

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/pearl> at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Add/Remove Tiered Rebates/Fees set forth in Section 1)a) of the Fee Schedule

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

that apply to the Priority Customer³ Origin, to reduce the Maker rebate in Tier 2 (defined below) for options transactions in Penny Classes (defined below) from (\$0.40) to (\$0.25).

Background

The Exchange currently assesses transaction rebates and fees to all market participants which are based upon the total monthly volume executed by the Member⁴ on MIAX Pearl in the relevant, respective origin type (not including Excluded Contracts)⁵ (as the numerator) expressed as a percentage of (divided by) TCV⁶ (as the denominator). In addition, the per contract transaction rebates and fees are applied retroactively to all eligible volume for that origin type once the respective

³ “Priority Customer” means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 of Exchange Rule 100. See Exchange Rule 100, including Interpretation and Policy .01. See the Definitions Section of the Fee Schedule.

⁴ “Member” means an individual or organization that is registered with the Exchange pursuant to Chapter II of the Exchange Rules for purposes of trading on the Exchange as an “Electronic Exchange Member” or “Market Maker.” Members are deemed “members” under the Exchange Act. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

⁵ “Excluded Contracts” means any contracts routed to an away market for execution. See the Definitions Section of the Fee Schedule.

⁶ “TCV” means total consolidated volume calculated as the total national volume in those classes listed on MIAX Pearl for the month for which the fees apply, excluding consolidated volume executed during the period time in which the Exchange experiences an “Exchange System Disruption” (solely in the option classes of the affected Matching Engine (as defined below)). The term Exchange System Disruption, which is defined in the Definitions section of the Fee Schedule, means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours. The term Matching Engine, which is also defined in the Definitions section of the Fee Schedule, is a part of the MIAX Pearl electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. The Exchange believes that it is reasonable and appropriate to select two consecutive hours as the amount of time necessary to constitute an Exchange System Disruption, as two hours equates to approximately 1.4% of available trading time per month. The Exchange notes that the term “Exchange System Disruption” and its meaning have no applicability outside of the Fee Schedule, as it is used solely for purposes of calculating volume for the threshold tiers in the Fee Schedule. See the Definitions Section of the Fee Schedule.

threshold tier (“Tier”) has been reached by the Member. The Exchange aggregates the volume of Members and their Affiliates.⁷ Members that place resting liquidity, *i.e.*, orders resting on the book of the MIAX Pearl System,⁸ are paid the specified “maker” rebate (each a “Maker”), and Members that execute against resting liquidity are assessed the specified “taker” fee (each a “Taker”). For opening transactions and ABBO⁹ uncrossing transactions, per contract transaction rebates and fees are waived for all market participants. Finally, Members are assessed lower transaction fees and receive lower rebates for order executions in standard option classes in the Penny Interval Program¹⁰ (“Penny Classes”) than for order executions in standard option classes which are not in the Penny Interval Program (“Non-Penny Classes”), where Members are assessed higher transaction fees and receive higher rebates.

Proposal

The Exchange proposes to amend the Maker rebate in Tier 2 for options transactions in Penny Classes for the Priority Customer Origin. Currently, the Exchange offers a Maker rebate of (\$0.40) in Tier 2 for options transactions in Penny Classes for the Priority Customer Origin. The Exchange now proposes to decrease the Maker rebate in Tier 2 for options transactions in Penny Classes for the Priority Customer Origin from (\$0.40) to (\$0.25).

The purpose of this proposed change is for business and competitive reasons. In order to attract order flow to the Exchange, the Exchange initially set its Maker rebates and Takes fees so that

⁷ “Affiliate” means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm’s Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An “Appointed Market Maker” is a MIAX Pearl Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an “Appointed EEM” is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX Pearl Market Maker) that has been appointed by a MIAX Pearl Market Maker, pursuant to the process described in the Fee Schedule. See the Definitions Section of the Fee Schedule.

⁸ The term “System” means the automated trading system used by the Exchange for the trading of securities. See Exchange Rule 100.

⁹ “ABBO” means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g) and calculated by the Exchange based on market information received by the Exchange from OPR). See the Definitions Section of the Fee Schedule and Exchange Rule 100.

¹⁰ See Securities Exchange Act Release No. 88992 (June 2, 2020), 85 FR 35142 (June 8, 2020) (SR-PEARL-2020-06).

they were meaningfully higher/lower than other option exchanges that operate comparable maker/taker price models. The Exchange believes that it is appropriate to further adjust the specified Marker rebate so that it is more in line with other exchanges,¹¹ but will still remain competitive such that it should enable the Exchange to continue to attract order flow and maintain market share.

The Exchange has designated this change to be operative on October 1, 2021.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹² in general, and furthers the objectives of Section 6(b)(4) of the Act,¹³ in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange Members and issuers and other persons using its facilities, and 6(b)(5) of the Act,¹⁴ in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in facilitating transactions in securities, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest.

The Exchange believes that its proposal provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory for the following reasons. The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its

¹¹ The Exchange notes that NYSE Arca Options provides a rebate of \$0.27 for similar transactions. See NYSE Arca Options Fee Schedule for 9–1–21, CUSTOMER PENNY POSTING CREDIT TIERS at https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf. The Exchange also notes that the Nasdaq Options Market provides a rebate of \$0.25 for similar transactions. See The Nasdaq Stock Market Fee Schedule, Options 7, Section 2, Rebates to Add Liquidity in Penny Symbols, at <https://listingcenter.nasdaq.com/rulebook/nasdaq/rules/Nasdaq%20Options%207>.

¹² 15 U.S.C. 78f(b).

¹³ 15 U.S.C. 78f(b)(4).

¹⁴ 15 U.S.C. 78f(b)(1) and (b)(5).

broader forms that are most important to investors and listed companies.”¹⁵ There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, for the month of September 2021, no single exchange has more than approximately 11–12% of the market share of executed volume of multiply-listed equity and exchange-traded fund (“ETF”) options trades as of September 20, 2021.¹⁶ Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, as of September 20, 2021, the Exchange had a market share of approximately 3.55% of executed volume of multiply-listed equity and ETF options for the month of September 2021.¹⁷

The Exchange believes that the ever-shifting market shares among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to transaction and/or non-transaction fee changes. For example, on February 28, 2019, the Exchange filed with the Commission a proposal to increase Taker fees in certain Tiers for options transactions in certain Penny classes for Priority Customers and decrease Maker rebates in certain Tiers for options transactions in Penny classes for Priority Customers (which fee was to be effective March 1, 2019).¹⁸ The Exchange experienced a decrease in total market share between the months of February and March of 2019, after the fees were in effect. Accordingly, the Exchange believes that the March 1, 2019 fee change may have contributed to the decrease in the Exchange’s market share and, as such, the Exchange believes competitive forces constrain options exchange transaction fees and market participants can shift order flow based on fee changes instituted by the exchanges.

The Exchange believes its proposal to decrease the Maker rebate in Tier 2 for options transactions in Penny Classes for Priority Customers is reasonable, equitable and not unfairly discriminatory because all similarly situated market participants in the same Origin type are subject to the same

tiered Maker rebates and Taker fees and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange believes it is equitable and not unfairly discriminatory to reduce the Maker rebate to Priority Customer orders in Penny Classes for business and competitive reasons because the Exchange initially set its Maker rebates for such orders higher than certain other option exchanges that operate comparable maker/taker pricing models. The Exchange now believes that it is appropriate to further decrease the specified Maker rebate so that it is more in line with other exchanges,¹⁹ and will still remain competitive such that it should enable the Exchange to continue to attract order flow and maintain market share.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes its proposal will not impose any burden on intra-market competition because the Exchange believes that its proposal will not place any category of Exchange market participant at a competitive disadvantage. The Exchange believes that its proposal will continue to encourage Priority Customer volume to be executed on the Exchange, which will attract further liquidity to the Exchange and benefit all market participants. Accordingly, the Exchange believes that the proposed changes will continue to attract order flow to the Exchange, thereby encouraging additional volume and liquidity to the benefit of all market participants.

The Exchange believes its proposal will not impose any burden on inter-market competition because 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 options 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. The Exchange believes that the proposed rule changes reflect this competitive environment because they modify the Exchange’s fees in a manner that encourages market participants to continue to provide liquidity and to send order flow to the Exchange.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,²⁰ and Rule 19b-4(f)(2)²¹ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-PEARL-2021-44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.
- All submissions should refer to File Number SR-PEARL-2021-44. 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

¹⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

¹⁶ See MIAX’s “The Market at a Glance”, available at <https://www.miaxoptions.com/> (last visited September 20, 2021).

¹⁷ See *id.*

¹⁸ See Securities Exchange Act Release No. 85304 (March 13, 2019), 84 FR 10144 (March 19, 2019) (SR-PEARL-2019-07).

¹⁹ See *supra* note 11.

²⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

²¹ 17 CFR 240.19b-4(f)(2).

post all comments on the Commission’s internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2021–44, and should be submitted on or before November 9, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

J. Matthew DeLesDernier,
Assistant Secretary.”

[FR Doc. 2021–22684 Filed 10–18–21; 8:45 am]
BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93303; File No. SR–EMERALD–2021–27]

Self-Regulatory Organizations; MIAX Emerald, LLC; Notice of Withdrawal of Proposed Rule Change To Amend Its Fee Schedule To Adjust the Options Regulatory Fee

October 13, 2021.

On August 12, 2021, MIAX Emerald, LLC (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² a proposed rule change to amend the Exchange’s fee schedule to revise the Options Regulatory Fee charged starting August 12, 2021. The

proposed rule change was immediately effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.³ The proposed rule change was published for comment in the **Federal Register** on August 27, 2021.⁴ The Commission received one comment letter on the proposal from the Exchange noting that it planned to withdraw File No. EMERALD–2021–27.⁵ On October 7, 2021, the Exchange withdrew the proposed rule change (SR–EMERALD–2021–27).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

J. Matthew DeLesDernier,
Assistant Secretary.

[FR Doc. 2021–22687 Filed 10–18–21; 8:45 am]
BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17223 and #17224; NEW YORK Disaster Number NY–00210]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of New York

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New York (FEMA–4625–DR), dated 10/08/2021.

Incident: Remnants of Tropical Storm Fred.

Incident Period: 08/18/2021 through 08/19/2021.

DATES: Issued on 10/08/2021.

Physical Loan Application Deadline Date: 12/07/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 07/08/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the

³ 15 U.S.C. 78s(b)(3)(A).
⁴ See Securities Exchange Act Release No. 92726 (August 23, 2021), 86 FR 48268.
⁵ See Letter to Vanessa Countryman, Secretary, Commission, from Michael Slade, AVP and Associate Counsel, Exchange, dated September 30, 2021.
⁶ 17 CFR 200.30–3(a)(12).

President’s major disaster declaration on 10/08/2021, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Allegany, Cayuga, Cortland, Lewis, Oneida, Steuben, Tioga, Yates.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations With Credit Available Elsewhere ...	2.000
Non-Profit Organizations Without Credit Available Elsewhere	2.000
<i>For Economic Injury:</i>	
Non-Profit Organizations Without Credit Available Elsewhere	2.000

The number assigned to this disaster for physical damage is 17223 8 and for economic injury is 17224 0.

(Catalog of Federal Domestic Assistance Number 59008)

James Rivera,
Associate Administrator for Disaster Assistance.

[FR Doc. 2021–22708 Filed 10–18–21; 8:45 am]
BILLING CODE 8026–03–P

²² 17 CFR 200.30–3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

DEPARTMENT OF TRANSPORTATION**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-1999-5578; FMCSA-1999-5748; FMCSA-2000-7006; FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2001-9561; FMCSA-2002-11714; FMCSA-2003-14504; FMCSA-2003-15268; FMCSA-2004-19477; FMCSA-2005-20560; FMCSA-2006-24783; FMCSA-2006-26653; FMCSA-2007-27333; FMCSA-2007-27897; FMCSA-2007-29019; FMCSA-2008-0106; FMCSA-2008-0398; FMCSA-2009-0154; FMCSA-2009-0206; FMCSA-2009-0321; FMCSA-2010-0114; FMCSA-2010-0385; FMCSA-2011-0057; FMCSA-2011-0102; FMCSA-2011-0124; FMCSA-2011-0140; FMCSA-2011-0141; FMCSA-2011-0142; FMCSA-2012-0039; FMCSA-2012-0160; FMCSA-2012-0280; FMCSA-2013-0025; FMCSA-2013-0027; FMCSA-2013-0029; FMCSA-2013-0166; FMCSA-2013-0169; FMCSA-2014-0003; FMCSA-2014-0007; FMCSA-2014-0011; FMCSA-2014-0298; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2014-0305; FMCSA-2015-0049; FMCSA-2015-0052; FMCSA-2015-0053; FMCSA-2015-0055; FMCSA-2015-0056; FMCSA-2016-0207; FMCSA-2017-0014; FMCSA-2017-0017; FMCSA-2017-0019; FMCSA-2017-0022; FMCSA-2017-0023; FMCSA-2018-0208; FMCSA-2019-0005; FMCSA-2019-0008; FMCSA-2019-0009; FMCSA-2019-0011; FMCSA-2019-0013; FMCSA-2019-0015]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 102 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before November 18, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-1999-5578, Docket No. FMCSA-1999-5748, Docket No. FMCSA-2000-7006, Docket No. FMCSA-2000-7918, Docket No. FMCSA-2000-8398, Docket No. FMCSA-2001-9561, Docket No.

FMCSA-2002-11714, Docket No. FMCSA-2003-14504, Docket No. FMCSA-2003-15268, Docket No. FMCSA-2004-19477, Docket No. FMCSA-2005-20560, Docket No. FMCSA-2006-24783, Docket No. FMCSA-2006-26653, Docket No. FMCSA-2007-27333, Docket No. FMCSA-2007-27897, Docket No. FMCSA-2007-29019, Docket No. FMCSA-2008-0106, Docket No. FMCSA-2008-0398, Docket No. FMCSA-2009-0154, Docket No. FMCSA-2009-0206, Docket No. FMCSA-2009-0321, Docket No. FMCSA-2010-0114, Docket No. FMCSA-2010-0385, Docket No. FMCSA-2011-0057, Docket No. FMCSA-2011-0102, Docket No. FMCSA-2011-0140, Docket No. FMCSA-2011-0141, Docket No. FMCSA-2011-0142, Docket No. FMCSA-2012-0039, Docket No. FMCSA-2012-0160, Docket No. FMCSA-2012-0280, Docket No. FMCSA-2013-0025, Docket No. FMCSA-2013-0027, Docket No. FMCSA-2013-0029, Docket No. FMCSA-2013-0166, Docket No. FMCSA-2013-0169, Docket No. FMCSA-2014-0003, Docket No. FMCSA-2014-0007, Docket No. FMCSA-2014-0011, Docket No. FMCSA-2014-0298, Docket No. FMCSA-2014-0300, Docket No. FMCSA-2014-0301, Docket No. FMCSA-2014-0305, Docket No. FMCSA-2015-0049, Docket No. FMCSA-2015-0052, Docket No. FMCSA-2015-0053, Docket No. FMCSA-2015-0055, Docket No. FMCSA-2015-0056, Docket No. FMCSA-2016-0207, Docket No. FMCSA-2017-0014, Docket No. FMCSA-2017-0017, Docket No. FMCSA-2017-0019, Docket No. FMCSA-2017-0022, Docket No. FMCSA-2017-0023, Docket No. FMCSA-2018-0208, Docket No. FMCSA-2019-0005, Docket No. FMCSA-2019-0008, Docket No. FMCSA-2019-0009, Docket No. FMCSA-2019-0011, Docket No. FMCSA-2019-0013, or Docket No. FMCSA-2019-0015 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov/, insert the docket number, FMCSA-1999-5578, FMCSA-1999-5748, FMCSA-2000-7006, FMCSA-2000-7918, FMCSA-2000-8398, FMCSA-2001-9561, FMCSA-2002-11714, FMCSA-2003-14504, FMCSA-2003-15268, FMCSA-2004-19477, FMCSA-2005-20560, FMCSA-2006-24783, FMCSA-2006-26653, FMCSA-2007-27333, FMCSA-2007-

27897, FMCSA-2007-29019, FMCSA-2008-0106, FMCSA-2008-0398, FMCSA-2009-0154, FMCSA-2009-0206, FMCSA-2009-0321, FMCSA-2010-0114, FMCSA-2010-0385, FMCSA-2011-0057, FMCSA-2011-0102, FMCSA-2011-0124, FMCSA-2011-0140, FMCSA-2011-0141, FMCSA-2011-0142, FMCSA-2012-0039, FMCSA-2012-0160, FMCSA-2012-0280, FMCSA-2013-0025, FMCSA-2013-0027, FMCSA-2013-0029, FMCSA-2013-0166, FMCSA-2013-0169, FMCSA-2014-0003, FMCSA-2014-0007, FMCSA-2014-0011, FMCSA-2014-0298, FMCSA-2014-0300, FMCSA-2014-0301, FMCSA-2014-0305, FMCSA-2015-0049, FMCSA-2015-0052, FMCSA-2015-0053, FMCSA-2015-0055, FMCSA-2015-0056, FMCSA-2016-0207, FMCSA-2017-0014, FMCSA-2017-0017, FMCSA-2017-0019, FMCSA-2017-0022, FMCSA-2017-0023, FMCSA-2018-0208, FMCSA-2019-0005, FMCSA-2019-0008, FMCSA-2019-0009, FMCSA-2019-0011, FMCSA-2019-0013, or FMCSA-2019-0015 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcamedical@dot.gov, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-1999-5578; FMCSA-1999-5748; FMCSA-2000-7006; FMCSA-2000-7918; FMCSA-2000-8398; FMCSA-2001-9561; FMCSA-2002-11714; FMCSA-2003-14504; FMCSA-2003-15268; FMCSA-2004-19477; FMCSA-2005-20560; FMCSA-2006-24783; FMCSA-2006-26653; FMCSA-2007-27333; FMCSA-2007-27897; FMCSA-2007-29019; FMCSA-2008-0106; FMCSA-2008-0398; FMCSA-2009-0154; FMCSA-2009-0206; FMCSA-2009-0321; FMCSA-2010-0114; FMCSA-2010-0385; FMCSA-2011-0057; FMCSA-2011-0102; FMCSA-2011-0124; FMCSA-2011-0140; FMCSA-2011-0141; FMCSA-2011-0142; FMCSA-2012-0039; FMCSA-2012-0160; FMCSA-2012-0280; FMCSA-2013-0025; FMCSA-2013-0027; FMCSA-2013-0029; FMCSA-2013-0166; FMCSA-2013-0169; FMCSA-2014-0003; FMCSA-2014-0007; FMCSA-2014-0011; FMCSA-2014-0298; FMCSA-2014-0300; FMCSA-2014-0301; FMCSA-2014-0305; FMCSA-2015-0049; FMCSA-2015-0052; FMCSA-2015-0053; FMCSA-2015-0055; FMCSA-2015-0056; FMCSA-2016-0207; FMCSA-2017-0014; FMCSA-2017-0017; FMCSA-2017-0019; FMCSA-2017-0022; FMCSA-2017-0023; FMCSA-2018-0208; FMCSA-2019-0005; FMCSA-2019-0008; FMCSA-2019-0009; FMCSA-2019-0011; FMCSA-2019-0013; or FMCSA-2019-0015 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comment by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

FMCSA-2009-0154, FMCSA-2009-0206, FMCSA-2009-0321, FMCSA-2010-0114, FMCSA-2010-0385, FMCSA-2011-0057, FMCSA-2011-0102, FMCSA-2011-0124, FMCSA-2011-0140, FMCSA-2011-0141, FMCSA-2011-0142, FMCSA-2012-0039, FMCSA-2012-0160, FMCSA-2012-0280, FMCSA-2013-0025, FMCSA-2013-0027, FMCSA-2013-0029, FMCSA-2013-0166, FMCSA-2013-0169, FMCSA-2014-0003, FMCSA-2014-0007, FMCSA-2014-0011, FMCSA-2014-0298, FMCSA-2014-0300, FMCSA-2014-0301, FMCSA-2014-0305, FMCSA-2015-0049, FMCSA-2015-0052, FMCSA-2015-0053, FMCSA-2015-0055, FMCSA-2015-0056, FMCSA-2016-0207, FMCSA-2017-0014, FMCSA-2017-0017, FMCSA-2017-0019, FMCSA-2017-0022, FMCSA-2017-0023, FMCSA-2018-0208, FMCSA-2019-0005, FMCSA-2019-0008, FMCSA-2019-0009, FMCSA-2019-0011, FMCSA-2019-0013, or FMCSA-2019-0015 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comment by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number, FMCSA-1999-5578, FMCSA-1999-5748, FMCSA-2000-7006, FMCSA-2000-7918, FMCSA-2000-8398, FMCSA-2001-9561, FMCSA-2002-11714, FMCSA-2003-14504, FMCSA-2003-15268, FMCSA-2004-19477, FMCSA-2005-20560, FMCSA-2006-24783, FMCSA-2006-26653, FMCSA-2007-27333, FMCSA-2007-27897, FMCSA-2007-29019, FMCSA-2008-0106, FMCSA-2008-0398, FMCSA-2009-0154, FMCSA-2009-0206, FMCSA-2009-0321, FMCSA-2010-0114, FMCSA-2010-0385, FMCSA-2011-0057, FMCSA-2011-0102, FMCSA-2011-0124, FMCSA-2011-0140, FMCSA-2011-0141, FMCSA-2011-0142, FMCSA-2012-

0039, FMCSA-2012-0160, FMCSA-2012-0280, FMCSA-2013-0025, FMCSA-2013-0027, FMCSA-2013-0029, FMCSA-2013-0166, FMCSA-2013-0169, FMCSA-2014-0003, FMCSA-2014-0007, FMCSA-2014-0011, FMCSA-2014-0298, FMCSA-2014-0300, FMCSA-2014-0301, FMCSA-2014-0305, FMCSA-2015-0049, FMCSA-2015-0052, FMCSA-2015-0053, FMCSA-2015-0055, FMCSA-2015-0056, FMCSA-2016-0207, FMCSA-2017-0014, FMCSA-2017-0017, FMCSA-2017-0019, FMCSA-2017-0022, FMCSA-2017-0023, FMCSA-2018-0208, FMCSA-2019-0005, FMCSA-2019-0008, FMCSA-2019-0009, FMCSA-2019-0011, FMCSA-2019-0013, or FMCSA-2019-0015 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of

at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 102 individuals listed in this notice have requested renewal of their exemptions from the vision standard in § 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 102 applicants has satisfied the renewal conditions for obtaining an exemption from the vision standard (see 64 FR 27027, 64 FR 40404, 64 FR 51568, 64 FR 66962, 65 FR 20245, 65 FR 57230, 65 FR 66286, 65 FR 78256, 66 FR 13825, 66 FR 16311, 66 FR 30502, 66 FR 41654, 66 FR 48504, 66 FR 63289, 67 FR 15662, 67 FR 37907, 67 FR 57266, 68 FR 13360, 68 FR 19598, 68 FR 33570, 68 FR 37197, 68 FR 44837, 68 FR 48989, 68 FR 54775, 68 FR 64944, 69 FR 26206, 69 FR 62741, 69 FR 64806, 70 FR 2705, 70 FR 12265, 70 FR 17504, 70 FR 25878, 70 FR 30997, 70 FR 41811, 70 FR 42615, 70 FR 53412, 70 FR 67776, 71 FR 26601, 71 FR 32183, 71 FR 41310, 71 FR 62147, 72 FR 1056, 72 FR 5489, 72 FR 8417, 72 FR 11426, 72 FR 12666, 72 FR 25831, 72 FR 27624, 72 FR 28093, 72 FR 36099, 72 FR 39879, 72 FR 40360, 72 FR 40362, 72 FR 52419, 72 FR 58362, 72 FR 62896, 72 FR 64273, 72 FR 67344, 73 FR 35194, 73 FR 36955, 73 FR 48273, 73 FR 74565, 73 FR 76440, 74 FR 7097, 74 FR 8302, 74 FR 15584, 74 FR 15586, 74 FR 19270, 74 FR 20253, 74 FR 26466, 74 FR 26471, 74 FR 34395, 74 FR 34632, 74 FR 37295, 74 FR 43217, 74 FR 43221, 74 FR 48343, 74 FR 57551, 74 FR 57553, 74 FR 62632,

75 FR 1835, 75 FR 9482, 75 FR 34211, 75 FR 36778, 75 FR 36779, 75 FR 44050, 75 FR 47888, 75 FR 66423, 75 FR 77492, 75 FR 80887, 76 FR 5425, 76 FR 11215, 76 FR 12215, 76 FR 15361, 76 FR 18824, 76 FR 21796, 76 FR 25762, 76 FR 29022, 76 FR 29024, 76 FR 29026, 76 FR 34133, 76 FR 34136, 76 FR 37169, 76 FR 37173, 76 FR 40445, 76 FR 44082, 76 FR 44652, 76 FR 49528, 76 FR 49531, 76 FR 50318, 76 FR 53708, 76 FR 53710, 76 FR 55463, 76 FR 61143, 76 FR 66123, 76 FR 70212, 76 FR 70215, 77 FR 20879, 77 FR 31427, 77 FR 38381, 77 FR 38384, 77 FR 40945, 77 FR 48590, 77 FR 51846, 77 FR 64839, 77 FR 68199, 77 FR 68202, 77 FR 75494, 78 FR 800, 78 FR 4531, 78 FR 12813, 78 FR 12822, 78 FR 14410, 78 FR 16761, 78 FR 20376, 78 FR 22596, 78 FR 24798, 78 FR 26106, 78 FR 30954, 78 FR 34141, 78 FR 34143, 78 FR 46407, 78 FR 51268, 78 FR 52602, 78 FR 56993, 78 FR 57677, 78 FR 57679, 78 FR 62935, 78 FR 64274, 78 FR 64280, 78 FR 76395, 78 FR 77778, 78 FR 77782, 78 FR 78477, 79 FR 4531, 79 FR 14571, 79 FR 24298, 79 FR 28588, 79 FR 35218, 79 FR 38659, 79 FR 40945, 79 FR 41740, 79 FR 53514, 79 FR 56099, 79 FR 65759, 79 FR 65760, 79 FR 68199, 79 FR 69985, 79 FR 70928, 80 FR 603, 80 FR 2473, 80 FR 3723, 80 FR 6162, 80 FR 8751, 80 FR 8927, 80 FR 12254, 80 FR 12547, 80 FR 15859, 80 FR 16502, 80 FR 18693, 80 FR 20562, 80 FR 22773, 80 FR 25766, 80 FR 26320, 80 FR 29149, 80 FR 31636, 80 FR 31957, 80 FR 31962, 80 FR 35699, 80 FR 36395, 80 FR 36398, 80 FR 37718, 80 FR 40122, 80 FR 41548, 80 FR 44185, 80 FR 44188, 80 FR 45573, 80 FR 48404, 80 FR 48413, 80 FR 49302, 80 FR 50915, 80 FR 50917, 80 FR 53383, 80 FR 59225, 80 FR 59230, 80 FR 62161, 80 FR 62163, 80 FR 63869, 81 FR 1284, 81 FR 15401, 81 FR 70248, 81 FR 80161, 81 FR 90046, 81 FR 90050, 81 FR 91239, 81 FR 96165, 81 FR 96180, 81 FR 96196, 82 FR 13043, 82 FR 13048, 82 FR 15277, 82 FR 17736, 82 FR 18818, 82 FR 18949, 82 FR 20962, 82 FR 22379, 82 FR 23712, 82 FR 26224, 82 FR 32919, 82 FR 33542, 82 FR 35043, 82 FR 35050, 82 FR 37499, 82 FR 37504, 82 FR 43647, 82 FR 47295, 82 FR 47309, 82 FR 47312, 83 FR 2289, 83 FR 3861, 83 FR 4537, 83 FR 28325, 83 FR 34661, 83 FR 40638, 83 FR 53724, 83 FR 56902, 83 FR 60954, 84 FR 2305, 84 FR 2311, 84 FR 2314, 84 FR 2326, 84 FR 10389, 84 FR 12665, 84 FR 16320, 84 FR 16333, 84 FR 21393, 84 FR 21397, 84 FR 21401, 84 FR 23629, 84 FR 27688, 84 FR 33801, 84 FR 46088, 84 FR 47038, 84 FR 47045, 84 FR 47047, 84 FR 47052, 84 FR 47057, 84 FR 52160, 84 FR 52166, 84 FR 52585, 84 FR 58437, 84 FR 66444). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at § 391.41(b)(10) and that the

vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of November and are discussed below. As of November 1, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following 87 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 27027, 64 FR 51568, 65 FR 20245, 65 FR 57230, 65 FR 66286, 65 FR 78256, 66 FR 13825, 66 FR 16311, 66 FR 30502, 66 FR 41654, 66 FR 48504, 67 FR 15662, 67 FR 37907, 67 FR 57266, 68 FR 13360, 68 FR 19598, 68 FR 33570, 68 FR 37197, 68 FR 44837, 68 FR 48989, 68 FR 54775, 69 FR 26206, 69 FR 62741, 69 FR 64806, 70 FR 2705, 70 FR 12265, 70 FR 17504, 70 FR 25878, 70 FR 30997, 70 FR 41811, 70 FR 42615, 70 FR 53412, 71 FR 26601, 71 FR 32183, 71 FR 41310, 71 FR 62147, 72 FR 1056, 72 FR 5489, 72 FR 8417, 72 FR 11426, 72 FR 12666, 72 FR 25831, 72 FR 27624, 72 FR 28093, 72 FR 36099, 72 FR 39879, 72 FR 40360, 72 FR 40362, 72 FR 52419, 72 FR 62896, 73 FR 35194, 73 FR 36955, 73 FR 48273, 73 FR 74565, 73 FR 76440, 74 FR 7097, 74 FR 8302, 74 FR 15584, 74 FR 15586, 74 FR 19270, 74 FR 20253, 74 FR 26466, 74 FR 26471, 74 FR 34395, 74 FR 34632, 74 FR 37295, 74 FR 43221, 74 FR 48343, 75 FR 1835, 75 FR 9482, 75 FR 34211, 75 FR 36778, 75 FR 36779, 75 FR 44050, 75 FR 47888, 75 FR 66423, 75 FR 77492, 75 FR 80887, 76 FR 5425, 76 FR 11215, 76 FR 12215, 76 FR 15361, 76 FR 21796, 76 FR 25762, 76 FR 29022, 76 FR 29026, 76 FR 34133, 76 FR 34136, 76 FR 37169, 76 FR 37173, 76 FR 44082, 76 FR 44652, 76 FR 49528, 76 FR 49531, 76 FR 50318, 76 FR 53708, 76 FR 55463, 76 FR 61143, 77 FR 20879, 77 FR 31427, 77 FR 38381, 77 FR 38384, 77 FR 40945, 77 FR 48590, 77 FR 51846, 77 FR 64839, 77 FR 68199, 77 FR 68202, 77 FR 75494, 78 FR 800, 78 FR 4531, 78 FR 12813, 78 FR 12822, 78 FR 14410, 78 FR 16761, 78 FR 20376, 78 FR 22596, 78 FR 24798, 78 FR 26106, 78 FR 30954, 78 FR 3414, 78 FR 46407, 78 FR 51268,

78 FR 56993, 78 FR 57677, 78 FR 57679, 78 FR 62935, 78 FR 64274, 78 FR 76395, 78 FR 77778, 78 FR 77782, 78 FR 78477, 79 FR 4531, 79 FR 14571, 79 FR 28588, 79 FR 35218, 79 FR 38659, 79 FR 40945, 79 FR 41740, 79 FR 53514, 79 FR 56099, 79 FR 65759, 79 FR 65760, 79 FR 68199, 79 FR 69985, 79 FR 70928, 80 FR 603, 80 FR 2473, 80 FR 3723, 80 FR 6162, 80 FR 8751, 80 FR 8927, 80 FR 12254, 80 FR 12547, 80 FR 15859, 80 FR 16502, 80 FR 18693, 80 FR 20562, 80 FR 22773, 80 FR 25766, 80 FR 26320, 80 FR 29149, 80 FR 31636, 80 FR 31957, 80 FR 31962, 80 FR 35699, 80 FR 36395, 80 FR 36398, 80 FR 37718, 80 FR 40122, 80 FR 41548, 80 FR 44185, 80 FR 44188, 80 FR 45573, 80 FR 48404, 80 FR 48413, 80 FR 49302, 80 FR 50915, 80 FR 53383, 80 FR 59225, 80 FR 62161, 80 FR 62163, 81 FR 15401, 81 FR 70248, 81 FR 80161, 81 FR 90046, 81 FR 90050, 81 FR 91239, 81 FR 96165, 81 FR 96180, 81 FR 96196, 82 FR 13043, 82 FR 13048, 82 FR 15277, 82 FR 17736, 82 FR 18818, 82 FR 18949, 82 FR 20962, 82 FR 22379, 82 FR 23712, 82 FR 26224, 82 FR 32919, 82 FR 33542, 82 FR 35043, 82 FR 35050, 82 FR 37499, 82 FR 37504, 82 FR 43647, 82 FR 47295, 82 FR 47309, 82 FR 47312, 83 FR 2289, 83 FR 4537, 83 FR 28325, 83 FR 34661, 83 FR 40638, 83 FR 53724, 83 FR 56902, 83 FR 60954, 84 FR 2305, 84 FR 2311, 84 FR 2314, 84 FR 2326, 84 FR 10389, 84 FR 12665, 84 FR 16320, 84 FR 16333, 84 FR 21393, 84 FR 21397, 84 FR 21401, 84 FR 23629, 84 FR 27688, 84 FR 33801, 84 FR 46088, 84 FR 47038, 84 FR 47045, 84 FR 47047, 84 FR 47052, 84 FR 47057, 84 FR 52160, 84 FR 52166, 84 FR 58437, 84 FR 66444):

Michael K. Adams (OH)
Harold D. Albrecht (IL)
Jawad K. Al-Shaibani (AZ)
Scott R. Barber (IL)
Edmund J. Barron (PA)
Michael R. Bradford (MD)
Ronald G. Bradley (IN)
Steven R. Brinegar (TX)
Kevin W. Cannon (TX)
Roger C. Carson (IN)
Sherman W. Clapper (ID)
Glenn E. Coombes (TX)
Jimmie E. Curtis (NM)
Paul W. Dawson (CO)
Brandon G. Dills (NC)
Timothy H. DuBois (MN)
Raymond C. Favreau (VT)
Kevin M. Finn (NY)
Ronald D. Flanery (KY)
Andrew G. Fornsel (NY)
Ronald R. Fournier (NY)
Kamal A. Gaddah (OH)
Leslie W. Good (OR)
Danny G. Goodman (TX)
David N. Groff (PA)
Harlan L. Gunter (VA)
James P. Guth (PA)

Refugio Haro (IL)
Tyrae Harper (AL)
James W. Harris (TX)
Kevin L. Harrison (TN)
Brett K. Hasty (GA)
Larry R. Hayes (KS)
Jerome A. Henderson (VA)
Stephen T. Hines (NJ)
Wesley D. Hogue (AR)
Steven P. Holden (MD)
Tommie T. Hudson (VA)
Edgar A. Ideler (IL)
Michael W. Ireland (MA)
Johnny L. Irvin (MS)
Wayne E. Jakob (IL)
Gregory R. Johnson (SC)
Harry L. Jones (OH)
James A. Jones (MD)
Thomas W. Kent (IN)
Ibrahim F. Khashan (GA)
Mark V. Kneib (MO)
Earney J. Knox (MO)
Russell P. Kosinko (PA)
Roosevelt Lawson (AL)
Louis R. LeMonds (WA)
Stephen M. Lovell (TX)
Michael M. Martinez (NM)
Jonathan D. Matlasz (CT)
Joe L. Meredith, Jr. (VA)
Anthony R. Miles (NV)
Vincent P. Miller (CA)
William H. Moore (AL)
Benny R. Morris (WV)
Robert A. Moss (MO)
Jay C. Naccarato (WA)
Kenneth L. Nau (MD)
Edward P. Paloskey (PA)
Armando F. Pedroso Jimenez (MN)
Gonzalo Pena (FL)
Bobby G. Pool, Sr. (TX)
Edward J. Puto (CT)
Barry L. Pylant (GA)
Scott K. Richardson (OH)
Thomas E. Riley (NJ)
Glen E. Robbins (WY)
Elvis E. Rogers, Jr. (TX)
Terrence F. Ryan (FL)
Kirby R. Sands (IA)
William D. Shelt (AL)
Peter M. Shirk (PA)
Charles P. Smith (MO)
Hoyt V. Smith (SC)
Marcial Soto-Rivas (OR)
David A. Stinelli (PA)
James T. Sullivan (KY)
David C. Sybesma (ID)
Curtis M. Tharpe (VA)
Steven M. Veloz (CA)
Forrest L. Wright (AL)
Kurt A. Yoder (OH)

The drivers were included in docket numbers FMCSA-1999-5578, FMCSA-2000-7006, FMCSA-2000-7918, FMCSA-2000-8398, FMCSA-2001-9561, FMCSA-2002-11714, FMCSA-2003-14504, FMCSA-2003-15268, FMCSA-2004-19477, FMCSA-2005-20560, FMCSA-2006-24783, FMCSA-

2006-26653, FMCSA-2007-27333, FMCSA-2007-27897 FMCSA-2008-0106, FMCSA-2008-0398, FMCSA-2009-0154, FMCSA-2009-0321, FMCSA-2010-0114, FMCSA-2010-0385, FMCSA-2011-0102, FMCSA-2011-0124, FMCSA-2011-0140, FMCSA-2011-0142, FMCSA-2012-0039, FMCSA-2012-0160, FMCSA-2012-0280, FMCSA-2013-0025, FMCSA-2013-0027, FMCSA-2013-0166, FMCSA-2013-0169, FMCSA-2014-0003, FMCSA-2014-0007, FMCSA-2014-0011, FMCSA-2014-0298, FMCSA-2014-0300, FMCSA-2014-0301, FMCSA-2014-0305, FMCSA-2015-0049, FMCSA-2015-0052, FMCSA-2015-0053, FMCSA-2015-0055, FMCSA-2016-0207, FMCSA-2017-0014, FMCSA-2017-0017, FMCSA-2017-0019, FMCSA-2017-0022, FMCSA-2017-0023, FMCSA-2018-0208, FMCSA-2019-0005, FMCSA-2019-0008, FMCSA-2019-0009, FMCSA-2019-0011, FMCSA-2019-0013, and FMCSA-2019-0015. Their exemptions are applicable as of November 1, 2021 and will expire on November 1, 2023.

As of November 3, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 40445, 76 FR 53710, 78 FR 34143, 78 FR 52602, 79 FR 4531, 80 FR 50917, 80 FR 59230, 81 FR 1284, 82 FR 32919, 82 FR 47312, 83 FR 3861, 84 FR 52585):

Walter A. Hanselman (IN)
Amos S. Hostetter (OH)
Michael A. Kelly (TX)
Jesse A. Nosbush (MN)
Danny L. Watson (TN)

The drivers were included in docket numbers FMCSA-2011-0141, FMCSA-2013-0029, and FMCSA-2015-0056. Their exemptions are applicable as of November 3, 2021 and will expire on November 3, 2023.

As of November 6, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (74 FR 43217, 74 FR 57551, 76 FR 18824, 76 FR 29024, 76 FR 66123, 78 FR 77782, 79 FR 24298, 80 FR 63869, 83 FR 3861, 84 FR 52585):

Steven R. Lechtenberg (NE)
Jesse R. McClary, Sr. (MO)
Halman Smith (DE)

The drivers were included in docket numbers FMCSA-2009-0206 and FMCSA-2011-0057. Their exemptions

are applicable as of November 6, 2021 and will expire on November 6, 2023.

As of November 28, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (72 FR 58362, 72 FR 67344, 74 FR 57553, 76 FR 70212, 80 FR 63869, 83 FR 3861, 84 FR 52585): Robert W. Bequeaith (IA)
Loren H. Geiken (SD)
Amilton T. Monteiro (MA)
David G. Oakley (SC)

The drivers were included in docket number FMCSA–2007–29019. Their exemptions are applicable as of November 28, 2021 and will expire on November 28, 2023.

As of November 30, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 27027, 64 FR 40404, 64 FR 51568, 64 FR 66962, 66 FR 63289, 68 FR 64944, 70 FR 67776, 72 FR 64273, 74 FR 62632, 76 FR 70215, 78 FR 64280, 80 FR 63869, 83 FR 3861, 84 FR 52585):

Terry J. Aldridge (MS)
Thomas E. Walsh (CA)
Kevin P. Weinhold (MA)

The drivers were included in docket numbers FMCSA–1999–5578 and FMCSA–1999–5748. Their exemptions are applicable as of November 30, 2021 and will expire on November 30, 2023.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified medical examiner (ME), as defined by § 390.5, who attests that the driver is otherwise physically qualified under § 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the ME at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails

to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 102 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in § 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for two years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–22711 Filed 10–18–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0012]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from eight individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before November 18, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2021–0012 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov/, insert the docket number, FMCSA–2021–0012, in the

keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click on the “Comment” button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, fmcamedical@dot.gov, FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2021–0012), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov/docket?D=FMCSA-2021-0012. Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, click the “Comment” button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an

unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number, FMCSA–2021–0012, in the keyword box, and click “Search.” Next, sort the results by “Posted (Newer-Older),” choose the first notice listed, and click “Browse Comments.” If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver’s medical certification.

The eight individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in

§ 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

On July 16, 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (57 FR 31458). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of § 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely in intrastate commerce with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at www.regulations.gov/docket?D=FMCSA-1998-3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration’s former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively.¹ The fact that experienced monocular drivers demonstrated safe driving records in the waiver program

supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, Apr. 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., “Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,” Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

III. Qualifications of Applicants

Ruben Ahuyon

Mr. Ahuyon, 42, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/150, and in his left eye, 20/20. Following an examination in 2021, his ophthalmologist stated, “Mr. Ahuyon has sufficient vision to perform operations of a commercial vehicle.” Mr. Ahuyon reported that he has driven straight trucks for 6 years, accumulating 420,000 miles. He holds an operator’s license from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Victor N. Crisafulli

Mr. Crisafulli, 26, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2021, his optometrist stated, “Victor demonstrates sufficient vision with glasses to perform tasks required to operate a commercial

¹ A thorough discussion of this issue may be found in a FHWA final rule published in the *Federal Register* on March 26, 1996 and available on the internet at <https://www.govinfo.gov/content/pkg/FR-1996-03-26/pdf/96-7226.pdf>.

vehicle.” Mr. Crisafulli reported that he has driven straight trucks for 3 years, accumulating 15,600 miles. He holds an operator’s license from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roger Guin

Mr. Guin, 61, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2021, his optometrist stated, “It is my considered opinion that you have perfectly satisfactory vision to perform driving tasks needed to operate a commercial vehicle.” Mr. Guin reported that he has driven tractor-trailer combinations for 11 years, accumulating 143,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Michael H. Jorgensen

Mr. Jorgensen, 71, has a prosthetic left eye due to a traumatic incident in 2010. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2021, his optometrist stated, “He is, in my opinion, safe to drive a commercial motor vehicle as it pertains to his eyesight.” Mr. Jorgensen reported that he has driven straight trucks for 15 years, accumulating 675,000 miles and tractor-trailer combinations for 53 years, accumulating 4.505 million miles. He holds a Class A CDL from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Alejandro V. Lopez

Mr. Lopez, 52, has a prosthetic left eye due to a traumatic incident in 2001. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2021, his optometrist stated, “In my medical opinion, there have been no changes in vision to indicate he would have any trouble with driving tasks required to continued [sic] operation of the same or similar commercial vehicle that he has been safely operating since the eye injury in 2001.” Mr. Lopez reported that he has driven straight trucks for 10 years, accumulating 40,000 miles. He holds an operator’s license from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jay D. May

Mr. May, 41, has a macular scar in his left eye due to a traumatic incident in 2000. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2021, his optometrist stated, “I believe that Mr. May has sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. May reported that he has driven straight trucks for 10 years, accumulating 26,000 miles and tractor-trailer combinations for 15 years, accumulating 675,000 miles. He holds a Class A CDL from Arizona. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John Robison

Mr. Robison, 53, has had a retinal detachment in his right eye since an incident in childhood. The visual acuity in his right eye is 20/70, and in his left eye, 20/25. Following an examination in 2021, his optometrist stated, “In my opinion, Mr. White has sufficient vision to perform the driving tasks required to operate a commercial vehicle with no restrictions.” Mr. Robison reported that he has driven straight trucks for 3 years, accumulating 90,000 miles, and tractor-trailer combinations for 27 years, accumulating 2.34 million miles. He holds a Class A CDL from Georgia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth P. Stephens

Mr. Stephens, 65, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2021, his optometrist stated, “It is my opinion that Ken possesses all the visual skills necessary to operate a commercial vehicle.” Mr. Stephens reported that he has driven tractor-trailer combinations for 24 years, accumulating 720,000 miles. He holds a Class A CDL from Iowa. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date

indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021–22712 Filed 10–18–21; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0239]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: AURORA (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor’s vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 18, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0239 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD–2021–0239 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0239, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, Email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel AURORA is:

- Intended Commercial Use of Vessel:* “Water taxi.”
- Geographic Region Including Base of Operations:* “Washington.” (Base of Operations: Bellingham, WA).
- Vessel Length and Type:* 45’ Motor.

The complete application is available for review identified in the DOT docket as MARAD 2021-0239 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD’s regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel’s coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter’s interest in the application, and address the eligibility criteria given in section 388.4 of MARAD’s regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD-2021-0239 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021-22752 Filed 10-18-21; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2021-0238]

Request for Comments on the Approval of a Previously Approved Information Collection: Determination of Fair and Reasonable Rates for Carriage of Agriculture Cargoes on U.S. Commercial Vessels

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected will be used by the Maritime Administration in determining fair and reasonable guideline rates for the carriage of preference cargoes on U.S.-flag vessels. In addition, U.S.-flag vessel operators are required to submit Post Voyage Reports to the Maritime Administration after completion of a cargo preference voyage. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before December 20, 2021.

ADDRESSES: You may submit comments [identified by Docket No. MARAD-2021-0238] through one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search using the above DOT docket number and follow the online instructions for submitting comments.

- *Fax:* 1-202-493-2251.

- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department’s performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden

could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT:

Albert Bratton, Telephone Number: (202) 366-5769, Office of Business Finance, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Determination of Fair and Reasonable Rates for Carriage of Agriculture Cargoes on U.S.-Commercial Vessels.

OMB Control Number: 2133-0514.

Type of Request: Renewal of a previously approved collection.

Abstract: 46 U.S.C. 55305 and the Food Security Act of 1985 require that at least 50% of U.S. government sponsored agriculture bulk and packaged cargoes be shipped on U.S.-flag vessels to the extent that such vessels are available at fair and reasonable rates. Pursuant to 46 CFR part 381, Government agencies must comply with the cargo preference laws and must submit data to the Maritime Administration (MARAD) on U.S. and foreign-flag carriage of preference cargoes under their control. Part 382 requires U.S. operators to submit specific data to MARAD regarding fair and reasonable guideline rates for the carriage of preference cargoes on U.S.-flag vessels. The collection of vessel data contributes toward the U.S. Department of Transportation's strategic goal of National Security. In addition, this data collection requires U.S.-flag operators to submit vessel operating costs and capital costs data to MARAD officials on an annual basis. This information is needed by MARAD to establish fair and reasonable guideline rates for carriage of specific cargoes on U.S. vessels.

Respondents: U.S. citizens who own and operate U.S.-flag vessels.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 35.

Estimated Number of Responses: 62.

Estimated Hours per Response: 1-4 hours.

Annual Estimated Total Annual Burden Hours: 170.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.93.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021-22751 Filed 10-18-21; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2021-0125]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: IDLEWILD CLIMB II (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 18, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD-2021-0125 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Search MARAD-2021-0125 and follow the instructions for submitting comments.

- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD-2021-0125, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and

specific docket number. All comments received will be posted without change to the docket at www.regulations.gov, including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT:

James Mead, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23-459, Washington, DC 20590. Telephone 202-366-5723, email James.Mead@dot.gov.

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel IDLEWILD CLIMB II is:

—*Intended Commercial Use of Vessel:* “Sport fishing charter, maximum of 6 passengers.”

—*Geographic Region Including Base of Operations:* “New Jersey.” (Base of Operations: Manasquan, NJ)

—*Vessel Length and Type:* 51' Motor

The complete application is available for review identified in the DOT docket as MARAD 2021-0125 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at <http://www.regulations.gov>, keyword search MARAD–2021–0125 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to SmallVessels@dot.gov. Include in the email subject heading “Contains Confidential Commercial Information” or “Contains CCI” and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department’s FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–22753 Filed 10–18–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD–2021–0237]

Request for Comments on the Renewal of a Previously Approved Information Collection: MARAD Exercise Breakout Survey

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information that will be collected from this survey pertains to merchant mariners training and familiarity with Naval systems and procedures. This survey also gauges the willingness of merchant mariners to sail into harm’s way in time of national need. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before December 20, 2021.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2021–0237] through one of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. Search using the above DOT docket number and follow the online instructions for submitting comments.
- **Fax:** 1–202–493–2251.
- **Mail or Hand Delivery:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Instructions: All submissions must include the agency name and docket number for this rulemaking.

Note: All comments received will be posted without change to www.regulations.gov including any personal information provided.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department’s performance; (b) the accuracy of the estimated burden; (c) ways for the

Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB’s clearance of this information collection.

Electronic Access and Filing

A copy of the notice may be viewed online at www.regulations.gov using the docket number listed above. A copy of this notice will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register’s website at www.FederalRegister.gov and the Government Publishing Office’s website at www.GovInfo.gov.

FOR FURTHER INFORMATION CONTACT: Patrick Dannaher, 202–366–5427, Division of Sealift Operations and Emergency Response (MAR–612), Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, email: patrick.dannaher@dot.gov. Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title: MARAD Exercise Breakout Survey.

OMB Control Number: 2133–0550.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: This survey will be conducted on a voluntary basis and is intended to provide vital information to the Ready Reserve Force Program. This exercise is designed to test MARAD’s internal administrative procedures, as well as the coordination necessary for a complete activation of MARAD’s Ready Reserve Force (RRF) and the Military Sealift Command (MSC) Surge Sealift Fleet to meet strategic sealift requirements. Periodic testing is necessary in view of the dynamics that affect the RRF program, which include changes in RRF fleet composition, readiness status, ship location as well as changes to the seafaring manpower base. The mariner survey is an integral part of the Breakout Exercise. This survey will be used to measure mariner availability, training, and experience.

Respondents: Merchant Mariners.

Affected Public: Individuals and/or Households.

Estimated Number of Respondents: 150.

Estimated Number of Responses: 150.

Estimated Hours per Response: .05.

Annual Estimated Total Annual Burden Hours: 7.5.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.93.)

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By Order of the Acting Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021-22749 Filed 10-18-21; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Homeless Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C., App. 2., that a virtual meeting of the Advisory Committee on Homeless Veterans will be held on November 4, 2021. The meeting session will begin and end at 12:00 p.m. to 4:00 p.m. Eastern Standard

Time (EST). The meeting session is open to the public.

The purpose of the Committee is to provide the Secretary of Veterans Affairs with an ongoing assessment of the effectiveness of the policies, organizational structures, and services of VA in assisting Veterans at risk of and experiencing homelessness. The Committee shall assemble and review information related to the needs of homeless Veterans and provide advice on the most appropriate means of assisting this Veteran population. The Committee will make recommendations to the Secretary regarding such activities.

On Thursday, November 4, 2021, the agenda will include briefings from VA and other Federal agency officials regarding services for homelessness among Veterans. The Committee will also discuss topics for its annual report and recommendations to the Secretary of Veterans Affairs.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments on

issues affecting homeless Veterans for review by the Committee to Leisa Davis, Designated Federal Officer, Veterans Health Administration Homeless Programs Office (11HPO), U.S. Department of Veterans Affairs, 811 Vermont Avenue NW (11HPO), Washington, DC 20420, or via email at Leisa.Davis@va.gov and achv@va.gov.

Members of the public who wish to attend should contact Leisa Davis of the Veterans Health Administration, Homeless Programs Office, at Leisa.Davis@va.gov and achv@va.gov or 202-632-8588 no later than October 29, 2021, providing their name, professional affiliation, email address, and phone number. Attendees who require reasonable accommodations should also state so in their requests. There will also be a call-in number: 1 872-701-0185, access code: 788 391 343.

Dated: October 14, 2021.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2021-22726 Filed 10-18-21; 8:45 am]

BILLING CODE:P



FEDERAL REGISTER

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Part II

Department of Homeland Security

Coast Guard

46 CFR Parts 50, 52, 53, et al.

Updates to Marine Engineering Standards; Proposed Rule

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, and 64

[Docket No. USCG–2020–0634]

RIN 1625–AC72

Updates to Marine Engineering Standards

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to incorporate by reference updated marine engineering standards and eliminate outdated or unnecessarily prescriptive regulations in Title 46 of the Code of Federal Regulations (CFR) subchapter F. This proposed rule is part of a continuing effort for regulatory reform that increases compliance options for the regulated public while providing a cost savings to the regulated public and the U.S. government.

DATES: Comments and related material must be received by the Coast Guard on or before December 20, 2021.

ADDRESSES: You may submit comments identified by docket number USCG–2020–0634 using the Federal eRulemaking Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: For further information about this document call or email Thane Gilman, Systems Engineering Division (CG–ENG–3), 2703 Martin Luther King Jr. Ave. SE, Washington, DC 20593. Phone (202) 372–1383, Email: thane.gilman@uscg.mil.

SUPPLEMENTARY INFORMATION:

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I. Public Participation and Request for Comments

The Coast Guard views public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at www.regulations.gov. If you cannot submit your material by using www.regulations.gov, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions. Documents mentioned in this proposed rule, and all public comments, will be available in our online docket at www.regulations.gov, and can be viewed by following that website’s instructions. Additionally, if you visit the online docket and sign up for email alerts, you will be notified when comments are posted or if a final rule is published.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and submissions in response to this document, see the Department of Homeland Security’s (DHS) eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

We do not plan to hold a public meeting but we will consider doing so if public comments indicate that a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

II. Abbreviations

- ABYC American Boat and Yacht Council
 ABS American Bureau of Shipping
 ANSI American National Standards Institute
 API American Petroleum Institute
 ASME American Society of Mechanical Engineers
 ASTM ASTM International

- BLS Bureau of Labor Statistics
 BPVC Boiler and Pressure Vessel Code
 CFR Code of Federal Regulations
 CG–5PS United States Coast Guard Commercial Regulations and Standards Directorate
 CGA Compressed Gas Association
 DHS Department of Homeland Security
 FR Federal Register
 GPO Government Publishing Office
 GS General Service
 IBR Incorporation by Reference
 IMO International Maritime Organization
 ISO International Organization for Standardization
 MISLE Marine Information for Safety and Law Enforcement
 MSC Marine Safety Center
 MSS Manufacturers Standardization Society of the Valve and Fitting Industry, Inc.
 NAICS North American Industry Classification System
 NFPA National Fire Protection Association
 NPRM Notice of Proposed Rulemaking
 OFR Office of the Federal Register
 OMB Office of Management and Budget
 OPM Office of Personnel Management
 PV Pressure Vessel
 RA Regulatory Analysis
 RFA The Regulatory Flexibility Act of 1980 § Section
 SAE SAE International
 SBA Small Business Administration
 SOLAS International Convention for Safety of Life at Sea
 UL Underwriters Laboratories
 U.S.C. United States Code

III. Background, Basis, and Purpose

This notice of proposed rulemaking (NPRM) incorporates by reference updated marine engineering standards in Title 46 of the Code of Federal Regulations (CFR) subchapter F, including standards for boilers, pressure vessels, auxiliary machinery, piping, valves, and fittings, for various types of vessels; adds a limited number of alternative standards; and eliminates outdated or unnecessarily prescriptive regulations.

The Office of Management and Budget (OMB) directs, via OMB Circular A–119, that federal agencies use industry-based voluntary consensus standards in lieu of government-unique requirements where appropriate. The Coast Guard actively participates in the development of industry standards of safety for marine equipment at the International Maritime Organization (IMO), the International Organization for Standardization (ISO), ASTM International (ASTM), American Society of Mechanical Engineers (ASME), and other standards-setting bodies that belong to the American National Standards Institute (ANSI). Recently published editions of these standards provide necessary updates to materials, testing practices, and technologies, enhancing safety and compliance.

The United States Coast Guard has statutory authority to promulgate regulations under Title 43, United States Code (U.S.C.), section 1333(d); and Title 46 U.S.C. 3306 and 3703, and the Department of Homeland Security Delegation No. 0170.1, which delegates authority under these statutes to the Commandant of the Coast Guard. 43 U.S.C. 1333(d) grants the Secretary the authority to promulgate and enforce regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on artificial islands, installations, and other devices. 46 U.S.C. 3306(a)(1) authorizes the Secretary to prescribe regulations for the design, construction, alteration, repair, and operation of vessels subject to inspection, including equipment, appliances, propulsion machinery, auxiliary machinery, boilers, unfired pressure vessels, piping, and electric installations. Additionally, 46 U.S.C. 3703(a) grants the Secretary authority to regulate tank vessels regarding the construction, alteration, repair, maintenance, operation, and equipping of vessels that may be necessary for increased protection against hazards to life and property, for navigation and vessel safety, and for enhanced protection of the marine environment.

IV. Discussion of Proposed Rule

A. General Discussion

In general, the proposed rule would make the following changes:

1. Corrections—we would amend several sections to correct inadvertent errors or deletions. We would also remove material that is obsolete or superfluous to an efficient and effective marine safety regulatory scheme, and update contact information for Coast Guard offices and standards organizations.

2. Stylistic Revisions—we would revise the language of some sections, primarily for greater clarity. This includes revising sentences containing the word “shall” to use “must” or another grammatically equivalent word or phrase in accordance with plain language guidelines, and standardizing terms that were variously presented as compound words, hyphenated constructions, or multi-word phrases using the format preferred by the Government Publishing Office (GPO).

3. Updated cross references—we would update cross references to reflect the relocation, within the CFR, of pertinent provisions. We would also standardize designations for tables, figures, notes, and formulas using the format preferred by the Office of the Federal Register (OFR).

4. Updated industry standards—we would update cross-references to industry standards by adding new references, replacing references to superseded standards or editions, and by conforming text accordingly. We incorporate these updated standards because they reflect the latest available technologies, practices, and procedures that are recommended by consensus

bodies, ship classification societies and other maritime organizations with experience in the industry. As the baseline upon which other standards, rules, and equivalency requests are evaluated, it is important that subchapter F incorporate up-to-date references. The class rules of the American Bureau of Shipping (ABS), in particular, are incorporated by reference in multiple locations within subchapter F and 46 CFR Chapter I. It is important to note that while these rules set the regulatory baseline or standard for specific engineering systems and equipment, the Coast Guard has also authorized classification societies in accordance with 46 CFR part 8. These authorized classification societies are listed on the Coast Guard website¹ and have been delegated the authority to perform certain functions and certifications using their respective class rules for vessels enrolled in the Alternate Compliance Program. For vessels not enrolled in the Alternate Compliance Program, the class rules of an authorized classification society may be proposed as an alternative to the ABS class rules incorporated by reference for engineering systems and equipment. The following table indicates the sections we propose to amend, and why.

BILLING CODE 9110-04-P

¹ <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/Flag-State-Control-Division/ClassSocAuth/>.

Table 1 – Reason for Change---CFR Part or Section Affected

<i>Reason for Change</i>	<i>Section</i>
<i>Corrections.....</i>	§§ 50.05-5(b), 50.05-20, 50.05-20(a), 50.10-23, 50.20-5(b), 50.20-5(c), 50.20-10(a), 50.20-15(a), 50.20-30, 50.25-1, 50.25-7(c), 50.25-7(d), 52.01-1(a), 52.01-1(b), 52.01-3, 52.01-50, 52.01-50(b)(2), 52.01-55(a), 52.01-90, 52.01-95(a), 52.01-95(e), 52.01-110, 52.01-120, 52.01-130, 52.01-135, 52.01-145, 52.05-15, 52.05-20, 52.20-1, 52.25-3, 52.25-5, 52.25-7, 52.25-20, 53.01-1(a), 53.01-1(b), 53.05-1, 53.05-2, 53.05-3, 53.05-5, 54.01-1(a), 54.01-1(b), 54.01-1(d), 54.01-1(e), 54.01-5(a), 54.01-5(b), 54.01-15, 54.01-15(a)(3)(i), 54.01-18(a), 54.01-18(b)(5), 54.05-20, 54.05-30(b), 54.10-3, 54.10-3(b), 54.10-20(a)(2), 54.15-10(e), 54.15-10(h)(2), 54.15-25(c-1), 56.01-2(a), redesignated 56.01-2(c), redesignated 56.01-2(f), redesignated 56.01-2(g), redesignated 56.01-2(j), redesignated 56.01-2(k), 56.07-5, 56.10-5, 56.15-1, 56.15-5, 56.20-1, 56.20-5, 56.20-9, 56.20-15, 56.25-5, 56.25-7, 56.25-20, 56.30-5, 56.30-10, 56.30-20, 56.30-25, 56.30-30, 56.30-35, 56.35-1, 56.50-1, 56.50-15, 56.50-20, 56.50-50(k), 57.01-1(a), 57.02-1(a), 57.02-1(b), 56.97-1, 57.02-2(a), Table 57.02-1(a), 57.02-2(a)(1), 57.02-3(a), 57.03-1(a)(1), 57.06-1(c), 58.01-10(b), 58.03-1(a), 58.03-1(b), 58.03-1(c), redesignated 58.03-1(d), redesignated 58.03-1(e), redesignated 58.03-1(f), redesignated 58.03-1(g), redesignated 58.03-1(h), redesignated 58.03-1(i), redesignated 58-16.5, 58.16-10(b), 59.01-2(b), 59.10-5(i), 61.03-1(a), 61.03-1(b), 62.05-1(a), 62.35-50, 63.01-3(b), 63.05-1(a), 63.05-1(c), 63.10-1, 63.25-9(a), 63.25-9(b), 63.25-9(b)(3), 64.2(b)
<i>Stylistic revisions.....</i>	§§ 50.01-10(b), 50.05-1(a), 50.05-1(c), 50.05-5(b), 50.05-5(c), 50.05-10(a), 50.05-15(a), 50.05-15(b), 50.05-20(a), 50.05-20(b), 50.10-20, 50.10-23, 50.10-25, 50.10-30(b), 50.20-1(b), 50.20-25(a), 50.20-25(b), 50.20-30, 50.20-35(a), 50.20-35(b), redesignated 50.25-1(e), 50.25-3(a), 50.25-3(b), 50.25-5(a), 50.25-5(b), 50.25-7(b), 50.25-7(c), 50.30-1(a), 50.30-10(a), 50.30-10(b), 50.30-15(a), 50.30-15(b), 50.30-15(c), 50.30-20(a), 50.30-20(b), 52.01-1(a), 52.01-1(b)(1), 52.01-2(a), 52.01-5(a), 52.01-35(b), 52.01-40, redesignated 52.01-50(b)(1), redesignated 52.01-50(b)(2), 52.01-55(a), 52.01-55(b), 52.01-95(a), 52.01-95(b)(1), 52.01-95(b)(2), 52.01-95(b)(3), 52.01-95(c), 52.01-95(e), 52.01-95(f), 52.01-100(a), 52.01-100(b), 52.01-105(d)(1), 52.01-105(d)(2), 52.01-105(e)(1), 52.01-110(a), 52.01-110(b)(1), 52.01-110(b)(2), 52.01-110(b)(3), 52.01-110(b)(4), 52.01-110(c), 52.01-110(d), 52.01-110(f), 52.01-120(a)(3), 52.01-120(a)(4), 52.01-120(a)(5), 52.01-120(a)(6), 52.01-120(a)(8), 52.01-120(a)(9), 52.01-120(b)(1), 52.01-120(b)(2), 52.01-120(c)(1), 52.01-120(c)(2), 52.01-120(c)(3), 52.01-120(d)(1), 52.01-120(d)(2), 52.01-130(a)(1), 52.01-130(a)(2), 52.01-130(a)(3), 52.01-130(b)(1), 52.01-130(b)(2), redesignated 52.01-130(b)(3), redesignated 52.01-130(b)(4), redesignated 52.01-130(b)(5), 52.01-130(c)(1), 52.01-130(c)(2), 52.01-135(a), 52.01-135(b), 52.01-135(c), 52.01-140(c), 52.01-140(d), 52.05-1(a), 52.05-15(a), 52.05-30(a), 52.05-30(b), 52.05-30(c), 52.05-45(a), 52.15-1, 52.15-5(a), 52.15-5(b), 52.15-5(c), 52.15-5(d), 52.20-1, 52.20-25(a), 52.20-25(b), 52.25-1, 52.25-10(a), 52.25-10(b), 52.25-15(a), 53.01-1(a), 53.01-1(b), 53.01-1(b)(1), 53.01-1(b)(2), 53.01-1(c)(1), 53.01-1(c)(2), 53.01-3(a), 53.01-5(a), 53.01-5(b), 53.01-10(a), 53.01-10(b)(1), 53.01-10(b)(2), 53.01-10(c)(2), 53.01-10(d), 53.10-1, 53.10-3(a), 53.10-10, 53.10-15, 53.12-1(a), 53.12-1(b), 54.01-1(a), 54.01-1(b)(1), 54.01-2(a), 54.01-10(b), 54.01-10(c), 54.01-

15(a)(2)(iv), 54.01-17, 54.01-18(a), 54.01-18(b), 54.01-25(a), 54.01-25(b), 54.01-30(a), 54.01-35(a), 54.01-35(b), 54.01-35(c), 54.01.40(b), 54.03-1, 54.05-1, 54.05-3(a), 54.05-3(a)(2), 54.05-5(a), 54.05-5(b), 54.05-5(c)(1), 54.05-5(c)(2), 54.05-5(d), 54.05-10(a), 54.05-10(b)(1), 54.05-10(b)(3), 54.05-10(b)(4), 54.05-10(c)(2), 54.05-10(c)(3), 54.05-10(c)(4), 54.05-10(d)(1), 54.05-10(e)(1), 54.05-10(e)(3), 54.05-10(f), 54.05-15(a), 54.05-15(b), 54.05-15(c), 54.05-15(d), 54.05-16(a), 54.05-16(c), 54.05-16(d), 54.05-16(e), 54.05-17(a), 54.05-17(b), 54.10-1, 54.10-3(a), 54.10-3(b), 54.10-3(c), 54.10-5, 54.10-10(a), 54.10-10(b), 54.10-10(c), 54.10-10(d), 54.10-10(e), 54.10-10(f), 54.10-15(a), 54.10-15(b), 54.10-15(c), 54.10-15(d), 54.10-15(d)(1), 54.10-15(e), 54.10-15(f), 54.10-15(g), 54.10-20(b), 54.10-20(c), 54.10-20(c)(1), 54.10-20(d), 54.10-25(a), 54.10-25(b), 54.15-1(b), 54.15-5(b), 54.15-5(c), 54.15-5(d), 54.15-5(e), 54.15-5(f), 54.15-5(h), 54.15-5(i), 54.15-5(j), 54.15-5(k), 54.15-5(l), 54.15-10(a), 54.15-10(b), 54.15-10(c), 54.15-10(e), 54.15-10(g), 54.15-10(h), 54.15-13(b), 54.15-13(b)(3), 54.15-13(c), 54.15-15(a), 54.15-15(b), 54.15-15(c), 54.15-15(c)(2), 54.15-15(d), 54.15-15(e), 54.15-15(f), 54.15-15(g)(1), 54.15-15(g)(2), 54.15-25(a), 54.15-25(b), 54.15-15(d), 54.15-15(e)(1), 54.15-15(e)(2), 54.20-1(a), 54.20-3(a), 54.20-3(b), 54.20-3(d), 54.20-3(e), 54.23-1(a), 54.25-1, 54.25-3, 54.25-7(b), 54.25-8(b), 54.25-10(a)(2), 54.25-10(b), 54.25-10(b)(1)(i), 54.25-10(b)(1)(ii), 54.25-10(b)(2), 54.25-10(b)(3), 54.25-10(b)(4), 54.25-10(b)(5), 54.25-15(a), 54.25-15(b), 54.25-20(a), 54.25-20(b), 54.25-20(d), 54.30-3(c), 54.30-5(b), 54.30-10(a), 54.30-10(a)(2), 54.30-10(a)(3), 54.30-15(a), 54.30-15(b), 56.01-1(b), redesignated 56.01-2(b), redesignated 56.01-2(b)(1), redesignated 56.01-2(c)(1), redesignated 56.01-2(c)(2), redesignated 56.01-2(c)(3), redesignated 56.01-2(c)(7), redesignated 56.01-2(c)(8), redesignated 56.01-2(c)(9), redesignated 56.01-2(c)(10), redesignated 56.01-2(c)(11), redesignated 56.01-2(c)(12), redesignated 56.01-2(c)(14), redesignated 56.01-2(c)(15), redesignated 56.01-2(c)(16), redesignated 56.01-2(c)(17), redesignated 56.01-2(c)(18), redesignated 56.01-2(c)(19), redesignated 56.01-2(c)(20), redesignated 56.01-2(c)(21), redesignated 56.01-2(c)(22), redesignated 56.01-2(c)(23), redesignated 56.01-2(c)(24), redesignated 56.01-2(c)(25), redesignated 56.01-2(d)(1), redesignated 56.01-2(d)(3), redesignated 56.01-2(d)(4), redesignated 56.01-2(d)(5), redesignated 56.01-2(d)(6), redesignated 56.01-2(d)(7), redesignated 56.01-2(d)(8), redesignated 56.01-2(d)(9), redesignated 56.01-2(d)(10), redesignated 56.01-2(d)(11), redesignated 56.01-2(d)(12), redesignated 56.01-2(d)(13), redesignated 56.01-2(d)(14), redesignated 56.01-2(d)(15), redesignated 56.01-2(d)(16), redesignated 56.01-2(d)(17), redesignated 56.01-2(d)(18), redesignated 56.01-2(d)(19), redesignated 56.01-2(d)(20), redesignated 56.01-2(d)(21), redesignated 56.01-2(d)(22), redesignated 56.01-2(d)(23), redesignated 56.01-2(d)(24), redesignated 56.01-2(d)(25), redesignated 56.01-2(d)(26), redesignated 56.01-2(d)(27), redesignated 56.01-2(d)(28), redesignated 56.01-2(d)(29), redesignated 56.01-2(d)(30), redesignated 56.01-2(d)(31), redesignated 56.01-2(d)(32), redesignated 56.01-2(d)(33), redesignated 56.01-2(d)(34), redesignated 56.01-2(d)(35), redesignated 56.01-2(d)(36), redesignated 56.01-2(d)(37), redesignated 56.01-2(d)(38), redesignated 56.01-2(d)(39), redesignated 56.01-2(d)(40), redesignated 56.01-2(d)(41), redesignated 56.01-2(d)(42), redesignated 56.01-2(d)(43), redesignated 56.01-2(d)(44), redesignated 56.01-2(d)(45), redesignated 56.01-2(d)(46), redesignated 56.01-2(d)(47), redesignated 56.01-2(d)(48), redesignated 56.01-2(d)(49), redesignated 56.01-2(d)(50), redesignated 56.01-2(d)(51), redesignated 56.01-2(d)(52), redesignated 56.01-2(d)(53),

redesignated 56.01-2(d)(54), redesignated 56.01-2(d)(55), redesignated 56.01-2(d)(57), redesignated 56.01-2(d)(58), redesignated 56.01-2(d)(59), redesignated 56.01-2(d)(60), redesignated 56.01-2(d)(61), redesignated 56.01-2(d)(62), redesignated 56.01-2(d)(63), redesignated 56.01-2(d)(64), redesignated 56.01-2(e)(1), redesignated 56.01-2(f)(1), redesignated 56.01-2(g)(1), redesignated 56.01-2(h)(1), redesignated 56.01-2(i)(1), redesignated 56.01-2(j)(1), redesignated 56.01-2(j)(2), redesignated 56.01-2(j)(3), redesignated 56.01-2(j)(4), redesignated 56.01-2(j)(5), redesignated 56.01-2(j)(6), redesignated 56.01-2(j)(7), redesignated 56.01-2(j)(8), redesignated 56.01-2(j)(9), redesignated 56.01-2(k)(1), redesignated 56.01-2(k)(2), 56.01-5, 56.01-10(a), 56.01-10(b), 56.01-10(c)(1), 56.01-10(c)(2), 56.01-10(d)(1), 56.01-10(d)(2), 56.01-10(d)(3), 56.01-10(e), 56.04-1, 56.04-2, 56.07-10(a)(2), 56.07-10(b)(1), 56.07-10(b)(2), 56.07-10(b)(3), 56.07-10(c), 56.07-10(e)(2), 56.07-10(f)(1), 56.10-1(a), 56.10-5(a), 56.10-5(b), 56.10-5(c)(5), 56.15-5(a), 56.15-5(b), 56.20-5, 56.20-7, 56.20-9(b), 56.20-9(c), 56.20-9(d), 56.20-9(e), 56.20-9(f), 56.20-15(a), 56.20-15(b), 56.20-20(a), 56.25-10(a), 56.25-15(a), 56.25-20(e), 56.30-3, 56.30-5(b)(1), 56.30-5(b)(2), 56.30-5(e), 56.30-10(b)(6), 56.30-30(a), 56.30-30(b)(1), redesignated 56.30-40(c), redesignated 56.30-40(f), redesignated 56.30-40(g), 56.35-1(a), 56.50-1(a), 56.50-1(b)(1), 56.50-1(b)(2), 56.50-1(d), 56.50-1(e), 56.50-1(f), 56.50-1(h), 56.50-1(i), 56.50-1(j), 56.50-1(k), 56.50-15(a), 56.50-15(b), 56.50-15(c), 56.50-15(d), 56.50-15(g), 56.50-15(j), 56.50-20(b), 56.50-25(a), 56.50-25(b), 56.50-25(c), 56.50-25(d), 56.50-30(a)(1), 56.50-30(a)(3), 56.50-30(a)(4), redesignated 56.50-30(b)(2), redesignated 56.50-30(b)(3), 56.50-30(c)(1), 56.50-30(c)(2), 56.50-30(d), 56.50-30(d)(1), 56.50-30(d)(3), 56.50-30(e), 56.50-30(e)(1), 56.50-30(e)(2), 56.50-30(f), 56.50-40(a)(2), 56.50-40(b), 56.50-40(c), 56.50-40(d), 56.50-45(a), 56.50-45(b), redesignated 56.50-50(a)(2), redesignated 56.50-50(a)(3), 56.50-50(b), 56.50-50(d), 56.50-50(d)(3), 56.50-50(d)(4), 56.50-50(d)(5), 56.50-50(f)(1), 56.50-50(f)(4), 56.50-50(g), 56.50-50(i), 56.50-50(j), 56.50-50(l), 56.50-50(m), 56.50-55(b)(1), 56.50-55(b)(2), 56.50-55(d), 56.50-55(e)(2), 56.50-55(e)(3), 56.50-60(a)(1), 56.50-60(d)(3)(ii), 56.50-60(d)(3)(iii), 56.50-60(d)(3)(iv), 56.50-60(f), 56.50-65(c), 56.50-60(d), 56.50-60(e), 56.50-60(f), 56.50-70(a)(1), 56.50-70(a)(3), 56.50-70(a)(4), 56.50-70(b)(1), 56.50-70(c), 56.50-70(d), 56.50-70(f), 56.50-70(g), 56.50-70(h), 56.50-75(a)(1), 56.50-75(a)(2), 56.50-75(a)(3), 56.50-75(b)(1), 56.50-75(b)(2), 56.50-75(b)(3), 56.50-75(b)(4), 56.50-75(b)(6), 56.50-75(b)(7), 56.50-80(a), 56.50-80(b), 56.50-80(c), 56.50-80(d), 56.50-80(e), 56.50-80(f), 56.50-80(g), 56.50-85(a)(1), 56.50-85(a)(2), 56.50-85(a)(3), 56.50-85(a)(7), 56.50-85(a)(7)(i), 56.50-85(a)(9), 56.50-85(a)(12), 56.50-90(b), 56.50-90(e), 56.50-95(a)(1), 56.50-95(a)(2), 56.50-95(a)(3), 56.50-95(b)(2), 56.50-95(b)(3), 56.50-95(d)(1), 56.50-95(d)(2), 56.50-95(e)(1), 56.50-95(e)(2), 56.50-95(f), 56.50-95(g), 56.50-95(h), 56.50-96(a), 56.50-97, 56.50-103(b), 56.50-103(e), 56.50-103(g), 56.50-103(h), 56.50-103(i), 56.50-103(k), 56.50-105(a), 56.50-105(a)(1), 56.50-105(a)(1)(i), 56.50-105(a)(1)(ii), 56.50-105(a)(2), 56.50-105(a)(3), 56.50-105(a)(4), 56.50-105(b), 56.50-105(b)(2), 56.50-105(b)(3), 56.50-105(b)(4), 56.50-105(b)(6), 56.60-1(a)(1), 56.60-1(b), 56.60-2(a), 56.60-2(c)(1)(ii), 56.60-2(c)(2), 56.60-3(b), redesignated 56.60-5(c), 56.60-10(a), 56.60-10(b), 56.60-25, 56.65-1, 56.70-5(b), 56.70-10(a)(1)(iii), 56.70-10(a)(2), 56.70-10(a)(4), 56.70-15(a)(1), redesignated 56.70-15(a)(2), 56.70-15(b)(2), 56.70-15(b)(3), 56.70-15(b)(4), 56.70-15(b)(8), 56.70-15(e)(1), 56.70-15(f)(1), 56.70-15(g)(2), 56.70-15(g)(4), 56.70-15(g)(5), 56.70-15(g)(5)(i), 56.70-15(g)(5)(ii), 56.70-15(g)(6), 56.70-

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<p>Updated cross - references.....</p> <p>Updated industry standards.....</p>	<p>1(a)(1), 59.15-1(a)(2), 59.15-1(d), 59.15-5(b), 59.15-10(a), 59.15-10(c), 59.20-1, 61.01-1(a), 61.01-1(b), 61.03-1(a), 61.03-1(b), 61.05-1, 61.05-5(a), 61.05-5(b), 61.05-10(b), 61.05-10(c), 61.05-10(d), 61.05-10(e), 61.05-10(f), 61.05-10(g), 61.05-15(a), 61.05-15(e), 61.05-20, 61.10-5(g), 61.15-1, 61.15-5(a), 61.15-5(c), 61.15-10(a), 61.15-15(a), 61.20-1(b), 61.20-3(a), 61.20-3(b), 61.20-5(a), 61.20-5(b), 61.20-17(b), 61.20-23(c), 61.30-5, 61.30-20, 61.35-3, 61.40-1(b), 62.01-3, 62.01-5, 62.05-1(a), 62.05-1(b)(1), 62.10-1, 62.15-1, 62.20-1, 62.20-5(a), 62.35-1(a), 62.35-15(a)(2), 62.35-40, 63.05-1(a), 63.05-1(b)(1), 63.05-1(c)(1), 63.05-1(d)(1), 63.05-1(e)(1), 63.05-1(e)(2), 63.05-1(f)(1), 63.05-1(f)(2), 63.05-1(f)(3), 63.05-1(g)(1), 63.05-1(g)(2), 63.05-1(g)(3), 63.05-1(g)(4), 63.15-1, 63.15-3, 63.15-7, 63.25-7, 63.25-9, 64.2(a), 64.2(b), 64.5, 64.11, 64.13, 64.21, 64.25, 64.31, and 64.63.</p> <p>§§ 54.01-1(b)(1), 54.01-1(c)(1) 54.01-1(c)(2), 54.01-1(c)(3), 54.01-1(c)(4), 54.01-1(c)(5), 54.01-1(d)(1), 54.10-20(a)(2), 57.02-1(b), 59.01-2(b)(1), 59.01-2(b)(2), 59.01-2(b)(3), 59.01-2(b)(4), 63.05-1(e)(1), 63.05-1(e)(2), 63.05-1(f)(2), 63.05-1(f)(1), 63.05-1(f)(3), 63.05-1(g)(1), 63.05-1(g)(2)</p> <p>§§ 54.01-1(b)(1), 54.01-1(c)(1), 54.01-1(c)(2), 54.01-1(c)(3), 54.01-1(c)(4), 54.01-1(c)(5), 54.01-1(d)(1), 54.01-1(e)(1), 54.01-2, 56.01-2, 56.60-1, 57.02-1(b), 59.01-2(b)(1), 59.01-2(b)(2), 59.01-2(b)(3), 59.01-2(b)(4), 62.05-1(b)(1), 62.25-30(a)(1), 62.25-30(a)(2), 62.25-30(a)(3), 62.25-30(a)(5), 62.35-5(d), 62.35-35, 62.35-50, 62.50-30(c), 63.05-1(b)(1), 63.05-1(c)(1), 63.05-1(d)(1), 63.05-1(f)(1), 63.05-1(f)(3), 63.05-1(g)(1), 63.05-1(g)(2), 63.05-1(g)(3), 63.05-1(g)(4), 63.25-3(a)</p>
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B. Standards Incorporated by Reference To Be Updated or Added

Following this paragraph, we include an alphabetical list of the standards we propose to update or add, each with a listing of the sections in which they appear in Title 46 of the CFR. For each standard listed, we describe the topics covered by the standard, the proposed changes to the standard, any difference between the older edition of standards currently included within the CFR via incorporation by reference (IBR) and the edition proposed for adoption, and a list of subparts or sections that reference the standard.

- American Bureau of Shipping (ABS) standard ABS Rules for Building and Classing Marine Vessels, 2020, Part 4, Vessel Systems and Machinery. This standard updates the 2003 standard, incorporated by reference in §§ 58.01-5, 58.05-1, 58.10-15, 58.20-5, 58.25-5, 62.25-30, 62.35-5, 62.35-35, 62.35-40, 62.35-50, and 62.50-30. In 2020, ABS changed the name of the Steel Vessel Rules to Marine Vessel Rules. All parts and sections contain the same information along with updates to reflect the current technologies for commercial vessels.
- American Boat and Yacht Council (ABYC) standard ABYC P-1-14, Installation of Exhaust Systems for

Propulsion and Auxiliary Engines (2009 standard reaffirmed 2014). This standard updates the 1973 standard, incorporated by reference at § 58.10-5. It contains the rules and guidance for the safe installation and operation of exhaust systems for propulsion and auxiliary engines. Updates to the standard are editorial (non-substantive) in nature.

- ANSI Z21.22-2015, Relief valves for hot water supply systems. This standard updates the 1986 edition incorporated by reference at § 63.25-3. This standard establishes requirements for relief valves for hot water systems. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the standard intent. It is the internationally accepted standard.
- API Recommended Practice 14C, Analysis, Design, Installation, and Testing of Safety Systems for Offshore Production Facilities, Eighth Edition, February 2017. This standard updates the 1986 edition, incorporated by reference in § 58.60-9. The updates made to the standard are editorial in nature.
- API STD 53, Well Control Equipment Systems for Drilling Wells, fifth edition. This standard replaces API Recommended Practice 53 (API RP 53),

the second edition of which is currently incorporated by reference at § 58.60-7. API STD 53 promotes best safety practices for the oil and gas industry during drilling operations, principally focusing on blowout prevention.

- API STD 607, Fire Test for Quarter-turn Valves and Valves Equipped with Nonmetallic Seats, seventh edition (2016). This standard replaces the fourth edition of API STD 607 (1993), incorporated by reference at § 56.20-15. This standard specifies fire type-testing of valves that contain nonmetallic materials and pressure-containing capabilities after the fire test.
- ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (2019 edition). The 2001 edition is currently incorporated by reference at §§ 52.01-2, 52.01-5, 52.01-50, 52.01-95, 52.01-100, 52.01-105, 52.01-110, 52.01-115, 52.01-120, 52.01-135, 52.01-140, 52.01-145, 52.05-1, 52.05-15, 52.05-20, 52.05-30, 52.05-45, 52.15-1, 52.15-5, 52.20-1, 52.20-25, 52.25-3, 52.25-5, 52.25-7, 52.25-10, 56.15-1, 56.20-1, 56.60-1, 56.70-15, 56.95-10, 58.30-15, and 59.10-5. By means of this rule, we propose to remove the references at §§ 56.20-1 and 56.70-15. This portion of the ASME Boiler and Pressure Vessel Code (BPVC) provides rules for construction of power boilers, electric

boilers, miniature boilers, and high temperature water boilers to be used in stationary service and includes power boilers used in locomotive, portable, and traction service. Every two years, the code is revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the intent of the code. It is the internationally-accepted authoritative standard for design and construction of boilers. Incorporating the latest edition simplifies regulatory compliance and ensures the latest industry practices based on changes in technology are addressed and the highest possible level of safety is required. The 2019 standard updates the code by developing a new non-mandatory appendix for fabrication of dissimilar metal welds for creep strength enhanced ferritic steel to austenitic materials, rewriting section PW-38, incorporating non-mandatory appendix A-100, including detailed rules for preheating and inter-pass temperatures and interruption of welding and preheat, and adding a new figure for code jurisdictional limits for piping for fire-tube boilers.

- ASME Boiler and Pressure Vessel Code, Section IV, Rules for Construction of Heating Boilers (2019 edition). The 2004 edition is currently incorporated by reference at §§ 53.01-3, 53.01-5, 53.01-10, 53.05-1, 53.05-2, 53.05-3, 53.05-5, 53.10-1, 53.10-3, 53.10-10, 53.10-15, and 53.12-1. This code contains requirements, specific prohibitions, and non-mandatory guidance for construction of heating boilers. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the intent of the code. It is the internationally accepted authoritative standard for design and construction of heating boilers. Incorporating the latest editions ensures compliance with current industry practices. The 2019 code updates Section IV by adding stress values to Table HF-30001 and adding language to various parts to allow for electronic signatures.

- ASME Boiler and Pressure Vessel Code, Section VII, Recommended Guidelines for the Care of Power Boilers (2019 edition). The 2001 edition is currently incorporated by reference at §§ 59.01-2. This code contains requirements, specific prohibitions, and non-mandatory guidance for construction of power boilers. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to

clarify the intent of the code. It is the internationally accepted authoritative standard for operating, maintaining, examining, and care of power boilers. Incorporating the latest editions ensures compliance with current industry practices. The changes made to the standard are structural and stylistic. ASME Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Pressure Vessels (2019 edition). The 1998 edition is currently incorporated by reference at §§ 54.01-2, 54.01-5, 54.01-15, 54.01-18, 54.01-25, 54.01-30, 54.01-35, 54.03-1, 54.05-1, 54.10-1, 54.10-3, 54.10-5, 54.10-10, 54.10-15, 54.15-1, 54.15-5, 54.15-10, 54.15-13, 54.20-1, 54.20-3, 54.25-1, 54.25-3, 54.25-8, 54.25-10, 54.25-15, 54.25-20, 54.30-3, 54.30-5, 54.30-10, 56.15-1, 56.20-1, 56.25-5, 56.30-10, 56.30-30, 56.60-1, 56.60-2, 56.60-15, 56.95-10, 58.30-15, 59.10-5, and 59.10-10. By means of this rule, we propose to remove the references at §§ 54.01-15, 56.20-1, and 56.30-30. The 1989 edition is also incorporated by reference at §§ 64.5, 64.11, 64.13, 64.21, 64.25, and 64.31, and reference is made to the use of a constant from the 1974 edition in a calculation at § 64.63. However, these earlier editions would remain unchanged within the CFR, as part 64 is applicable only to marine portable tanks for which the Coast Guard's Marine Safety Center (MSC) received an application on or before May 1, 1991. This code contains requirements, specific prohibitions, and non-mandatory guidance for construction of pressure vessels. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the intent of the code. It is the internationally accepted authoritative standard for design and construction of heating boilers. Incorporating the latest editions ensures compliance with current industry practices. The 2019 edition allows for additional design methods from Div. 2 to be used in Div. 1 by creating new appendix 46. Revisions were also made for clarity.

- ASME Boiler and Pressure Vessel Code, Section IX, Welding, Brazing, and Fusing Qualifications (2019 edition). This standard updates the 1989 edition currently incorporated at §§ 56.70-5, 56.70-20, 56.75-2, 57.01-1, 57.01-1.57.02-2, 57.02-3, 57.02-4, 57.03-1, 57.04-1, 57.05-1, 57.06-1, 57.06-3, 57.06-4, and 59.10-5. By means of this rule, we propose to newly incorporate this standard at § 56.85-10 and to remove the references at §§ 57.01-1, 57.02-3, and 57.06-3. This standard

establishes the qualifications of welders, welding operators, brazers, and brazing operators and the procedures employed in welding or brazing, and has been regularly revised to accommodate technological developments, address administrative requirements, incorporate interpretations, and clarify the intent of the code. It is the internationally accepted authoritative standard for pressure vessels.

- ASME B1.1-2003 (reaffirmed 2008), Unified Inch Screw Threads (UN and UNR Thread Form). This standard updates the 1982 edition, incorporated by reference at §§ 56.25-20 and 56.60-1, and specifies the thread form, series, class, allowance, tolerance, and designation for unified screw threads. The revision changes some of the values in tables provided in the standard. These changes in value were the result of the application of consistent eight decimal and round rules established in ASME B1.30-1992.

- ASME B1.20.1-2013, Pipe Threads, General Purpose (Inch). This standard updates the 1983 edition incorporated by reference at § 56.60-1, and covers the dimensions and gauging of pipe threads. The revisions to the standard include editorial changes, changes in calculations and figures, and clarification of figures.

- ASME B1.20.3-1976, Dryseal Pipe Threads (Inch), January 1, 1976, reaffirmed 2013 ("ASME B1.20.3"), IBR approved for § 56.60-1. We are updating the reaffirmation date of this standard to conform with its most recent reaffirmation. This document primarily provides specific dimensions for tapered pipe threads of various common sizes, and has not changed substantially.

- ASME B16.1-2015, Gray Iron Pipe Flanges and Flanged Fittings, Classes 25, 125, and 250. This standard updates the 1998 standard for these fittings as incorporated by reference in §§ 56.60-1 and 56.60-10. It covers pressure-temperature ratings, markings, and materials for Classes 25, 125, and 250 gray iron pipe flanges and flanged fittings. Updates include editorial changes, revisions and corrections to the 1998 edition.

- ASME B16.3-2016, Malleable Iron Threaded Fittings, Classes 150 and 300. This standard updates the 1998 edition incorporated by reference at § 56.60-1, and covers pressure-temperature ratings, dimensions, markings, and materials for Classes 150 and 300 malleable iron threaded fittings. Updates to the standard are editorial in nature, with changes made to update verbiage and readings.

- ASME B16.4-2016, Gray Iron Threaded Fittings, Classes 125 and 250.

This standard updates the 1998 edition incorporated by reference at § 56.60–1. It covers pressure-temperature ratings, markings, materials, dimensions, and tolerances for Classes 125 and 250 gray iron threaded fittings. The updates to this standard include metric system units and revisions to the text concerning dimensions and tolerance.

- ASME B16.5–2017, Pipe Flanges and Flanged Fittings, NPS ½ through NPS 24 Metric/Inch Standard. This standard updates the 2003 edition incorporated by reference at §§ 56.25–20, 56.30.10, and 56.60–1. It covers pressure-temperature ratings, materials, dimensions, tolerances, marking, testing, and methods of designing openings for pipe flanges and flanged fittings. The updates made to this standard include updating materials and requirements for forgings.

- ASME B16.11–2016, Forged Fittings, Socket-Welding and Threaded. This standard updates the 2001 edition incorporated by reference at §§ 56.30–5 and 56.60–1. It covers pressure-temperature ratings, materials, dimensions, tolerances, marking, and testing for forged fittings. Updates to the standard include the addition of another type of fitting, format and reference revisions, and marking requirements.

- ASME B16.14–2013, Ferrous Pipe Plugs, Bushings, and Locknuts with Pipe Threads. This standard updates the 1991 edition incorporated by reference at § 56.60–1. It covers pressure-temperature ratings, materials, dimensions, tolerances, marking, testing, and threading for various threaded ferrous pipe fittings. The updates to this standard were mostly editorial and conforming in nature, with revisions to section 8 requiring threads and gauging practices to conform to ASME B1.20.1 and other B16 standards.

- ASME B16.15–2013, Cast Copper Alloy Threaded Fittings, Classes 125 and 250. This standard updates the 1985 edition that is currently incorporated by reference at § 56.60–1. It covers pressure-temperature ratings, materials, dimensions, tolerances, marking, testing, and threading requirements for Classes 125 and 250 of cast copper alloy fittings. The standard was updated in 2004, and 2011, and the 2013 edition revises section 7, requiring threading and gauging practices be identical to ASME B1.20.1 and other B16 standards.

- ASME B16.20–2012, Metallic Gaskets for Pipe Flanges, Ring-Joint, Spiral-Wound, and Jacketed. This standard updates the 1998 edition incorporated by reference at § 56.60–1. It covers materials, dimensions, tolerances, and markings for metal ring-joint gaskets, spiral-wound metal

gaskets, metal-jacketed gaskets, and grooved metal gaskets with covering layers. The updates to the standard include minor revisions to the material requirements for spiral-wound gaskets, along with tables and figures.

- ASME B16.21–2016, Nonmetallic Flat Gaskets for Pipe Flanges. This standard updates the 2005 edition incorporated by reference at § 56.60–1. It covers types, sizes, materials, and dimensions for gaskets used with flanges. The 2016 edition primarily expands the scope of the standard to include values greater than size 12 NPS.

- ASME B16.23–2016, Cast Copper Alloy Solder Joint Drainage Fittings: DWV. This standard updates the 2002 edition incorporated by reference at § 56.60–1. It covers materials, dimensions, tolerances, and markings for cast copper alloy solder joint drainage fittings, designed for use in drain, waste, and vent systems. The updates in the 2016 edition are editorial in nature, with updates to verbiage and readings.

- ASME B16.25–2012, Buttwelding Ends. This standard updates the 2003 edition incorporated by reference at §§ 56.30–5, 56.60–1, and 56.70–10. It covers the preparation of buttwelding ends of piping components to be joined into a piping system by welding and includes requirements for welding bevels, for external and internal shaping of heavy-wall components, and for preparation of internal ends (including dimensions and tolerances). The updates to the standard are editorial in nature, and include updated reference and tables.

- ASME B16.29–2012, Wrought Copper Alloy Solder-Joint Drainage Fittings-DWV. This standard updates the 2007 edition currently incorporated at § 56.60–1. This standard covers the materials, marking, sizes, and dimensions for wrought copper and copper alloy solder-joint drainage fittings, and was updated editorially in 2012.

- ASME B16.34–2017, Valves—Flanged, Threaded, and Welding End. This standard updates the 1996 edition currently incorporated by reference at §§ 56.20–1 and 56.60–1, though we propose to remove the reference at § 56.20–1 through this rule. This standard applies to new construction and covers pressure-temperature ratings, dimensions, tolerances, materials, testing and marking for flanged, threaded, and welding end valves. The standard updates the materials manufactured list to include valves up to NPS 60 and changes were made to allowable materials.

- ASME B18.2.1–2012, Square, Hex, Heavy Hex, and Askew Head Bolts and Hex, Heavy Hex, Hex Flange, Lobed Head, and Lag Screws (Inch Series). This standard updates the 1996 edition incorporated by reference at §§ 56.25–20 and 56.60–1. It covers the dimensional requirements for nine product types of inch series bolts and screws recognized as American National Standard. The 2012 standard provides significant revisions to illustrations in tables 6, 7 and 8 which provided the wrong dimensions for several figures.

- ASME B18.2.2–2015, Nuts for General Applications: Machine Screw Nuts, Hex, Square, Hex Flange, and Couplings Nuts (Inch Series). This standard updates the 1987 edition incorporated by reference at §§ 56.25–20 and 56.60–1. It covers complete general and dimensional data for various types of inch series hex and square nuts.

- ASME B31.1–2016, Power Piping, ASME Code for Pressure Piping, B31. This standard updates the 2001 edition currently incorporated by reference at §§ 56.01–3, 56.01–5, 56.07–5, 56.07–10, 56.10–1, 56.10–5, 56.15–1, 56.15–5, 56.20–1, 56.25–7, 56.30–1, 56.30–5, 56.30–10, 56.30–20, 56.35–1, 56.50–1, 56.50–15, 56.50–40, 56.50–65, 56.50–70, 56.50–97, 56.60–1, 56.65–1, 56.70–10, 56.70–15, 56.80–5, 56.80–15, 56.95–1, 56.95–10, and 56.97–1. By means of this rule, we propose to add a new reference at § 56.70–5 and remove the existing references at §§ 56.15–5, 56.20–1, 56.30–10, 56.50–15, and 56.50–65. This standard prescribes requirements for the design, materials, fabrication, inspection, operation, and maintenance of piping systems. The updates to the standard were numerous, with many revisions to nomenclature and additions to stress test values for several items in various tables.

- ASME B31.3–2018, Process Piping, ASME Code for Pressure Piping, B31. This standard updates the 1987 edition currently incorporated by reference at § 58.60–7, and would also be adopted for § 56.60–1. ASME B31.3 is the industry standard for low temperature piping. It is a more appropriate reference for low temperature piping than ASME B31.1, which is the current main reference document for Part 56. A specific standard for low temperature piping is needed due to the increase in liquefied natural gas (LNG) as a ship fuel. LNG is cryogenic, necessitating the use of very specific materials.

- ASME B31.5–2016, Refrigeration Piping and Heat Transfer Components, ASME Code for Pressure Piping, B31. This standard updates the 1987 edition, incorporated by reference at § 58.20–5 and 58.20–20. It prescribes requirements

for the materials, design, fabrication, assembly, test and inspection of refrigerant, heat transfer components, and secondary cooling piping for very low temperatures. The changes in the standards are editorial in nature.

- ASME B36.10M–2015, Welded and Seamless Wrought Steel Pipe. This standard updates the 2004 edition incorporated by reference at §§ 56.07–5, 56.30–20, and 56.60–1. This standard covers the standardization of dimensions of welded and seamless wrought steel pipe for high or low temperatures and pressure. The 2015 edition updates the standard with editorial changes and revisions.

- ASME CSD–1–2018, Controls and Safety Devices for Automatically Fired Boilers. This standard updates the 2004 edition currently incorporated by reference at §§ 63.10–1, 63.15–1, and 63.20–1. This standard establishes requirements for the assembly, installation, maintenance, and operation of controls and safety devices on automatically operated boilers. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the intent of the standard. It is the internationally accepted authoritative standard on controls and safety devices for pressure vessels.

- ASME SA–675–2021, Standard Specification for Steel Bars, Carbon, Hot-Wrought, Special Quality, Mechanical Properties. This standard replaces the 1998 edition currently incorporated at § 56.60–2. The standard is identical to ASTM A675 in that it covers special quality carbon steel bars and bar size shapes to specific mechanical properties, most importantly tensile strength. The current standard has minor technical differences from the 1998 edition, such as minor changes to maximum carbon content of certain steel grades.

- ASTM A20/A20M–19, Standard Specification for General Requirements for Steel Plates for Pressure Vessels. The 1997 edition is currently incorporated by reference at §§ 54.05–10 and 54.25–10. This standard provides a group of common requirements that apply to rolled steel plates used for pressure vessels. It has been regularly updated to address advancements in steel plate chemical compositions, manufacturing processes, and material testing.

- ASTM A36/A36M–14, Standard Specification for Carbon Structural Steel. This standard updates the 1997 edition incorporated by reference at § 56.30–10. This standard covers “carbon steel shapes, plates, and bars of structural quality for use in rivet, bolted,

or welded construction . . . for general purposes.” The updates to the standard include updates to material construction limits for plate products greater than 15 inches.

- ASTM A47A47M–99 (Reapproved 2014), Standard Specification for Ferritic Malleable Iron Castings. This standard updates the 1995 edition incorporated by reference at § 56.60–1. This standard, which covers ferritic malleable castings for general engineering usage at temperatures from normal ambient to approximately 400°C (750 °F), is routinely updated to reflect updates in technology and practices.

- ASTM A53/A53M–12, Standard Specification for Pipe, Steel, Black and Hot Dipped, Zinc-Coated, Welded and Seamless. This standard updates the 1998 edition incorporated by reference at §§ 56.10–5 and 56.60–1. It covers seamless and welded black and hot-dipped galvanized steel pipes and is updated to reflect changes in material composition for copper content of a type of pipe, as well as some editorial changes.

- ASTM A126–04, Standard Specification for Gray Iron Castings for Valves, Flanges, and Pipe Fittings (Reapproved 2014). This standard updates the 1995 edition incorporated by reference at § 56.60–1. It covers three classes of gray iron for castings intended for use as valve pressure retaining parts, pipe fittings, and flanges and is updated to reflect changes in material testing.

- ASTM A135/A135M–19, Standard Specification for Electric-Resistance-Welded Steel Pipe. This standard updates the 1997 edition incorporated by reference at § 56.60–1. It covers two grades of electric-resistance-welded steel pipe in NPS 2 to NPS 30 wall thickness. The standard has been updated to reflect changes in material testing and some editorial changes.

- ASTM A193/A193M–19, Standard Specification for Alloy-Steel and Stainless Steel Bolting for High-Temperature Service or High Pressure Service and Other Special Purpose Applications. This updates the 1998 standard incorporated by reference at § 58.30–15. This standard covers alloy and stainless steel bolting materials and components for pressure vessels, valves, flanges, and fittings for high temperature or high-pressure service. The updates to this standard are editorial in nature with minor technical changes and changes in material testing and grading.

- ASTM A197/A197M–00 (Reapproved 2015), Standard Specification for Cupola Malleable Iron. This standard updates the 1992 edition incorporated by reference at § 56.60–1.

It covers malleable irons for castings made by the cupola process. The standard has been updated to reflect changes in material testing, as well as with some editorial changes.

- ASTM A203/A203M–17, Standard Specification for Pressure Vessel Plates, Alloy Steel, Nickel. The 1997 edition is currently incorporated by reference at § 54.05–20. This standard covers nickel-alloy steel plates intended for pressure vessels. It has been revised twice since 1997 to update the chemical composition requirements of nickel-alloy steel and to eliminate prescriptive “current practice” thickness limits. Instead, thickness is only limited by the capacity of the composition to meet specified mechanical properties.

- ASTM A210/A210M–19, Standard Specification for Seamless Medium-Carbon Steel Boiler and Superheater Tubes. This standard updates the 1996 edition incorporated by reference at § 56.60–1. It covers minimum-wall-thickness, seamless medium-carbon steel, boiler flues, including safe ends, arch and stay tubes, and superheater tubes and is updated to reflect changes in material testing and grading, as well as some editorial changes.

- ASTM A268/A268M–10 (Reapproved 2016), Standard Specification for Seamless and Welded Ferritic and Martensitic Stainless Steel Tubing for General Service. This standard updates the 1996 edition incorporated by reference at § 56.60–1. It covers minimum-wall-thickness, stainless steel tubing for general corrosion-resisting and high-temperature service. The updated standard reflects changes in material testing and grading, as well as some editorial changes.

- ASTM A276/A276M–17, Standard Specification for Stainless Steel Bars and Shapes. This standard updates the 1998 edition incorporated by reference at § 56.60–2. It covers hot-finished or cold-finished bars except bars for forging. The updated standard reflects changes in material testing and grading, as well as some editorial changes.

- ASTM A312/A312M–17, Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes. This standard updates the 1995 edition incorporated by reference at §§ 56.50–105 and 56.60–1. The standard covers seamless, straight-seam welded, and heavily cold worked welded austenitic stainless steel pipe intended for high-temperature and general corrosive service. The standard is updated to reflect changes in material testing and grading, as well as some editorial changes.

- ASTM A333/A333M-16, Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service and Other Applications with Required Notch Toughness. This standard updates the 1994 edition incorporated by reference at §§ 56.50-105 and 56.60-1. It covers nominal (average) wall seamless and welded carbon and alloy steel pipe intended for use at low temperatures and in other applications requiring notch toughness and is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A334/A334M-04a (Reapproved 2016), Standard Specification for Seamless and Welded Carbon and Alloy-Steel Tubes for Low-Temperature Service. This standard updates the 1994 edition incorporated by reference at §§ 56.50-105 and 56.60-1. It covers nominal (average) wall seamless and welded carbon and alloy steel tubes intended for use at low temperatures and in other applications requiring notch toughness and is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A350/A350M-17, Standard Specification for Carbon and Low-Alloy Steel Forgings, Requiring Notch Toughness Testing for Piping Components. The standard updates the 1997 edition incorporated by reference at § 56.50-105. This standard covers several grades of carbon and low-alloy steel forged or ring-rolled flanges, forged fittings and valves intended primarily for low-temperature service and requiring notch toughness testing. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A352/A352M-17, Standard Specification for Steel Castings, Ferritic and Martensitic, for Pressure-Containing Parts, Suitable for Low-Temperature Service. The standard updates the 1998 edition incorporated by reference at § 56.50-105. This standard covers steel castings for valves, flanges, fittings, and other pressure-containing parts. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A358/A358M-15, Standard Specification for Electric-Fusion-Welded Austenitic Chromium-Nickel Stainless Steel Pipe for High-Temperature Service and General Applications. The standard updates the 1992 edition incorporated by reference at § 56.60-1. This standard covers the grades of alloy and stainless steel piping suitable for corrosive or high-temperature service. The standard is updated to reflect editorial revisions as

well as changes in material grading and testing.

- ASTM A370-19, Standard Test Methods and Definitions for Mechanical Testing of Steel Products. The 1997 edition is currently incorporated by reference at § 54.25-20. This standard covers procedures and definitions for the mechanical testing of steels, stainless steels, and related alloys. It has been revised almost annually since 1997 to address advancements in testing technology and practices.

- ASTM A376/A376M-17, Standard Specification for Seamless Austenitic Steel Pipe for High-Temperature Service. The standard updates the 1998 edition incorporated by reference at §§ 56.60-1 and 56.60-2. This standard covers grades of hydrogen and nitrogen for seamless austenitic steel pipes made for high-temperature service. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A403/A403M-16, Standard Specification for Wrought Austenitic Stainless Steel Piping Fittings. The standard updates the 1998 edition incorporated by reference at § 56.60-1. This standard covers wrought stainless steel fittings for pressure piping applications. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A420/A420M-16, Standard Specification for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Low-Temperature Service. The standard updates the 1996 edition incorporated by reference at §§ 56.50-105 and 56.60-1. This standard covers fittings for use in pressure piping and pressure vessel service at low temperatures. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A522/A522M-14, Standard Specification for Forged or Rolled 8 and 9% Nickel Alloy Steel Flanges, Fittings, Valves, and Parts for Low-Temperature Service. The standard updates the 1995 edition incorporated by reference at § 56.50-105. This standard covers 8 or 9% nickel-alloy steel forged or rolled flanges, fittings, valves, and parts intended for use in welded pressure vessels for low-temperature service. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A575-96 (Reapproved 2013), Standard Specification for Steel Bars, Carbon, Merchant Quality, M-Grades. The standard updates the 1996 (reapproved in 2007) edition incorporated by reference at § 56.60-2. This standard covers hot-wrought merchant quality steel bars produced to

a chemical composition. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM A576-17, Standard Specification for Steel Bars, Carbon, Hot-Wrought, Special Quality. The standard updates the 1990 edition (reapproved in 2012) incorporated by reference at § 56.60-2. This standard covers hot-wrought special quality steel bars. The standard is updated to reflect editorial revisions and corrections.

- ASTM B16/B16M-10 (Reapproved 2015), Standard Specification for Free-Cutting Brass Rod, Bar and Shapes for Use in Screw Machines. The standard updates the 1992 edition incorporated by reference at § 56.60-2. This standard establishes the requirements for free-cutting brass rod, bar, wire and shapes of any specified cross section produced from copper alloy suitable for high speed screw matching applications and moderate thread rolling. The standard is updated to reflect editorial revisions as well as changes in material composition, grading, and testing.

- ASTM B21/B21M-20, Standard Specification for Naval Brass Rod, Bar, and Shapes. The standard updates the 1996 edition incorporated by reference at § 56.60-2. It establishes the requirements for naval brass rod, bar, and shapes produced from copper alloy, including dimensions, workmanship and appearance requirements. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B26/B26M-18, Standard Specification for Aluminum-Alloy Sand Castings. The standard updates the 1997 edition incorporated by reference at § 56.60-2. It covers specifications aluminum-alloy sand castings used in general purpose applications, including dimensions, workmanship and appearance, testing methods, and performance requirements. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B42-20, Standard Specification for Seamless Copper Pipe, Standard Sizes. The standard updates the 1996 edition incorporated by reference at § 56.60-1. This standard covers the requirements for seamless copper pipe in all nominal or standard pipe sizes, both regular and extra-strong, suitable for use in plumbing, boiler feed lines, and for similar purposes. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B43-15, Standard Specification for Seamless Red Brass

Pipe, Standard Sizes. The standard updates the 1996 edition incorporated by reference at § 56.60–1. This standard covers grades of hydrogen and nitrogen for seamless austenitic steel pipes made for high-temperature service. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B68/B68M–19, Standard Specification for Seamless Copper Tube, Bright Annealed. The standard updates the 1995 edition incorporated by reference at § 56.60–1. This standard covers the requirements for bright annealed seamless copper tube suitable for use in refrigeration, oil lines, and gasoline lines, where tubing with an interior surface free from scale and dirt is required. This standard was also updated in 2011. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B75/B75M–19, Standard Specification for Seamless Copper Tube. The standard updates the 1997 edition incorporated by reference at § 56.60–1. This standard establishes the requirements for seamless round, rectangular, and square copper tube suitable for general engineering applications. This standard was also updated in 2011. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B85/B85M–18, Standard Specification for Aluminum-Alloy Die Castings. The standard updates the 1996 edition incorporated by reference at § 56.60–2. It covers aluminum alloy die castings for use in general purpose applications, including dimensions, workmanship and appearance, testing methods, and performance requirements. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B96/B96M–16, Standard Specification for Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes and Pressure Vessels. The standard updates the 1993 edition incorporated by reference at §§ 56.60–2 and 58.50–5. This standard establishes requirements for copper-silicon alloy plate, sheet, strip, and rolled bar for drawing, forming, stamping, bonding, and general engineering applications. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B111/B111M–18a, Standard Specification for Copper and Copper-Alloy Seamless Condenser Tubes and Ferrule Stock. The standard updates the 1995 edition incorporated by reference at § 56.60–1. It establishes the

requirements for seamless tube and ferrule stock of copper and various copper alloys, including testing methods, material and manufacture, mechanical properties, and performance requirements. The standard is updated to reflect editorial revisions in the tables provided in the standard.

- ASTM B122/B122M–16, Standard Specification for Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver), and Copper-Nickel Alloy Plate, Sheet, Strip, and Rolled Bar. This standard updates the 1998 standard incorporated by reference at § 58.50–5. This standard establishes the requirements for copper-nickel-tin alloy, copper-nickel-zinc alloy (nickel silver), and copper-nickel alloy plate, sheet, strip, and rolled bar, including testing methods, material and manufacture, mechanical properties, and performance requirements. The updates to this standard are editorial in nature with minor technical changes, or changes in material testing and grading.

- ASTM B124/B124M–18, Standard Specification for Copper and Copper Alloy Forging Rod, Bar, and Shapes. The standard updates the 1996 edition incorporated by reference at § 56.60–2. It establishes the requirements for copper and copper alloy rod, bar, and shapes intended for hot forging, including testing methods, material and manufacture, mechanical properties, and performance requirements. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B127–19, Standard Specification for Nickel-Copper Alloy Plate, Sheet, and Strip. This updates the 1993 standard incorporated by reference at §§ 58.50–5 and 58.50–10. This standard covers the requirements for rolled nickel-copper alloy plate, sheet, and strip including testing methods, material and manufacture, mechanical properties, and performance requirements. The updates to this standard are editorial in nature with minor technical changes, or changes in material testing and grading.

- ASTM B152/B152M–19, Standard Specification for Copper Sheet, Strip, Plate, and Rolled Bar. This updates the 1997 standard incorporated by reference at § 58.50–5. This standard covers the requirements for copper sheet, strip, plate, and rolled bar, including testing methods, material and manufacture, mechanical properties, and performance requirements. The updates to this standard are editorial in nature with minor technical changes, or changes in material testing and grading.

- ASTM B161–05 (Reapproved 2019), Standard Specification for Nickel Seamless Pipe and Tube. The standard

updates the 1993 edition incorporated by reference at § 56.60–1. It covers the requirements for nickel and low-carbon nickel in the form of cold-worked seamless pipe and tubes, including testing methods, material and manufacture, mechanical properties, and performance requirements. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B165–19, Standard Specification for Nickel-Copper Alloy Seamless Pipe and Tube. The standard updates the 1993 edition incorporated by reference at § 56.60–1. It covers the requirements for nickel-copper alloy in the form of cold-worked seamless pipe and tubes, including testing methods, material and manufacture, mechanical properties, and performance requirements. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B167–18, Standard Specification for Nickel-Chromium-Aluminum Alloys (UNS N06699), Nickel-Chromium-Iron Alloys (UNS N06600, N06601, N06603, N06690, N06693, N06025, N06045, and N06696), Nickel-Chromium-Cobalt-Molybdenum Alloy (UNS N06617), Nickel-Iron-Chromium-Tungsten Alloy (UNS N06674), and Nickel-Chromium-Molybdenum-Copper Alloy (UNS N06235) Seamless Pipe and Tube. The standard updates the 1997 edition incorporated by reference at § 56.60–1. The standard covers cold-worked annealed, hot worked, annealed, and hot-finished seamless pipe and tube intended for general corrosion resistant and heat resistant applications. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B171/B171M–18, Standard Specification for Copper-Alloy Plate and Sheet for Pressure Vessels, Condensers, and Heat Exchangers. The standard updates the 1995 edition incorporated by reference at § 56.60–2. It covers the requirements for copper-alloy plate, sheet, and circles cut from plate and sheet for pressure vessels, condensers, and heat exchangers, including testing methods, material and manufacture, mechanical properties, and performance requirements. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B209–14, Standard Specification for Aluminum and Aluminum-Alloy Sheet and Plate. This updates the 1996 standard incorporated by reference at §§ 58.50–5 and 58.50–10. This standard covers aluminum and aluminum-alloy flat sheet, coiled sheet, and plate, including testing methods,

material and manufacture, mechanical properties, and performance requirements. The updates to this standard are editorial in nature with minor technical changes, or changes in material testing and grading.

- ASTM B210/B210M-19a, Standard Specification for Aluminum and Aluminum-Alloy Drawn Seamless Tubes. The standard updates the 1995 edition incorporated by reference at § 56.60-1. It covers aluminum and aluminum-alloy drawn seamless tubes in straight lengths and coils for general purpose and pressure application in alloys. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B234-17, Standard Specification for Aluminum and Aluminum-Alloy Drawn Seamless Tubes for Surface Condensers, Evaporators, and Heat Exchangers. This standard updates the 1995 standard incorporated by reference at § 56.60-1. It covers aluminum-alloy drawn seamless round tube in straight lengths for use in surface condensers, evaporators, and heat exchangers. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B241/B241M-16, Standard Specification for Aluminum and Aluminum-Alloy Seamless Pipe and Seamless Extruded Tube. The standard updates the 1996 edition incorporated by reference at § 56.60-1. It covers aluminum and aluminum-alloy seamless pipe intended for pressure applications, and outlines the standard sizes and tempers necessary. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B280-18, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service. The standard updates the 1997 edition incorporated by reference at § 56.60-1. This standard establishes the requirements for seamless copper tube intended for use in the connection, repairs, or alterations of air conditioning or refrigeration units in the field. The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B283/B283M-18, Standard Specification for Copper and Copper-Alloy Die Forgings (Hot-Pressed). The standard updates the 1996 edition incorporated by reference at § 56.60-2. This standard establishes the requirements for copper and copper alloy die forgings produced by the hot pressing method. The standard is updated to reflect editorial revisions as well as changes in chemical

compositions and material grading and testing.

- ASTM B315-19, Standard Specification for Seamless Copper Alloy Pipe and Tube. The standard updates the 1993 edition incorporated by reference at § 56.60-1. This standard establishes the requirements for seamless copper alloy tube intended for general engineering purposes. The standard is updated to reflect editorial revisions.

- ASTM B361-16, Standard Specification for Factory-Made Wrought Aluminum and Aluminum-Alloy Welding Fittings. The standard updates the 1995 edition, incorporated by reference at § 56.60-1. It covers factory-made wrought aluminum and aluminum-alloy welding fittings (butt-welding or socket-end parts). The standard is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM B858-06 (Reapproved 2018), Standard Test Method for Ammonia Vapor Test for Determining Susceptibility to Stress Corrosion Cracking in Copper Alloys. The standard updates the 1995 edition, incorporated by reference at § 56.60-2. This test method describes a procedure to determine the presence of residual stress in wrought copper alloy products that may lead to stress corrosion cracking. The standard is updated to reflect editorial revisions as well as changes in material testing.

- ASTM D92-18, Standard Test Method for Flash and Fire Points by Cleveland Open Cup Tester. This updates the 1997 standard incorporated by reference at § 58.30-10. The standard describes the determination of the flash point and fire point of petroleum products by manual or automated Cleveland open cup apparatus. The updates to this standard are editorial in nature with minor technical changes, or changes in material testing and grading.

- ASTM D93-19, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester. This updates the 1997 standard incorporated by reference at § 58.01-10. These test methods cover the determination of the flash point of petroleum products in the temperature range from 40 °C to 370 °C by manual or automated Pensky-Martens closed-cup apparatus. The updates to this standard are editorial in nature with minor technical changes, or changes in material testing and grading.

- ASTM D323-15a, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method). This updates the 1994 standard incorporated by reference at § 58.16-5. This standard covers test method procedures for the

determination of vapor pressure of gasoline, volatile crude oil, and other volatile petroleum products. The updates to this standard are editorial in nature with minor technical changes, or changes in material testing and grading.

- ASTM D665-19, Standard Test Method for Rust-Preventing Characteristics of Inhibited Mineral Oil in the Presence of Water. This standard updates the standard from 1998, incorporated by reference at § 61.20-17. It covers test methods evaluating the ability of inhibited mineral oils, particularly steam-turbine oils, to aid in rust prevention of ferrous parts. The edits to this standard are editorial in nature.

- ASTM E23-18, Standard Test Methods for Notched Bar Impact Testing of Metallic Materials. The standard updates the 1996 edition, incorporated by reference at §§ 54.05-5 and 56.50-105. This test method describes notched-bar impact testing of metallic materials. The standard is updated to reflect editorial revisions as well as changes in material testing.

- ASTM E208-19, Standard Test Method for Conducting Drop-Weight Test to Determine Nil-Ductility Transition Temperature of Ferritic Steels. The standard updates the 1995 edition, currently incorporated by reference at § 54.05-5. This standard describes methods of determining nil-ductile transition (NDT) of ferritic steels. It has been revised three times since 1995 to address advancements in testing methods.

- ASTM F1006-86 (Reapproved 2018), Standard Specification for Entrainment Separators for Use in Marine Piping Applications. The standard updates the 1986 edition (reapproved in 2008), incorporated by reference at § 56.60-1. It covers the minimum requirements for the pressure-temperature rating, testing, and making of pressure-containing vessels for entrainment separators and is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM F1007-18, Standard Specification for Pipeline Expansion Joints of the Packed Slip Type for Marine Application. This standard updates the 1986 edition (reapproved in 2007), incorporated by reference at § 56.60-1. It covers the design, manufacturing, and testing of packed slip tube expansion joints used in pipelines for thermal growth and contraction and is updated to reflect editorial revisions as well as changes in material grading and testing.

- ASTM F1020-86 (Reapproved 2018), Standard Specification for Line-Blind Valves for Marine Applications.

This standard reapproves the 1986 edition (reapproved last in 2011), incorporated by reference at § 56.60–1. It provides the minimum requirements for design fabrication, pressure rating, and testing for line-blind valves.

- ASTM F1120–87 (Reapproved 2015), Standard Specification for Circular Metallic Bellows Type Expansion Joints for Piping Applications. This standard reapproves the 1987 edition (reapproved last in 2010), incorporated by reference at § 56.60–1. It establishes the requirements for design, manufacture, inspection, and testing of circular metallic bellows-type expansion joints for piping applications.
- ASTM F1123–87 (Reapproved 2015), Standard Specification for Non-Metallic Expansion Joints. This standard reapproves the 1987 edition (reapproved last in 2010), incorporated by reference at § 56.60–1. It provides the minimum requirements for construction, materials, performance, and dimensional requirements of arch-type non-metallic expansion joints.
- ASTM F1139–88 (Reapproved 2015), Standard Specification for Steam Traps and Drains. This standard reapproves the 1988 edition (reapproved last in 2010), incorporated by reference at § 56.60–1. This standard provides the minimum requirements for the design, fabrication, pressure rating, marking, and testing of steam traps and drains.
- ASTM F1155–10 (Reapproved 2015), Standard Practice for Selection and Application of Piping System Materials. ASTM F1155 already specifies a list of acceptable material and design standards for many shipboard systems. This standard is currently not incorporated by reference in 46 CFR part 56, and would be incorporated by reference in §§ 56.50–60, 56.50–105, 56.60–1, and 56.60–15. Incorporating F1155 would enable the removal of the following standards from Part 56:
 - ASME B16.9, Factory-Made Wrought Steel Buttwelding Fittings.
 - ASME B16.10, Face-to-Face and End-to-End Dimensions of Valves.
 - ASME B16.18, Cast Copper Alloy Solder Joint Pressure Fittings.
 - ASME B16.22, Wrought Copper and Copper Alloy Solder-Joint Pressure Fittings.
 - ASME B16.24, Cast Copper Alloy Pipe Flanges, Flanged Fittings, and Valves Classes 150, 300, 600, 900, 1500, and 2500.
 - ASME B16.42, Ductile Iron Pipe Flanges and Flanged Fittings Classes 150 and 300.

- ASTM A106/A106M, Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service.
- ASTM A139/A139M, Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe (NPS 4 and Over).
- ASTM A182/A182M, Standard Specification for Forged or Rolled Alloy-Steel Pipe Flanges, Forged Fittings, and Valves and Parts for High-Temperature Service.
- ASTM A192/A192M, Standard Specification for Seamless Carbon Steel Boiler Tubes for High-Pressure Service.
- ASTM A194/A194M, Standard Specification for Carbon and Alloy Steel Nuts for Bolts for High Pressure or High Temperature Service, or Both.
- ASTM A213/A213M, Standard Specification for Seamless Ferritic and Austenitic Alloy-Steel Boiler, Superheater, and Heat-Exchanger Tubes.
- ASTM A214/A214M, Standard Specification for Electric-Resistance-Welded Carbon Steel Heat-Exchanger and Condenser Tubes.
- ASTM A234/A234M, Standard Specification for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Moderate and High Temperature Service.
- ASTM A249/A249M, Standard Specification for Welded Austenitic Steel Boiler, Superheater, Heat-Exchanger, and Condenser Tubes.
- ASTM A307, Standard Specification for Carbon Steel Bolts and Studs, 60,000 PSI Tensile Strength.
- ASTM A320/A320M, Standard Specification for Alloy-Steel and Stainless Steel Bolting for Low-Temperature Service.
- ASTM A335/A335M, Standard Specification for Seamless Ferritic Alloy-Steel Pipe for High-Temperature Service.
- ASTM A351/A351M, Standard Specification for Castings, Austenitic, for Pressure-Containing Parts.
- ASTM A395/A395M, Standard Specification for Ferritic Ductile Iron Pressure-Retaining Castings for Use at Elevated Temperatures.
- ASTM A536, Standard Specification for Ductile Iron Castings.
- ASTM B88, Standard Specification for Seamless Copper Water Tube.
- ASTM F682, Standard Specification for Wrought Carbon Steel Sleeve-Type Pipe Couplings.
- MSS SP–44, Steel Pipe Line Flanges.
- MSS SP–67, Butterfly Valves.
- MSS SP–72, Ball Valves with Flanged or Butt-Welding Ends for General Service.
- MSS SP–83, Class 3000 and 6000 Pipe Unions, Socket Welding and Threaded (Carbon Steel, Alloy Steel, Stainless Steels, and Nickel Alloys).

- ASTM F1172–88 (Reapproved 2015), Standard Specification for Fuel Oil Meters of the Volumetric Positive Displacement Type. This standard reapproves the 1988 edition (reapproved last in 2010), incorporated by reference at § 56.60–1. It provides the minimum requirements for the design, fabrication, pressure rating, marking, calibration and testing for fuel oil measurement meters of the volumetric, positive displacement type. Editorial corrections were made in the 2015 standard.

- ASTM F1173–01 (Reapproved 2018), Standard Specification for Thermosetting Resin Fiberglass Pipe Systems to be Used for Marine Applications. This standard reapproves the 1995 edition (reapproved last in 2010), incorporated by reference at § 56.60–1. It covers reinforced thermosetting resin pipe systems with nominal pipe sizes 1 through 48 in. (25 through 1200 mm). The update reflects editorial revisions as well as changes in material grading and testing.
- ASTM F1199–88 (Reapproved 2015), Standard Specification for Cast (All Temperatures and Pressures) and Welded Pipe Line Strainers (150 psig and 150 °F Maximum). This standard reapproves the 1988 edition (reapproved last in 2010) incorporated by reference at § 56.60–1. It covers the minimum requirements for the design, fabrication, rating, marking, and testing of cast and welded pipe line strainers.
- ASTM F1200–88 (Reapproved 2016), Standard Specification for Fabricated (Welded) Pipe Line Strainers (Above 150 psig and 150 °F). This standard reapproves the 1988 edition (reapproved last in 2010), incorporated by reference at § 56.60–1. It covers the minimum requirements for the design, fabrication, rating, marking, and testing of welded pipe line strainers.
- ASTM F1201–88 (Reapproved 2016), Standard Specification for Fluid Conditioner Fittings in Piping Applications above 0 °F. This standard reapproves the 1988 edition (reapproved last in 2010), incorporated by reference at § 56.60–1. It provides the minimum requirements for pressure-retaining components of fluid conditioner fittings. It addresses the pressure-retaining component design, fabrication, rating, marking, and testing.
- ASTM F1323–14, Standard Specification for Shipboard Incinerators. This standard updates the 2001 standard currently incorporated by reference at § 63.25–9. It establishes requirements for design, manufacture, performance, operation, functioning, and testing of shipboard incinerators and has been regularly revised to accommodate technological

developments, to address administrative requirements, to incorporate interpretations, and to clarify the intent of the standard.

- ASTM F1387–19, Standard Specification for Performance of Piping and Tubing Mechanically Attached Fittings. This standard updates the 1993 edition currently incorporated by reference at § 56.30–25. The standard covers performance characteristics required for mechanically attached fittings used in piping and tubing systems. The changes made to the standard include updates to references, deleting cancelled United States Military Specifications and Standards, corrections to notes and tables, and clarifications on required testing.

- ASTM F1476–07 (Reapproved 2013), Standard Specification for Performance of Gasketed Mechanical Couplings for Use in Piping Applications. This standard reapproves the 2007 edition, which updated the 1995 edition incorporated by reference at § 56.30–35. The specification provides the performance characteristics and qualification tests required for gasketed mechanical couplings, including grooved-type mechanical couplings for grooved end pipe. The changes made to the standard in 2007 were editorial in nature, and with some changes to material testing and grading.

- ASTM F1548–01 (Reapproved 2018), Standard Specification for Performance of Fittings for Use with Gasketed Mechanical Couplings Used in Piping Applications. This standard reapproves the 2001 edition, which updated the 1994 edition incorporated by reference at § 56.30–35. It defines classification, materials, test requirements, inspection certification, marking and packing of fittings for use with gasketed mechanical couplings. The changes made to the standard in 1999 were editorial in nature, with some changes to material testing and grading.

- Compressed Gas Association (CGA) standard CGA S–1.2–2009, Pressure Relief Device Standards—Part 2—Portable Containers for Compressed Gases. The 1979 edition is currently incorporated by reference at § 54.15–10. This standard covers the recommended minimum requirements for pressure relief devices used on portable containers for compressed gases that comply with regulations of the U.S. Department of Transportation or the corresponding regulations of Transport Canada. It has been revised at least five times since 1979 to address advancements in technology and changes in U.S. and Canadian regulations.

- Standards of the Expansion Joint Manufacturers Association, Tenth Edition (2015). This edition replaces the 1980 edition currently incorporated in § 56.60–1. This standard specifies the design and manufacturing requirements for expansion joints, including metallic bellows type, used in piping systems to accommodate pipe movements due to temperature expansion/contraction, and slight misalignments in joined piping sections.

- Fluid Controls Institute Inc. (FCI), FCI 69–1, Pressure Rating Standard for Steam Traps, 2017. The 2017 edition replaces the edition currently incorporated at § 56.60–1. This standard covers the minimum design, fabrication, pressure rating and marking of pressure-containing housings for steam traps. Revisions to this document consist mainly of editorial changes and modifications to definitions.

- International Convention for Safety of Life at Sea (SOLAS), 1974 as amended. This standard is not currently codified within 46 CFR part 56 or part 58, though its applicability to passenger vessels on international voyages is mentioned in § 56.50–50(c)(2). However, the CFR codifies language taken directly from SOLAS in a number of places in Titles 33 and 46 CFR. Incorporating specific SOLAS regulations by reference, in § 56.50–50 for bilge systems and § 58.25–10 for steering gear, would allow for an alternative to the prescriptive technical requirements of the CFR. SOLAS is an international maritime treaty that sets minimum safety standards in the construction, equipment, and operation of merchant ships. This requires no updates, merely the adoption of a standard already in place in practice.

- IMO Resolution MEPC.244(66), Standard Specification for Shipboard Incinerators, 2014. This document is proposed for addition as an alternate method of compliance to the requirements for shipboard incinerators in § 63.25–9. IMO MEPC.244(66) is the IMO's updated standard for shipboard incinerator design, defining the engineering requirements and environmental air emissions limits for ship incinerators.

- IMO Resolution MSC.337(91), Code on Noise Levels on Board Ships, 2012. This document replaces the older IMO Resolution A.468(XII), Code on Noise Levels on Board Ships, incorporated by reference in § 58.01–50. The Code on Noise Levels on Board Ships is intended to provide standards to prevent and mitigate the occurrence of hazardous noise levels on board ships, and to provide standards for an acceptable working and living environment for

seafarers. The 2012 Code on Noise Levels on Board Ships reflects technology improvements and mandatory requirements not included in the older IMO Resolution, and is intended to provide the basis for a design standard.

- ISO 9096:2017(E), Stationary source emissions—Manual determination of mass concentration of particulate matter. This standard updates the 2003 edition currently incorporated by reference at § 63.25–9. This standard establishes methods for measurement of particulate matter concentration in waste gases. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the standard intent. It is the internationally accepted standard.

- ISO 13617:2019(E), Ships and marine technology—Shipboard incinerators—Requirements. This standard updates the 2001 edition currently incorporated by reference at § 63.25–9. This standard establishes design, manufacture, performance, operation, functioning and testing of incinerators. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the standard intent. It is the internationally accepted standard.

- ISO 15540:2016(E), Ships and marine technology—Fire resistance of non-metallic hose assemblies and non-metallic compensators—Test methods. This standard replaces the 1999 edition currently incorporated in § 56.60–25. It specifies the temperatures, duration, and pressure testing associated with fire tests used to qualify nonmetallic hose for use in ship piping systems.

- Manufacturers Standardization Society of the Valve and Fitting Industry, Inc. (MSS) standard MSS SP–6–2017, Standard Finishes for Contact Faces of Pipe Flanges and Connecting-End Flanges of Valves and Fittings. This standard updates the 2001 edition, incorporated by reference at §§ 56.25–10 and 56.60–1. This standard pertains to the finish of gasket contact faces of pipe flanges and connecting-end flanges of valves and fittings. The changes made to the standard were largely editorial in nature; however there are also some changes to definitions and material limitations.

- MSS SP–9–2013, Spot Facing for Bronze, Iron, and Steel Flanges. This standard updates the 2001 edition, incorporated by reference at § 56.60–1. It applies to the spot facing for U.S. customary bolting of pipe flanges in

bronze, gray iron, ductile iron, or settle. The changes made to the standard are editorial in nature, with some changes to material testing, design and grading.

- MSS SP-25 (ANSI/MSS SP-25-2018), Standard Marking System for Valves, Fittings, Flanges and Unions. The 1998 edition is currently incorporated by reference at § 54.01-25, while the 2001 edition is incorporated by reference at §§ 56.15-1, 56.20-5, and 56.60-1. This standard provides a marking system for new valves, fittings, flanges, and unions used in piping connections that include (but are not limited to) flanged, soldered, brazed, threaded, or welded joints. Markings are used for product identification and to assist in proper application. The standard has been revised three times since 1998 to address changes in industry practices.

- MSS SP-51-2012, Class 150LW Corrosion Resistant Flanges and Cast Flanged Fittings. This standard updates the 2003 edition, incorporated by reference at § 56.60-1. This standard establishes the design dimensions, tolerances, and pressure-temperature ratings for flanged steel fittings for both Metric and Imperial units.

- MSS SP-53-2012, Quality Standard for Steel Castings and Forgings for Valves, Flanges, Fittings, and Other Piping Components—Magnetic Particle Examination Method. This standard updates the 1995 edition, incorporated by reference at § 56.60-1. It provides methods and acceptance standards for magnetic particle examination of ferritic steel valves, flanges, fittings, and other piping components by use of dry magnetic powder or wet magnetic particles. The changes made to the standard are editorial in nature, with some changes to material testing, design and grading.

- MSS SP-55 (ANSI/MSS-SP-55-2011), Quality Standard for Steel Castings for Valves, Flanges and Fittings and Other Piping Components—Visual Method for Evaluation of Surface Irregularities. This standard updates the 2001 edition, incorporated by reference at § 56.60-1. The document describes common irregularities found in the castings of steel pipe fittings and flanges, as well as acceptable criteria for evaluating irregularities. The changes made to the standard are editorial in nature, with some changes to material testing, design and grading.

- MSS SP-58 (ANSI/MSS SP-58-2009), Pipe Hangers and Supports—Materials, Design, Manufacture, Selection, Application, and Installation. This standard updates the 1993 edition, incorporated by reference at § 56.60-1. MSS-SP-58 specifies the design criteria

and minimum strength requirements for hangars used to mount piping systems to ship bulkheads and decks. The changes made to the standard are editorial in nature, with some changes to material testing, design and grading.

- MSS SP-61-2019, Pressure Testing of Valves. This standard updates the 2003 edition incorporated by reference at § 56.60-1. The document provides standardized technical requirements and acceptance criteria for the pressure testing of valves.

- National Fire Protection Association (NFPA) standard NFPA 302, Fire Protection Standard for Pleasure and Commercial Motor Craft, 2020 Edition. This standard provides the minimum requirements on boats for the prevention of fire and explosion, mitigation of carbon monoxide hazards, and life safety in case of fire. It updates the 1989 standard incorporated by reference at § 58.10-5. The updates to this standard are editorial in nature with minor technical changes, and changes in material testing and grading.

- SAE International (SAE) standard SAE J429 MAY2014, Mechanical and Material Requirements for Externally Threaded Fasteners. This standard updates the 1989 standard incorporated by reference at § 58.30-15. It covers the mechanical and material requirements for inch-series steel bolts, screws, studs, screws for screw-and-washer assemblies, and U-bolts. The updates to this standard are editorial in nature with minor technical changes, and changes in material testing and grading.

- SAE J1475 JUN2014, Hydraulic Hose Fittings for Marine Applications. This standard updates the 1996 edition currently incorporated in § 53.01-10. It covers the materials, design, and testing requirements for fittings used with flexible hose assemblies for use in ship piping systems. The updates to this document are primarily editorial in nature with no substantive change to technical requirements.

- SAE J1928 JUN2018, Devices Providing Backfire Flame Control for Gasoline Engines in Marine Applications. This standard updates the 1989 standard incorporated by reference at § 58.10-5. It covers the minimum requirements for design, construction, and testing of devices to prevent the propagation of backfire flame from a gasoline engine to the surrounding atmosphere. The updates to this standard are editorial in nature with minor technical changes, and changes in material testing and grading.

- SAE J1942 MAR2019, Hose and Hose Assemblies for Marine Applications. This standard updates the 1997 edition currently incorporated in

§ 56.60-25. It defines the design and testing requirements, including fire tests, for non-metallic flexible hose assemblies used in shipboard piping systems. Changes to this standard are administrative in nature, including updated testing frequency and record retention requirements.

- Underwriters Laboratories (UL) standard UL 174, Standard for Safety, Household Electric Storage Tank Water Heaters, Eleventh Edition, 2004 (reapproved in 2016). The 1996 edition is currently incorporated by reference at §§ 53.01-10 and 63.25-3. This standard contains requirements and non-mandatory guidance for household electric storage tank water heaters. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the intent of the standard. Incorporating the latest edition ensures compliance with current industry practices.

- UL 296, UL Standard for Safety Oil Burners, 11th Edition (“2017 UL 296”). This standard updates the 1993 edition currently incorporated by reference at § 63.15-5. This standard establishes requirements for oil burners intended for firing appliances and devices such as boilers, central, floor, wall, and special furnaces, storage tank water, air, and direct-fired air heater units. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the standard intent. It is the internationally accepted standard.

- UL 343, UL Standard for Safety Pumps for Oil-Burning Appliances, 2008. This standard updates the 1997 edition currently incorporated by reference at § 63.15-3. This standard establishes requirements for pumps intended for use as part of oil-burning appliances or installed in fuel-oil piping systems serving equipment. It has been regularly revised to accommodate technological developments, to address administrative requirements, to incorporate interpretations, and to clarify the standard intent. It is the internationally accepted standard.

- UL 1453, Standard for Safety, Electric Booster and Commercial Storage Tank Water Heaters, Sixth Edition, 2016. This standard would replace the 1995 standard, currently incorporated by reference at §§ 53.01-10 and 63.25-3. This standard contains requirements for electric booster water heaters, electric commercial storage tank water heaters, and remote control assemblies for such heaters, rated 600 volts or less, that are over 120 gallons

(454 L) in capacity, rated over 12 kilowatts, or are equipped with one or more temperature regulating controls permitting water temperature of more than 85°C (185 °F). The 2016 edition provides minor technical changes and has been edited for clarity.

C. Standards Previously Approved for Incorporation by Reference

The following standards were previously approved for incorporation by reference and are included in the proposed regulatory text because either the current format of the reference does not comply with current OFR requirements or the proposed text is a revision that includes an existing reference to the standard. We do not propose to change the existing IBR approval.

- ASME B36.19M–2004 Stainless Steel Pipe, October 25, 2004 (“ASME B36.19M”), IBR approved for §§ 56.07–5 and 56.60–1.
- IMO A.467(XII), Guidelines for Acceptance of Non-Duplicated Rudder Actuators for Tankers, Chemical Tankers and Gas Carriers of 10,000 Tons Gross Tonnage and Above But Less Than 100,000 Tonnes Deadweight, 1981 (“IMO A.467(XII)”), IBR approved for § 58.25–60.
- IMO Resolution A.753(18) Guidelines for the Application of Plastic Pipes on Ships, adopted on 4 November 1993 (“IMO Resolution A.753(18)”), IBR approved for § 56.60–25.
- IMO Resolution MEPC.76(40), Standard Specification for Shipboard Incinerators (Sep. 25, 1997) (“IMO MEPC.76(40)”), IBR approved for § 63.25–9.
- IMO Resolution MSC.313(88), Amendments to the Guidelines for the Application of Plastic Pipes on Ships, adopted 26 November 2010 (“IMO Resolution MSC.313(88)”), IBR approved for § 56.60–25.
- The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), Annexes I, II, III, and V (1978) (“IMO MARPOL 73/78”), IBR approved for § 63.25–9.
- ISO 10396, Stationary source emissions—Sampling for the automated determination of gas emission concentrations for permanently-installed monitoring systems, Second edition (Feb. 1, 2007) (“ISO 10396”), IBR approved for § 63.25–9.
- MSS SP–45–2003, Bypass and Drain Connections, 2003 (“MSS SP–45”), IBR approved for §§ 56.20–20 and 56.60–1.

D. Section by Section Analysis of Proposed Changes to the Regulatory Text

In addition to updating existing standards incorporated by reference, adding new standards, and removing obsolete standards, we propose to modify technical regulatory text in the following sections of Subchapter F. For the convenience of the reader, the list below excludes purely stylistic revisions and corrections of drafting errors.

Part 50—General Provisions

Section 50.05–5 Existing Boilers, Pressure Vessels or Piping Systems

Modifying paragraph (b) to eliminate redundant text and more clearly describe the requirements for recalculating the maximum allowable working pressure.

Section 50.05–20 Steam-Propelled Motor Boats

Replacing the words “motor boats” with the more current and universally used “vessels”.

Section 50.10–23 Marine Safety Center

Modifying the contact information for the MSC and the details for electronically submitting documents.

Section 50.20–5 Procedures for Submittal of Plans

Modifying the procedures for submitting plans to the Coast Guard by eliminating the requirements in paragraph (b) for plans to be submitted in triplicate, since most plans are electronically submitted, and by deleting unnecessary detail in paragraph (c).

Section 50.20–10 Number of Copies of Plans Required

Deleting this section. Submittal of plans is adequately addressed in § 50.20–5.

Section 50.20–15 Previously Approved Plans

Deleting the unnecessary text “(including work accomplished under a different contract)” in paragraph (a).

Section 50.20–30 Alternative Materials or Methods of Construction

Modifying paragraph (a) to include the word “materials” and deleting paragraph (b). These changes improve the clarity of the section.

Section 50.25–1 General

Deleting paragraph (e) as unnecessary because nonmetallic flexible hoses, including those intended for hydraulic

service, are adequately addressed in § 56.60–25.

Section 50.25–7 Testing of Products Required To Be Certified in Presence of Marine Inspector

Deleting paragraphs (c) and (d) as unnecessary. When specific testing conditions are required, they are specified in the applicable standards or regulations.

Part 52—Power Boilers

Replacing the words “boiler pressure vessel code” with “BPVC” throughout all of part 52, as BPVC is recognized as the appropriate acronym for the ASME Boiler Pressure Vessel Code.

Section 52.01–52.25 Power Boilers

Modifying various paragraphs to delete text already addressed in ASME BPVC.

Section 52.01–3 Definitions

Deleting definitions listed in this section but not currently used in Part 52 and not needed going forward, as there is no need to define a term if it is not used later in the regulatory text. Deleted terms include: *High temperature water boiler, packaged boiler, Fired steam boiler, Hybrid boiler, Shell, Heads, Dished heads, Stayed heads, Water wall, Header, Domes, Steam chimneys, Corrugated furnace, Plain furnace, Combustion chamber, Separate combustion chamber, Common combustion chamber, Crown or top plate, Curved bottom plate, Combustion chamber tube sheet, Combustion chamber back sheet, Seamless tube, Electric resistance welded tube, Stay tube, Tube sheet, Ligament, Longitudinal ligament, Circumferential ligament, Diagonal ligament, Stays and supports, Solid screw staybolt, Welded collar, Hollow screw staybolt, Flexible staybolt, Sling stay, Crowfoot, Crowfoot stay, Diagonal stay, Gusset stay, Dog stay, Girder, Structural stiffeners, Reinforcement, Pressure loaded pilot actuated safety valve, Spring loaded pilot actuated safety valve, Spring loaded pilot valve, Relief valve, Safety relief valve, Conventional safety relief valve, Balanced safety relief valve, Internal spring safety relief valve, Power actuated relief valve, Breaking pin device, Shear pin device, Frangible disk device, Bursting disk device, Feed valve, Salinometer cocks, Expanding, Beading, Bell mousing, Telltale hole, Openings, Pressure, Absolute pressure, Internal pressure, and External pressure.* And, deleting Figure 52.01–3—*Acceptable Types of Boiler Stays*. Figure 52.01–3 is not necessary, as the ASME BPVC

adequately defines the requirements for boiler stayed surfaces.

Section 52.01–50 Fusible Plugs
(Modifies A–19 Through A–21)

Modifying various paragraphs in this section to delete references and text already addressed by the ASME BPVC or that are otherwise outdated.

Section 52.01–55 Maximum Allowable Working Pressure

Modifying various paragraphs in this section to delete references and text already addressed by the ASME BPVC or that are otherwise outdated.

Section 52.01–90 Materials

Deleting this section. Materials for boiler design are adequately addressed by the ASME BPVC.

Section 52.01–105 Piping, Valves, and Fittings

Modifying various paragraphs in this section to delete references and text already addressed by the ASME BPVC or that are otherwise outdated.

Section 52.01–110 Water-Level Indicators, Water Columns, Gauge-Glass Connections, Gauge Cocks, and Pressure Gauges

Modifying various paragraphs in this section to delete references and text already addressed by the ASME BPVC or that are otherwise outdated.

Section 52.01–130 Installation

Modifying various paragraphs in this section to delete references and text already addressed by the ASME BPVC or that are otherwise outdated.

Section 52.25–3 Feedwater Heaters
(Modifies PFH–1)

Modifying various paragraphs in this section to delete references and text already addressed by the ASME BPVC or that are otherwise outdated.

Part 53—Heating Boilers

Replacing the words “boiler pressure vessel code” with “BPVC” throughout part 53, as BPVC is recognized as the appropriate acronym for the ASME Boiler Pressure Vessel Code.

Section 53.01–10 Service Restrictions and Exceptions (Replaces HG–101)

Modifying paragraph (d) to remove exact temperature requirements and retaining a temperature range that would benefit industry.

Modifying paragraph (e)(1) to provide correct citation for the ASME BPVC stamping and provide cites to the IBR.

Part 54—Pressure Vessels

Replacing the words “boiler pressure vessel code” with “BPVC” throughout all of part 54, as BPVC is recognized as the appropriate acronym for the ASME Boiler Pressure Vessel Code.

Section 54.01–1 Incorporation by Reference

Modifying paragraphs (b), (d), and (e) to update the addresses for the American Society of Mechanical Engineers (ASME), the Compressed Gas Association (CGA), and the Manufacturers Standardization Society of the Valve and Fittings Industry (MSS), respectively.

Section 54.01–15 Exemptions From Shop Inspection Plan Approval
(Modifies U–1(c)(2))

Deleting paragraph (a)(3)(i) because this section deals with internal pressure and the reference cited deals with external pressure.

Section 54.01–18 Plan Approval

Editing paragraph (a) to provide reference to new proposed paragraph (c).

Adding paragraph (c) to identify which plans for Class I, II, and II pressure vessels are not required to be submitted for approval.

Section 54.10–3 Marine Inspectors
(Replaces UG–90 and UG–91, and Modifies UG–92 Through UG–103)

Editing the section heading to make it easier to find the regulation requiring stamping of the Coast Guard Symbol. The requirement for use of the Coast Guard Symbol on pressure vessels is often misunderstood.

Modifying paragraph (b) to identify when shop inspection is required. Part 54 refers to shop inspection of pressure vessels under construction in several locations, but the term is not used here.

Adding new paragraph (c), redesignating existing paragraph (c) as new paragraph (d), and removing the requirement for stamping with the Coast Guard Symbol. The requirement for use of the Coast Guard Symbol on pressure vessels is often misunderstood. By applying the symbol, the marine inspector is documenting that the pressure vessel meets Coast Guard requirements for pressure vessels on ships. Adding a paragraph clarifies which pressure vessels do not require stamping.

Section 54.10–20 Marking and Stamping

Modifying paragraph (a)(2) to clarify numbering requirements. The requirement for Coast Guard numbering

of pressure vessels is often misunderstood. Numbering is only required when the Coast Guard has inspected the pressure vessel during construction (shop inspection).

Part 56—Piping Systems and Appurtenances

Section 56.07–5 Definitions

Clarifying the definition for “piping schedule” and deleting the definition for “plate flange,” as it does not require a definition.

Section 56.07–10 Design Conditions and Criteria (Modifies 101–104.7)

Modifying paragraph (b) by deleting the last sentence within the parentheses. It is not necessary to refer to definitions in part 52 for this paragraph.

Modifying paragraph (d) by deleting text that was inadvertently repeated.

Modifying paragraph (e) by removing references to specific paragraphs and instead referring to the entire subpart.

Section 56.15–1 Pipe Joint Fittings

Removing text in paragraph (c)(2) that is already adequately addressed by the incorporated ASME industry standard.

Section 56.15–5 Fluid-Conditioner Fittings

Deleting text in paragraph (c), nonstandard fluid conditioner fittings, that is already adequately addressed by paragraph (b); generally, fluid conditioner fittings must meet the requirements of this section regardless of whether they are ‘standard’ or ‘nonstandard’, and must be appropriate for the fluid contained, and the temperature and pressure of the system. In addition, with advancements in manufacturing, there is no need to reference part 54 (pressure vessels), for fluid conditioner fittings in current paragraphs (c) and (d).

Section 56.20–1 General

Removing text that is redundant and that can be adequately replaced by the incorporated ASME standard.

Section 56.20–9 Valve Construction

Modifying paragraphs (a), (b), (c), (e), and (g) to reflect advancements in valve design technology and to remove text adequately addressed already by the incorporated ASME standard.

Section 56.20–15 Valves Employing Resilient Material

Deleting text that is no longer required and simplifying text to reflect current policy employed by the MSC to evaluate these types of valves. Overall, these valves are not required anywhere on ships, and this section only

delineates the requirements for when they are installed.

Section 56.25–10 Flange Facings

Removing paragraph (b) as no longer necessary.

Section 56.25–20 Bolting

Removing unnecessary text in paragraphs (b) and (c).

Section 56.30–5 Welded Joints

Removing text in paragraphs (c)(1), (c)(2) and (c)(3) as adequately addressed already by the incorporated ASME standard.

Section 56.30–10 Flanged Joints

Removing text adequately addressed already by the incorporated standards in part 56.

Section 56.30–20 Treaded Joints

Removing text adequately addressed already by the incorporated standards in part 56.

Section 56.30–30 Brazed Joints

Removing text adequately addressed already by the incorporated standards in part 56.

Section 56.30–40 Flexible Pipe Couplings of the Compression or Slip-On Type

Removing text in paragraphs (b) and (c) that is no longer necessary or is otherwise adequately addressed already by the incorporated standards in part 56.

Section 56.35–10 Nonmetallic Expansion Joints

Removing the reference to part 50, as the appropriate standards are listed already in this part.

Section 56.35–15 Metallic Expansion Joints

Removing the reference to part 50, as the appropriate standards are listed already in this part.

Section 56.50–1 General

Deleting text in paragraphs (a), (b), (d), (g), and (i) that is unclear or outdated and no longer necessary.

Section 56.50–15 Steam and Exhaust Piping

Deleting text in paragraphs (b), (c), (f), (g), (j), and (k) that is unclear or outdated and no longer necessary.

Section 56.50–20 Pressure Relief Piping

Deleting text not necessary to the intent of the regulation.

Section 56.50–25 Safety and Relief Valve Escape Piping

Deleting text in paragraphs (a), (c), and (d) that is outdated or redundant.

Section 56.50–30 Boiler Feed Piping

Deleting text in paragraphs (b), (c), and (d) that is outdated or unclear and no longer necessary.

Section 56.50–35 Condensate Pumps

Deleting text that is outdated and no longer necessary.

Section 56.50–40 Blowoff Piping

Deleting text in paragraphs (b) and (d) that is outdated or redundant and no longer necessary.

Section 56.50–45 Circulating Pumps

Deleting text in paragraph (d) that is outdated or unclear.

Section 56.50–50 Bilge and Ballast Piping

Modifying paragraph (a) to consider ships that meet SOLAS requirements for bilge systems as equivalent to this section.

Deleting text in paragraphs (a), (b), (c), (d), (f), (h), (j), and (k) that is outdated.

Section 56.50–55 Bilge Pumps

Modifying paragraph (c) to add a pump capacity alternative formula.

Section 56.50–57 Bilge Piping and Pumps, Alternative Requirements

Deleting this entire section as outdated, as it contains cross-references to sections already removed from the CFR (§§ 171.075 and 171.082).

Section 56.50–60 Systems Containing Oil

Deleting or modifying text in paragraphs (a), (b), (c), (d), (m), and (n) that is outdated, or unclear.

Section 56.50–65 Burner Fuel-Oil Service Systems

Deleting or modifying text in paragraphs (a) and (b) that is outdated, unclear, or adequately addressed already by standards incorporated in this part.

Section 56.50–70 Gasoline Fuel Systems

Deleting or modifying text in paragraphs (b), (c), (d), (e), and (g) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.50–75 Diesel Fuel Systems

Deleting or modifying text in paragraphs (a) and (b) that is outdated, unclear, or adequately addressed

already by incorporated standards in this part.

Section 56.50–80 Lubricating-Oil Systems

Deleting or modifying text in paragraphs (a), (d), and (h) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.50–85 Tank-Vent Piping

Deleting or modifying text in paragraphs (a) and (b) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.50–90 Sounding Devices

Deleting or modifying text in paragraphs (a), (b), (c), (d), and (e) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.50–95 Overboard Discharges and Shell Connections

Deleting text in paragraphs (a), (b), (c), (d), (e), (f), (h), and (i) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.50–105 Low-Temperature Piping

Deleting text in paragraph (a) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.60–1 Acceptable Materials and Specifications

Adding ASTM F1155 as a reference in paragraph (a) for material standards applicable to certain marine engineering piping systems.

Section 56.60–5 Steel

Modifying paragraph (a) to align the CFR with the temperature requirements of the incorporated ASME standard.

Section 56.70–5 Material

Deleting text in paragraph (b) that is outdated, and aligning text with incorporated ASME standard.

Section 56.70–10 Preparation

Deleting text in paragraphs (a) and (b) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.70–15 Procedure

Deleting text in paragraphs (a), (b), (c), (d), and (g) that is outdated, unclear, unenforceable, or adequately addressed already by incorporated standards in this part.

Section 56.80–5 Bending (Modifies 129)

Deleting text that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.85–15 Postheat Treatment

Deleting text in paragraphs (a), (b), and (d) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.90–5 Bolting Procedure

Deleting text in paragraph (a) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Section 56.90–10 Threaded Piping

Deleting paragraph (c) as outdated and unnecessary.

Section 56.95–1 General

Modifying paragraph (b) for clarity.

Section 56.97–1 General

Modifying paragraph (b) for clarity.

Section 56.97–25 Preparation for Testing

Modifying paragraphs (b) and (d) for clarity.

Section 56.97–38 Initial Service Leak Test

Modifying paragraph (a) for clarity.

Section 56.97–40 Installation Tests

Deleting text in paragraph (a) that is outdated, unclear, or adequately addressed already by incorporated standards in this part.

Part 57—Welding and Brazing

Replacing the words “boiler pressure vessel code” with “BPVC” throughout part 57, as BPVC is recognized as the appropriate acronym for the ASME Boiler Pressure Vessel Code.

Section 57.01–1 Qualifications and Production Tests

Modifying the text in paragraph (a) to reflect updates in section numbering of the BPVC.

Section 57.02–1 Incorporation by Reference

Modifying paragraph (a) to update the address for the American Society of Mechanical Engineers (ASME).

Amending table 57.02–1(a) to reflect updates in the section number of the BPVC.

Section 57.02–2 Adoption of Section IX of the ASME Code

Modifying paragraph (a) to update and clarify the information provided in the section.

Modifying paragraph (a)(1) to delete unnecessary references to parts of the subchapter that have been removed.

Section 57.02–3 Performance Qualifications Issued by Other Agencies

Deleting references to ASME BPVC paragraphs PG–91, N–612, HG–515.2 and UG–91 in paragraph (a) as unnecessary.

Section 57.03–1 Procedure Qualifications—General Requirements

Updating paragraph (a)(1) to reflect changes in the standard.

Section 57.06–1 Production Test Plate Requirements

Updating paragraph (c) to reflect current name of the section of the code.

Part 58—Main and Auxiliary Machinery and Related Systems

Section 58.01–20 Machinery Guards

Updating paragraph for clarity.

Section 58.01–50 Machinery Space, Noise

Updating incorporated reference to reflect updated IMO Resolution (Noise Code).

Section 58.05–1 Material, Design and Construction

Updating the reference from ABS Steel Vessel Rules to ABS Marine Vessel Rules.

Section 58.16–5 Definition

Updating paragraph for clarity and to correct grammar.

Section 58.16–7 Use of Liquefied Petroleum Gas

Updating incorrect CFR reference.

Section 58.16–10 Approvals

Deleting the requirement in paragraph (a) that gas-consuming appliances be “of a type approved” by the Commandant. The requirement that the Commandant specifically “approve” all types of gas-consuming appliances is not necessary, given that appliances must already be tested and listed by third party laboratories and meet the additional requirements of Subpart 58.16.

Changing the word “approved” to “accepted” in paragraph (c). Because this paragraph refers to another government agency’s requirements for safety-relief devices, and shipboard appliance installations are reviewed case by case, “acceptance” allows for more flexibility than “approval” when evaluating the overall installation for compliance.

Section 58.16–30 Operating Instructions

Updating paragraph (k) for clarity.

Section 58.16–35 Markings

Deleting text in paragraph (a) that is redundant with paragraphs (b) and (c) of same section.

Section 58.25–5 General

Making an editorial correction to ensure “control system” is a separate definition from “auxiliary steering gear”.

Section 58.25–10 Main and Auxiliary Steering Gear

Adding SOLAS regulations plus class rules as an equivalent standard.

Section 58.25–20 Piping for Steering Gear

Eliminating redundant references to part 56 of this chapter.

Section 58.25–25 Indicating and Alarm Systems

Deleting requirements in current paragraph (e) that are redundant with other paragraphs in same section.

Section 58.25–40 Arrangement of the Steering Gear Compartment

Deleting this section as unnecessary.

Section 58.25–60 Non-Duplicated Hydraulic Rudder Actuators

Amending this section for clarity.

Section 58.25–75 Materials

Deleting paragraph (b) of this section as unnecessary.

Section 58.25–85 Special Requirements for Tank Vessels

Deleting certain text in paragraph (c)(1) and (2) of this section as unenforceable.

Deleting paragraph (g), because this paragraph is applicable only to tank vessels of 40,000 gross tons or more constructed before 1984. Virtually all of those vessels have been phased out of service due to the pollution prevention requirements in 33 CFR 157 for “double hulls” on tank vessels.

Section 58.30–1 Scope

Deleting certain text in paragraph (a) as not applicable.

Section 58.30–15 Pipe, Tubing, Valves, Fittings, Pumps, and Motors

Deleting certain text in paragraphs (b) and (d) as redundant, given the incorporation of industry standards.

Section 58.30–25 Accumulators

Deleting certain text in paragraphs (a) and (c) for clarity.

Section 58.50–1 General Requirements

Modifying text to remove allowance for gasoline as a fuel for vessels constructed before 1935.

Part 59—Repairs to Boilers, Pressure Vessels and Appurtenances

Section 59.10–1 Scope

Modifying paragraphs (b) and (c) to eliminate unnecessary requirements and to provide clarity for welding repairs.

Section 59.10–5 Cracks

Modifying paragraphs (d) and (h) to eliminate unnecessary requirements and to provide clarity for repair of cracks in boiler and pressure vessels.

Section 59.10–20 Patches in Shells and Tube Sheets

Removing text in paragraphs (a) and (b) to provide clarity.

Section 59.15–1 Furnace Repairs

Modifying paragraphs (a), (b), (c) and (e) to eliminate unnecessary requirements and to provide clarity for furnace repairs.

Part 61—Periodic Tests and Inspections

Section 61.03–1 Incorporation by Reference

Modifying paragraph (b) to update the name and address of ASTM International.

Section 61.05–10 Boilers in Service

Eliminating unnecessary and outdated text regarding boiler inspections from paragraphs (a) and (f).

Section 61.10–5 Pressure Vessels in Service

Modifying paragraph (g) to provide inspection compliance options, in lieu of the hydrostatic test currently required by this paragraph, for bulk storage tanks containing refrigerated liquefied CO₂ for use aboard a vessel as a fire-extinguishing agent. The inspection options consist of performing a hydrostatic test or having the option of an internal inspection. This is further explained in the regulatory language.

Part 62—Vital System Automation

Section 62.05–1 Incorporation by Reference

Modifying paragraph (b) to update the address for the American Bureau of Shipping (ABS).

Section 62.35–50 Tabulated Monitoring and Safety Control Requirements for Specific Systems

Deleting the requirements for main propulsion boiler supply casing and uptakes, burner flames, control power,

and burner valves in Table 62.35–50.

These components are required to comply with the same requirements in Section 4–9–6 of the ABS Marine Vessel Rules (2020), which is proposed to be referenced in this table.

Modifying the requirements for ship service generators in Table 62.35–50. Currently, compliance with the ABS Steel Vessel Rules for propulsion boilers and propulsion diesel engines is required. The requirements for auxiliary generators in Section 4–9–6 of the ABS Marine Vessel Rules (2020) are referenced instead because this section of the ABS Rules is more directly applicable to generators.

Deleting the requirements for generators to comply with §§ 111.12–1 (b) and (c), and parenthetical items 6 and 7 in Table 62.35–50.

Section 62.50–30 Additional Requirements for Periodically Unattended Machinery Plants

Revisions are made to paragraphs (c), (d), (h), and (k) to reflect correct verbiage and to provide clarity.

Part 63—Automatic Auxiliary Boilers

Section 63.01–3 Scope and Applicability

Amending paragraph (b) to remove language regarding electric cooking equipment, electric air heaters, and electric oil immersion heaters. The requirements for these electric appliances are covered in 46 CFR Subchapter J Part 111 of the CFR and do not belong in Part 63 for Automatic Auxiliary Boilers.

Section 63.05–1 Incorporation by Reference

Modifying paragraphs (b) and (c) to update the name and address for the ANSI and ASME, respectively.

Section 63.10–1 Test Procedures and Certification Report

Updating address and options for item submittals.

Section 63.25–9 Incinerators

Modifying paragraph (a) to update address and options for application for type approval of shipboard incinerators. Modifying paragraph (b) to clarify and update requirements for testing prior to granting type approval.

Adding IMO MEPC.244(66) as an accepted design standard for incinerators.

Part 64—Marine Portable Tanks and Cargo Handling Systems

Replacing the words “ASME Code” with “ASME BPVC” throughout part 64, as BPVC is recognized as the

appropriate acronym for the ASME Boiler Pressure Vessel Code.

Section 64.2 Incorporation by Reference

Modifying paragraph (b) to update the address for the ASME.

V. Incorporation by Reference

Material proposed for incorporation by reference appears in 46 CFR parts 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, and 64 and is summarized in section IV.B of this preamble. For information about how to view this material, see the **ADDRESSES** section of this preamble. Copies of the material are also available from the sources listed in 46 CFR parts 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, and 64. Before publishing a binding rule, we will submit this material to the Director of the Federal Register for approval of the incorporation by reference.

VI. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. A summary of our analyses based on these statutes or Executive Orders follows.

A. Regulatory Planning and Review

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 costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

The Office of Management and Budget (OMB) has not designated this proposed rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

The Coast Guard proposes to update subchapter F of Title 46 of the CFR. This proposed rule would align the standards on U.S.-flagged vessels of vessel types of subchapter F with current industry practices to ensure that regulatory standards are current, and the changes would harmonize regulatory requirements with current industry standards. The majority of the updates simply would incorporate by reference the more recent versions of the same standards with little or no substantive

change. In some cases, the more recent editions reflect more modern technologies, terminology, and practices. The updates also would correct regulatory language and remove redundant and outdated references. The Coast Guard believes there are no

additional costs associated with this proposed rule. The Coast Guard estimates this rule will save the regulated public and federal government approximately \$9.787 million over the 10-year period of analysis at 7% in 2020 dollars.

The following regulatory analysis (RA) provides an evaluation of the economic impacts associated with this proposed rule. Table 2 provides a summary of the proposed rule's costs and benefits.

TABLE 2—SUMMARY OF THE PROPOSED RULE'S IMPACTS

Category	Summary
Affected Population	Vessel owners and operators, shipyards, builders and manufacturers of vessels and vessel components, the Coast Guard (Marine Safety Center (MSC) and United States Coast Guard Commercial Regulations and Standards Directorate (CG-5PS)). Class societies and vessel insurers may have some interest.
Costs	None. The proposed rule would not increase costs of compliance for the regulated public or the Coast Guard because no additional requirements are being proposed.
Cost Savings (7-percent discount rate) ...	\$9.787 million (10-year discounted cost savings), annualized cost savings: \$1.385 million in 2020 dollars.
Unquantified Benefits	Clarity of regulatory intent through stylistic changes and corrections, harmonization of regulatory requirements with current industry standards, better utilization of Coast Guard human resources, compliance with Presidential Regulatory Reform Initiative (March 4, 1995). ²

This proposed rule has two main goals. First, the Coast Guard intends it to update design standards that appear in the CFR by incorporating by reference more recent industry standards. Second, the proposed rule would provide clarity and simplify regulatory compliance for industry by removing obsolete regulations and revising current regulatory text, including the correction of errors.

Affected Population

The Coast Guard analyzed this rulemaking to determine the affected population and how the proposed rule

would impact vessel owners and manufacturers.³ The proposed revisions affect a variety of vessel owners and operators; including those owning cargo vessels, passenger vessels, nautical school vessels, tank vessels, and tank barges. Some potentially impacted vessel owners and operators include nonprofits and Tribal/State/local government entities.⁴ Because the proposal impacts only new vessels or those undergoing major conversions, the Coast Guard estimates that fewer than 200 vessels would be impacted annually.⁵

An estimated 16,148 vessels owned by 6,437 owners and operators would be impacted potentially, but the vessel owners and operators would be impacted directly only if they procured a new vessel or engaged in a major conversion of an existing vessel under conditions as specified in the proposal. Large self-propelled vessels, which are covered by more provisions of Subchapter F than smaller vessels and barges, would be more likely to be impacted. The following table details those vessels potentially impacted by the proposed rule.

TABLE 3—U.S.-FLAGGED VESSEL POPULATION SUBJECT TO 46 CFR SUBCHAPTER F

Subchapter F vessel category	Subchapter	Population
Freight Ship	I	1,563
Industrial Vessel	I	3,748
In-service—Inspected	I	2
Mobile Offshore Drilling Unit (MODU)	I-A	110
Offshore Supply Vessel (OSV)	L	1,354
Oil Recovery	I	556
Passenger (Inspected) (≥ 100 gross tons)	H	132
Passenger Barge (Inspected)	I	217
School Ships and Research Ships	R and U	141
Tank Barge	O-I	7,945
Tank Ship	D	380
Total .....	.....	16,148

U.S.-flagged vessels (subchapter F only) (as of April 24, 2020).

Note: These data are based on Coast Guard data found in the Marine Information for Safety and Law Enforcement (MISLE) database.

² The proposed rule would continue the Coast Guard's response to the Presidential Regulatory Reform Initiative of March 4, 1995, and directives including Executive Orders 12866 and 13563 that are intended to improve regulation and the regulatory process. The provisions of this proposed rule would remove outdated regulations, revise current regulatory text, and incorporate by reference more recent national and international industry

standards into the CFR. The Coast Guard recognizes the significant technological advances technology and equipment which is used or carried on vessels. As a result, this proposed rule would encourage the use of newer equipment and promote adherence to modern standards in the industry.

³ Class societies and vessel insurers may have interest in the rule. However, no actions are

required by them directly or indirectly as a result of the rule.

⁴ Public vessels are excluded.

⁵ Based on input from Coast Guard subject matter experts in the Directorate of Commercial Regulations and Standards who are tasked with relevant duties.

The proposed rule also would impact businesses involved in vessel manufacturing. There are approximately 1,022 shipyards and manufacturers of vessels or vessel components in the affected population; however, vessel manufacturers are believed to already be in voluntary compliance with the proposed changes. In addition, the proposal would impact the Coast Guard and its staff in the MSC and CG-5PS. An estimated six civilian engineers and six uniformed personnel potentially would be impacted.

Summary of Changes

Generally, the Coast Guard proposes to update codified references to standards incorporated by reference in subchapter F with their more recent editions. These more recent standards would provide more clarity and specificity than the outdated standards they would be replacing. More specifically, the Coast Guard segments the effect of the proposed changes into three categories: (1) Editorial changes to the CFR; (2) technical updates to standards incorporated by reference; and (3) compliance alternatives to standards incorporated by reference. Based on data from industry, the Coast Guard assumes industry already uses

the more recent standards referenced in the proposal. Table 4 summarizes the regulatory changes.

First, for the proposed changes to update standards incorporated by reference, this proposed rule would make editorial changes to subchapter F that include such items as the removal of outdated terminology and the consolidation of text. These proposed changes would include 46 CFR parts 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63 and 64. The Coast Guard expects these changes would have no costs, cost savings, or benefits.

Second, this proposed rule updates standards incorporated by reference throughout subchapter F. Because no resources are required, and because they have been adopted voluntarily already by manufacturers, the Coast Guard expects these changes would have no cost.

Third, this proposed rule would amend the regulatory text in 46 CFR 58.10-5(d)(1) and 61.10-5(g) that impacts compliance alternatives for vessel owners and operators. The changes reflect the proposed addition of a compliance alternative and the proposed removal of a compliance alternative. This proposed change results from the discontinuation of a

standard incorporated by reference that is the basis of the compliance alternative. (Please see the preamble in the proposed changes to “Part 61—Periodic Tests and Inspections,” and further detailed in the Cost Savings portion of this RA.) These proposed changes provide regulatory flexibility for the regulated public. No additional cost would be incurred, and the addition of a compliance alternative may save money. The proposed rule’s replacement of a compliance alternative would offer an option which has lower costs associated with it. This would be a cost savings for vessel owners if they choose to use this compliance alternative.

The proposed rule would create consistency between Coast Guard regulations and national and international standards through incorporation by reference, provide options with alternative standards, eliminate obsolete standards, and clarify the existing requirements through the changes proposed in 46 CFR subchapter F. Table 4 lists these proposed changes by type of change. Readers may consult the preamble of this NPRM for a general summary of the proposed changes.

TABLE 4—REGULATORY CHANGES OF THE PROPOSED RULE BY TYPE OF CHANGE

Category	Description	Affected sections in 46 CFR ⁶	Cost impact (cost, cost savings, and benefits)
Editorial Changes ...	General editorial changes.	§§ 50.05-5(b), 50.05-20, 50.05-20(a), 50.10-23, 50.20-5(b), 50.20-5(c), 50.20-10(a), 50.20-15(a), 58.16-30(k) ⁷ .	No cost or cost savings. These include removal of outdated or redundant terminology, correction of missing words, and consolidation and clarification of text.
	Editorial changes for regulatory clarification.	§§ 54.01-18(a), 54.10-3, 54.10-3(b), 54.10-3(c), 54.10-20(a)(2).	No cost or cost savings. No change in technical content. This is a clarification of the regulations.
	Editorial changes with deletions.	§§ 50.05-5(b), 62.35-50, 62.35-50, 63.01-3 (b), 58.10-5(d)(1).	No cost or cost savings. These provisions would remove obsolete standards and outdated terminology.
	Updated standards to newer editions.	§§ 52.01-1(b); 53.01-1(b)(1); 53.01-1(b)(2); 53.01-1(c)(1); 54.01-1(b)(1); 54.01-1(c)(1), 54.01-1(c)(2); 54.01-1(c)(3), 54.01-1(c)(2), 1(c)(3), 1(c)(4), 1(c)(5), -1(d)(1), -1(e)(1) ⁸ .	No cost or cost savings. Incorporating the current edition simplifies regulatory compliance and ensures that the latest industry practices based on changes in technology are addressed and the highest possible level of safety is required.
Technical Changes	Standards with technological changes.	§§ 53.01-1(c)(1), -1(c)(2), -20, -1(b)(1), -1(c)(1), -1(d)(1), -1(d)(2), -1(e)(2).	No cost or cost savings. The proposed change would simplify regulatory compliance.
Regulatory Flexibility (Compliance Alternatives).	Newly proposed compliance alternatives.	§§ 56.50, 61.10-5(g), ⁹ 63.25	No cost, but potential cost savings. The change would offer flexibility for regulatory compliance which ultimately could save money for the vessel owner.
	Removal of compliance alternatives.	§§ 56.50, 58.10-5(d)(1) ¹⁰	No cost or cost savings. The proposed change simplifies regulatory text to remove reference to a no longer existing IBR document and, by default, its availability as a compliance alternative.

Note: The Coast Guard may list the same citation of the CFR multiple times because it is proposing numerous changes to the same paragraph. These changes may include clarifications, deletions, or insertions of text.

Data Input for Calculations

This RA uses multiple data sources. To estimate the duration of tasks, the

Coast Guard used previous OMB-approved collections of information. These collections of information were previously vetted publicly and provide

guidance on estimates of tasks such as communicating information and education. The RA also uses estimates from Coast Guard subject matter experts.

⁶Please refer to the preamble and Table 1 for a complete accounting of affected paragraphs, including redesignations.

⁷This list is not exhaustive. Please see Table 1 for the full list.

⁸Please see Table 1 for complete list.

⁹The proposed change would give operators the option of undergoing an internal inspection every 10 years as opposed to requiring a hydrostatic test every 10 years.

¹⁰UL 1111 has been withdrawn and no longer exists; therefore, it can no longer be included as an option for regulation compliance.

To calculate wage rates, the Coast Guard used two publicly available sources for wage data: the U.S. Department of Labor Bureau of Labor Statistics (BLS) Occupational Employment Statistics and the Commandant Instruction entitled “Reimbursable Standard Rates” (commonly called Commandant Instruction U).¹¹ For positions outside the Coast Guard, the Coast Guard used publicly available data of the BLS Occupational Compensation Survey to estimate wage rates for positions that would be impacted by the proposed rule. For Coast Guard positions, the Coast Guard used publicly available and publicly vetted information found in Commandant Instruction U and the U.S.

Office of Personnel Management pay chart for the Washington, DC locality pay area for 2020¹² to estimate the wage data.

From the wage data obtained in the previous step, the Coast Guard used a loaded labor rate¹³ to estimate the actual cost of labor to employers. The load factor (or benefits multipliers) for the regulated public and Coast Guard civilian workers was obtained using BLS data. To account for an employee’s non-wage benefits, the Coast Guard applied a load factor to the unloaded mean hourly wage rate; data of the BLS’s “Employer Cost for Employee Compensation” database were used for the regulated public’s wages.¹⁴ The Coast Guard determined the load factor

to be about 1.49, rounded. For Coast Guard civilian positions, the load factor was determined to be approximately 1.75, rounded.¹⁵ For Coast Guard uniformed positions, the Coast Guard used data that already had applied the load factor, so such an adjustment was not necessary.¹⁶ These figures were used to estimate the reasonable and customary average labor cost to employers. Table 5 displays the labor categories, the source of the wage rates, the total compensation, the wage rates, and the calculated load factor. We estimated the load factor for the applicable occupation category by dividing the total compensation by the hourly wage rate.

TABLE 5—LOADED WAGE FACTOR CALCULATION

Occupation category	Data source(s)	Total compensation	Wage and salaries	Loaded wage factor
All Workers, Transportation and Moving Materials.	BLS Employer Costs for Employee Compensation, All workers in Transportation and Materials Moving Occupations.	\$31.76	\$21.35	¹⁷ 1.49
Federal workers, Professional Degree or Doctorate.	Congressional Budget Office Report “Comparing the Compensation of Federal and Private Sector Employees, 2011 to 2015” dated April 2017 ¹⁸ .	51.90	29.70	1.75

The Coast Guard assumed a constant wage rate and a constant duration for tasks for the period of annualization.¹⁹ Likewise, the estimates are based on 2020 dollars. Table 6 presents the estimated hourly loaded wage rates for the proposed rule.

Using the BLS “Occupational and Employment Statistics” database and May 2019 wage estimates, the unloaded mean hourly wage rate for marine engineers and naval architects (occupational code 17–2121) is \$47.88.²⁰ The Coast Guard multiplied \$47.88 by the load factor of 1.49 to

obtain a loaded mean hourly wage rate of about \$71.23 for this occupation. The hourly rate for a manager (occupational code 11–3051)²¹ of \$56.82 was estimated to be \$84.52 after the load factor application.

For all provisions related to the Government, the Coast Guard used

¹¹ The Instruction is dated February 27, 2020, is numbered COMDTINST 7310.1U and commonly is called Commandant Instruction U. Enclosure 2 lists the relevant data; please see in-government wage data. The file is available at https://media.defense.gov/2020/Mar/04/2002258826/-1/-1/0/CI_7310_1U.PDF. This page was accessed on March 11, 2020. This page was last viewed on March 11, 2020. Commandant Instruction U provides fully loaded wage rates.

¹² <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB.pdf>.

¹³ A loaded hourly wage rate is what a company pays per hour to employ a person, not the hourly wage an employee receives. The loaded hourly wage rate includes the cost of non-wage benefits (health insurance, vacation, etc.).

¹⁴ To estimate the load factor, the Coast Guard used publicly available BLS data (<https://www.bls.gov/data/>). To recreate these calculations, go to the “Databases, Tables & Calculators” page, select the multi-screen data search feature for “Employer Costs for Employee Compensation” under “Pay & Benefits.” (Alternatively, a direct link can also be found at <https://data.bls.gov/cgi-bin/dsrv?cm>.) For total compensation, in the search field select “Private industry workers,” then “Total compensation,” “Transportation and material moving occupations,” “All workers,” “All workers,” “United States (National),” “Cost of compensation (Cost per hour worked),” and “Not

Seasonally Adjusted.” For wages and salaries, perform the same steps except select “Wages and salaries” on the second screen. The series IDs for total compensation and wages and salaries are CMU2010000520000D and CMU2020000520000D, respectively. Using fourth quarter data for 2020, the Coast Guard divided the value for total compensation, \$31.76, by wages and salaries, \$21.35, to estimate a load factor of approximately 1.49 (rounded to the nearest tenth). Unrounded figures were used in calculations.

¹⁵ Based on data from the Congressional Budget Office (<https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf>). The report provided estimates for total compensation for Federal workers at this educational level to be \$51.90 per hour with wages of \$29.70 per hour, in 2015 dollars. The estimated load factor comports with later data as reported by BLS (see further for details). Unrounded figures were used in calculations.

¹⁶ See Commandant Instruction U (COMDTINST 7310.1U, February 27, 2020). Enclosure 2 lists the relevant data; please see in-government wage data. The file is available at https://media.defense.gov/2020/Mar/04/2002258826/-1/-1/0/CI_7310_1U.PDF. This page was accessed on March 11, 2020. This page was last viewed on March 11, 2020. Commandant Instruction U provides fully loaded wage rates.

¹⁷ Rounded from 1.4875878.

¹⁸ <https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/52637-federalprivatepay.pdf>. This page was last viewed on November 17, 2020. The load factor is found by taking the quotient of compensation to benefits as found on Table 2 and 3 of the report. Coast Guard used the figures for Federal workers with professional degree or doctorate. To verify the accuracy of this load factor estimate, the Coast Guard compared it with findings from an analysis of BLS total compensation and wage data. The load factor comports with the data analysis of BLS Employer Costs for Employee Compensation, All workers in Public Administration. The load factor was obtained from <https://www.bls.gov/web/ecec/ececqrtn.pdf> using Table 8 for public administration workers (4th Quarter 2020 data). The Coast Guard divided the value for total compensation, \$51.54 by wages and salaries, or \$29.54, to obtain a load factor of approximately 1.74 (rounded to the nearest tenth). Unrounded figures were used in calculations.

¹⁹ Some tasks may take less time in the future due to technological advances. However, the Coast Guard has assumed no change in duration of tasks over the period of annualization.

²⁰ See <https://www.bls.gov/oes/2020/may/oes172121.htm>.

²¹ See <https://www.bls.gov/oes/2020/may/oes113051.htm>.

publicly available data as found in Commandant Instruction U²² to estimate wage rates for Coast Guard employees. Labor costs attributed to the Government are estimated for Coast Guard civilian and uniformed engineers and supervisors of CG-5PS and the MSC. Hourly loaded labor costs for

civilians are estimated²³ for a GS-14 engineer at \$115.51 and for a GS-15 engineering supervisor at \$135.87. For uniformed engineers, the Coast Guard used an average of \$91²⁴ for engineers at the O-3 (Lieutenant) and O-4 level (Lieutenant Commander) because both would work on the task. The wage rate

for a uniformed supervisory engineer is estimated to be \$111 for an O-5 (Commander). These figures represent a wage rate with a fully-loaded labor factor of 1.85 for uniformed Coast Guard positions.²⁵ Table 6 presents a summary of the data used.

TABLE 6—LOADED HOURLY WAGE CALCULATION
[\$2020]*

Category	Mean hourly wage data source(s) ²⁶	Mean hourly wage (a)	Load factor (b)	Loaded hourly wage (a × b = c)
Engineer	Marine Engineer and Naval Architect (17-2121) ²⁷	\$47.88	1.49	\$71.23
Supervisory Engineer	Engineering Managers (11-3051) ²⁸	56.82	1.49	84.52
Coast Guard Civilian Engineer (GS-14).	U.S. Office of Personnel Management (OPM) 2020 General Service (GS) Pay Tables ²⁹ .	66.10	1.75	115.51
Coast Guard Civilian Supervisor (GS-15).	OPM 2020 GS Pay Tables	77.75	1.75	135.87
Coast Guard uniformed engineer (O-3).	Commandant Instruction U ³⁰ and 2020 Military Active & Reserve Component Pay Tables ³¹.	.....	.....	84
Coast Guard uniformed engineer (O-4).	Commandant Instruction U and 2020 Military Active & Reserve Component Pay Tables.	.....	.....	98
Average Uniformed Engineer in MSC.	As calculated by the average of the hourly wage rates of O-3 and O-4 uniformed engineers.	.....	.....	91
Coast Guard Officer (O-5)	Commandant Instruction U and 2020 Military Active & Reserve Component Pay Tables.	.....	.....	111

* Figures have been rounded to the nearest hundredth. Unrounded figures were used in calculations.

Costs

The Coast Guard estimates there are no costs associated with this proposed rule. The proposed rule does not require actions of manufacturers or vessel owners and operators. The proposal is not retroactive, and existing vessels are not required to be retrofitted.

This proposed rule would not require owners and operators to acquire any standards incorporated by reference; they would not need the standard in hand to be in compliance. Owners and operators only would need to look for

evidence from manufacturers that vessels meet or exceed the standard before purchase; such evidence could be found in a contract for purchase or repair of a vessel or in product documentation such as a user guide or warranty information. For these reasons, the Coast Guard has not included a cost for the procurement of the newer standards for vessel owners.

The Coast Guard estimates that the regulated public (manufacturers) are currently in voluntary compliance with the requirements proposed by the rule

based on manufacturer participation in the development of industry standards. When industry standards are promulgated, they undergo a process of review and comment by the industry. Input from manufacturers is key to developing new standards that consider the engineering capabilities of manufacturers. After the review and comment process, the newer standard is voted upon at the various governing bodies' committee meetings, and manufacturers are among those voting. For this reason, the Coast Guard

²² Commandant Instruction U. Enclosure 2 (https://media.defense.gov/2020/Mar/04/2002258826/-1/-1/0/CI_7310_1U.PDF). This page was accessed on March 11, 2020. This page was last viewed on March 11, 2020. Commandant Instruction U provides fully loaded wage rates.

²³ The U.S. Office of Personnel Management (OPM) Office of Policy, Data and Oversight, 2020 GS Pay Tables (midpoint for each pay grade and the Washington-Baltimore-Arlington locality pay area). Please see <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB.pdf>. The data were viewed last on November 18, 2020.

²⁴ As found in Commandant Instruction U, the Coast Guard used data for the O-3 officer and O-4 officer, taking the average to estimate the wage rate for a uniformed engineer to work on the task. Both grade levels would work on the task so the Coast Guard used an average for this position.

²⁵ The loaded wage and derived load factor for uniformed positions was based on the Coast Guard's analysis of compensation and benefits of Coast Guard enlisted and commissioned personnel based on data found in <https://www.dfas.mil/militarymembers/payentitlements/Pay-Tables.html> and Commandant Instruction U. Data were posted

on Dec. 30, 2019 and last updated January 27, 2020. This page was viewed last on February 20, 2020.

²⁶ To calculate the loaded wages, the Coast Guard used the Occupational Code 17-2121 (Marine Engineer and Naval Architect) for engineers, Occupational Code 11-3051 for supervisory engineers.

²⁷ <http://www.bls.gov/oes/2020/may/oes172121.htm>. The data were last accessed on May 25, 2021.

²⁸ <http://www.bls.gov/oes/2020/may/oes113051.htm>. The data were last viewed on May 25, 2021.

²⁹ The U.S. Office of Personnel Management (OPM) Office of Policy, Data and Oversight provides pay data for Federal employees. These data were obtained from the 2020 GS Pay Tables using midpoint for each pay grade and the Washington-Baltimore-Arlington locality pay area. Please see <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB.pdf>. The data were viewed last on November 18, 2020.

³⁰ See Commandant Instruction U Enclosure 2. This estimate previously was used in past Coast Guard rulemakings including the proposed and

final rules for Tankers—Automatic Pilot Systems in Waters Subject to 33 CFR parts 166 and 167 (USCG-2015-0926, RIN 1625-AC27). It also was used in the proposed rule for Revision of Crane Regulation Standards for Mobile Offshore Drilling Units, Offshore Supply Vessels, and Floating Outer Continental Shelf Facilities (RIN 1625-AB78, USCG-2011-0992) as found on <https://www.federalregister.gov/documents/2013/05/13/2013-11132/revision-of-crane-regulation-standards-for-mobile-offshore-drilling-units-modus-offshore-supply>. See **Federal Register**, May 13, 2013 (78 FR 27913). No public comments were received on this estimate.

³¹ Data of Commandant Instruction U comports with data on pay tables after application of load factor. Based on Coast Guard research the load factor for military positions is approximately 1.85. This estimate was vetted in previous Coast Guard rulemakings as noted. Please see <https://www.dfas.mil/militarymembers/payentitlements/Pay-Tables.html>. See the hyperlink at the top of the page. The table provides monthly income which may be converted to hourly rates by dividing by 176 (22 days per month times 8 hours daily) then multiply by the military load factor.

believes manufacturers are aware and knowledgeable about the newer standards. Given this, we further assume they already would own copies of the standards. For this reason, the Coast Guard has not computed a cost for them to procure the standards incorporated by reference. The Coast Guard requests public comment on our assumption of voluntary compliance with the proposed rule.

Manufacturers already have been producing equipment to meet the standard and typically will begin to make manufacturing modifications even before such changes are adopted formally. Therefore, the Coast Guard does not anticipate that there would be costs to retrofit manufacturing equipment to be in compliance with the proposed rule. For previous similar rulemakings, no manufacturer commented that it would experience incremental costs of production to comply with newer editions of standards incorporated by reference.³² For these reasons, the Coast Guard has not included a cost for these provisions. However, the Coast Guard acknowledges that there is a non-zero probability that some manufacturer may need to purchase a newer standard. The estimated incremental cost to do so varies according to which standard is needed.³³

Cost Savings to the Regulated Public

The proposal would result in cost savings to the regulated public and the Coast Guard from a reduction in labor for processing equivalency tests and no longer requiring labor to have education on the older standards incorporated by reference. The Coast Guard expects this proposed rule would generate cost savings for owners and operators who no longer would need to request a waiver of subchapter F regulatory requirements, known as an equivalency test request, from the MSC.

Generally, the reason an owner or operator makes an equivalency request

is to seek a determination from the Coast Guard on whether an edition of an industry standard not codified in the CFR is sufficient for use. To draft an equivalency request, an owner or operator would have material prepared by its engineering staff or by a contracted engineering firm.³⁴

Based on MSC and CG-5PS data, the Coast Guard receives approximately 200 equivalency requests annually. The Coast Guard estimates it takes a marine engineer or naval architect employed by a vessel owner approximately 40 hours of time to develop an equivalency request and submit it to the Coast Guard for review. An estimated 0.5 hour would be used by a supervisor engineer to approve the work. The request for an equivalency test is sent via email to the MSC. Given that the submittal is via email, the Coast Guard has not estimated postage costs.

In addition, the regulated public would realize cost savings from the avoided cost of education for maintaining situational awareness on the existing standards incorporated by reference which the proposal would eliminate. The Coast Guard estimates that 0.5 hour is spent annually by engineers on education necessary to familiarize or re-familiarize themselves with these standards. The Coast Guard believes that, as industry standards evolve and advance, older editions may not be readily accessible, even if they are incorporated by reference into the CFR. As such, we expect that engineers will find the older standards and read them on occasion to maintain an awareness of how these standards are different from current industry standards.

In 2020, the Small Business Administration (SBA) published a rule where it determined that roughly 2,500 small disadvantaged businesses would save 0.5 hours each by no longer having to read 16 outdated regulations that SBA was removing through the rulemaking project.³⁵ Given that this proposed rule relates to a similar subject matter—time saved from the removal of outdated or

redundant regulations—the Coast Guard assumes a similar duration would be saved by industry employees. This 0.5 hour is a savings to vessel owners and operators and to manufacturers.

Cost Savings to the Coast Guard

The Coast Guard also would experience cost savings as a result of the proposed rule. When the Coast Guard receives an equivalency request from a vessel owner or operator, a Coast Guard engineering staff member at the MSC must review the request to provide a determination on whether the proposed standard(s) is equivalent to the existing standard(s) found in subchapter F. The Coast Guard MSC engineer needs approximately 32 hours to review an equivalency request, followed by 0.5 hours of supervisor review. In a small percentage of more complex cases, the MSC works with CG-5PS engineering staff to complete the equivalency review. Following review, MSC emails a decision back to the owner or operator. The Coast Guard estimates it reviews 200 equivalency requests annually. To calculate the costs avoided by Coast Guard no longer processing equivalency requests, we multiplied the number of annual equivalency requests by the sum of the duration of initial review, review, and supervisor review multiplied by the loaded wage rates of the respective Coast Guard personnel performing the review (200 equivalency requests × (1 hour × average wage rate for uniformed engineer + 32 hours × wage rate for civilian engineer + 0.5 hours × wage rate for civilian engineering supervisor)).

In addition, the Coast Guard would save labor costs annually, since staff would no longer need to maintain an awareness of the older versions of standards that are incorporated by reference. The proposal eliminates and replaces them with newer standards. The Coast Guard estimates that 0.5 hour annually is spent on education on the older standards by an employee tasked with working on equivalency requests. In the aforementioned SBA proposed rule, the agency claimed that about 760 Federal contracting officers per year would save 0.5 hours from no longer reading outdated standards that were being removed by the rule. We therefore estimate 0.5 hours of education is similarly needed for Coast Guard personnel to maintain awareness and knowledge of older standards. This applies to six civilian engineers and six uniformed engineers who work on equivalency requests. To calculate the costs avoided by Coast Guard personnel no longer requiring education on outdated standards, we multiply 0.5 hours by the hourly wage rates of the

³² A similar rulemaking is the proposed rule Revision of Crane Regulation Standards for Mobile Offshore Drilling Units, Offshore Supply Vessels, and Floating Outer Continental Shelf Facilities (Docket Number: USCG-2011-0992). Please see <https://www.federalregister.gov/documents/2013/05/13/2013-11132/revision-of-crane-regulation-standards-for-mobile-offshore-drilling-units-modus-offshore-supply> (78 FR 27913).

³³ The cost to acquire an IBR standard would be estimated by the equation (0.25 hour × supv wage rate + 0.5 hour × admin assistant wage rate + cost of IBR + shipping cost). This is based on the publicly vetted cost estimation found in the regulatory analysis for the proposed rule Revision of Crane Regulation Standards for Mobile Offshore Drilling Units, Offshore Supply Vessels, and Floating Outer Continental Shelf Facilities (Docket Number: USCG-2011-0992).

³⁴ If the owner or operator does not have staff sufficiently skilled to prepare the material, he or she may contract the services of an engineering design firm for the labor of a marine engineer or naval architect. The Coast Guard did not attempt to estimate the additional labor needed to engage contracted labor since it is unknown how many or even if an owner or operator would need outside labor to perform this task. Public comment is solicited on this.

³⁵ The SBA rule is entitled Regulatory Reform Initiative: Small Disadvantaged Businesses, (Document Number: SBA 2020-08619) which was published on May 8, 2020. See <https://www.federalregister.gov/documents/2020/05/08/2020-08619/regulatory-reform-initiative-small-disadvantaged-businesses> (85 FR 27290).

Coast Guard personnel (0.5 hours (6 engineers × wage rate for civilian uniformed engineers × average wage rate for uniformed engineer + 6 civilian engineer)).

Table 7 presents the estimated cost savings of the proposed rule to the regulated public and to the Coast Guard.

TABLE 7—ESTIMATED COST SAVINGS OF PROPOSAL

CFR citation	Task	Calculation	Cost savings
Cost Savings to Regulated Public (Vessel Owners and Operators)			
§§ 50.20–5(b), 10(a); 63.10–1.	Fewer copies required for submittal	Too small and unseverable to be calculated separately.	Nonzero
54.01–18(a), 54.10–3, 54.10–3(c), ³⁶ 54.10–20(a)(2), ³⁷ 54.10–3, ³⁸ 54.10–3(c) ³⁹ .	Avoided questions or performance of unrequired tasks due to misunderstanding of rules.	Untracked by the Coast Guard and unreported by regulated public.	Nonzero
61.10–5(g)	Owner/Operator may select method (internal inspection vs hydrostatic test) to comply ⁴⁰ .	Saves cost of lagging and its installation and the cost difference between internal inspections versus hydrostatic tests. Untracked by the Coast Guard and unreported by regulated public.	Nonzero
Multiple	Avoided preparation and submittal of equivalency request.	200 requests × (40 hours × \$71.23/hour engineer + 0.5 hour \$84.52/hour engineering supervisor).	\$578,258
Multiple	Avoided cost of education	200 engineers × 0.5 hour × \$71.23/hour engineer.	7,123
Subtotal Cost Savings for Regulated Public (Vessel Owner/Operators).	.....	.....	585,381
Cost Savings to Regulated Public (Manufacturers)			
Multiple	Avoided cost of education	1,022 manufacturers × 0.5 hour × \$71.23/hour engineer.	36,396
Subtotal Cost Savings for Regulated Public (Manufacturers).	.....	.....	36,396
Annual Cost Savings for Regulated Public.	.....	.....	621,777
Cost Savings for the Federal Government (Coast Guard)			
Multiple	Avoided processing of equivalency request.	200 requests × (1 hour × \$91/hour uniformed engineer + 32 hours × \$115.51/hour civilian engineer + 0.5 hour × \$135.87/hour civilian engineering supervisor).	771,055
Multiple	Avoided cost of education	0.5 hour × (\$115.51/hour civilian engineer × 6 count civilian engineers + \$91/hour × 6 uniformed engineers).	620
Subtotal for Government .....	.....	.....	771,675
Annual Total for Regulated Public and Government.	.....	.....	1,393,452

Note: Totals may not sum due to independent rounding. Undiscounted costs appear in the table. Figures have been rounded to the nearest hundredth. Unrounded figures were used in calculations.

Table 8 summarizes the cost savings per year of the proposed rule for the regulated public and the Federal Government

³⁶ Existing regulations have been misunderstood as to whether a pressure vessel (PV) requires or does not require plan review by the Coast Guard. This proposed change clarifies regulatory intent and would preclude inquiries to the Coast Guard.

³⁷ The requirement for Coast Guard numbering of PVs is misunderstood often. The proposed change clarifies that Coast Guard numbering is required

only when the Coast Guard has inspected the PV during construction (shop inspection).

³⁸ The requirement for use of the Coast Guard Symbol on PVs (§ 54.10–3) often is misunderstood. This section has been edited to assist readers in finding rules requiring stamping of the Coast guard Symbol.

³⁹ This section has been clarified by adding a section clearly identifying which PVs do not require stamping.

⁴⁰ The proposed change would give operators the option of undergoing an internal inspection every 10 years as opposed to requiring a hydrostatic test every 10 years.

TABLE 8—TOTAL ESTIMATED COST SAVINGS OF THE PROPOSED RULE
[10-Year period of analysis, 7- and 3-percent discount rates (2020)]

Year	Regulated public			Federal government			Total		
	7%	3%	Undisc.	7%	3%	Undisc.	7%	3%	Undisc.
1	\$581,100	\$603,667	\$621,777	\$721,191	\$749,199	\$771,675	\$1,302,291	\$1,352,866	\$1,393,452
2	543,084	586,084	621,777	674,011	727,378	771,675	1,217,095	1,313,462	1,393,452
3	507,555	569,014	621,777	629,917	706,192	771,675	1,137,472	1,275,206	1,393,452
4	474,351	552,441	621,777	588,707	685,623	771,675	1,063,058	1,238,064	1,393,452
5	443,318	536,350	621,777	550,193	665,653	771,675	993,512	1,202,004	1,393,452
6	414,316	520,728	621,777	514,200	646,266	771,675	928,516	1,166,994	1,393,452
7	387,211	505,562	621,777	480,560	627,442	771,675	867,772	1,133,004	1,393,452
8	361,880	490,837	621,777	449,122	609,167	771,675	811,002	1,100,004	1,393,452
9	338,206	476,540	621,777	419,740	591,425	771,675	757,945	1,067,965	1,393,452
10	316,080	462,660	621,777	392,280	574,199	771,675	708,360	1,036,859	1,393,452
10-Year	4,367,102	5,303,884	6,217,770	5,419,921	6,582,543	7,716,748	9,787,023	11,886,427	13,934,519
Ann	621,777	621,777	N/A	771,675	771,675	N/A	1,393,452	1,393,452	N/A

Note: Totals may not sum due to independent rounding.

The Coast Guard estimates an annualized cost savings to industry of \$0.622 million (with a 7-percent discount rate) and an annualized cost savings to Government of \$0.772 million (with a 7-percent discount rate) for a total annualized cost savings of \$1.393 million in 2020 dollars.

Cost Savings

The proposed rule amends existing regulations in 46 CFR subchapter F. The proposed amendments would eliminate confusion caused by outdated and conflicting rules on marine engineering safety of various vessel components and systems and give the maritime industry clear instructions on how to comply with regulations. Moreover, this proposed rule would amend existing regulations to reflect current national and international standards. The proposed rule also would result in cost savings to the regulated public and the Federal Government, as noted further.

Several of the proposed rule's changes have no cost effects (please see Table 4). These editorial changes, such as the removal of outdated terminology and the consolidation of text, would not result in cost savings but would clarify regulations, as noted earlier. Also, by incorporating the newer standards, the proposed changes would provide clarity and specificity. For these changes, the Coast Guard expects them to have no direct cost savings because they are unseverable from the cost savings noted previously.

The compliance alternatives would remove overly prescriptive requirements, simplify regulatory compliance, and provide regulatory flexibility for industry. The proposal would add a compliance alternative to hydrostatic tests, thereby allowing the regulated public to perform an internal inspection in lieu of the hydrostatic test. The proposed inclusion of this compliance alternative would save a

given vessel owner labor and material. In order to comply with the existing requirement for hydrostatic tests, the vessel owner must remove existing lagging around the unit, then replace it once the test is completed. The proposed compliance alternative would involve less labor and would not necessitate the removal and replacement of lagging as the existing requirements do. The Coast Guard has not estimated a cost for this alternative, because it is unknown how many vessel owners would choose to pursue the alternative. Because equipment sizes vary, the amount of labor and material needed to comply now and under the alternative is also unknown.⁴¹ The Coast Guard invites public comment on this issue.

Alternatives Considered

Within the Coast Guard's development of this proposed rule, significant alternatives to the regulatory component(s) were considered to determine if any alternative could accomplish the stated objectives of applicable statutes and could minimize any significant economic impact of the rule on small entities beyond the proposed rule. Among these alternatives were the following:

Alternative 1: Take No Action

The Coast Guard could have chosen not to pursue the rulemaking. Taking no action would cause no incremental costs to regulated entities nor to the Coast Guard. However, in doing nothing, the Coast Guard would have no mechanism to update regulations to reflect current practices and improve their relevance to the public. There would be neither an increase nor decrease in benefits to regulated entities due to the alternative. The proposed rule has been estimated to

⁴¹ This information would be needed to ascertain the existing cost of compliance; the Coast Guard could then estimate the cost savings of the proposed new compliance alternative.

produce quantifiable cost savings to the Coast Guard and the regulated public, which would not be possible under the alternative of no action.

The standards currently incorporated by reference are outdated. To keep them codified would, in theory, maintain existing safety levels. However, because they are so outdated, they are sparsely available. Compliance with them may become problematic in the future due to lack of availability. The older editions of the standards do not contain guidance for several current industry practices. Maintaining the regulations with the existing standards incorporated by reference would not allow for cost savings as the proposal would do.

The goal of this proposed rule is to streamline requirements, to clarify existing rules and to increase enforcement effectiveness. The no-action alternative would result in no additional costs and maintain current levels of public safety. Similarly, the proposed rule is anticipated to have cost savings opportunities;⁴² and these savings would not accrue to the public if current regulations were not amended. The proposed rule also is being promulgated to provide clarity on regulatory intentions; a no-action choice would not permit this clarification to be given to the public. This alternative would result in no benefits as there would be no changes to current practice; therefore, the Coast Guard rejected this alternative.

⁴² The proposed adoption of the newer editions would mean that some outdated requirements of the earlier editions are no longer required or are converted to recommendations rather than requirements. The newer editions also include some flexibility in requirements and recommendations based on the given circumstances. The reader may consult the appendix for a detailed analysis of the changes between the editions.

Alternative 2: Delay the Effective Date

The Coast Guard could have delayed the effective date. Delayed effective dates are used to aid in compliance implementation, particularly when the labor costs or capital costs are considerable. The compliance costs for the proposal are zero as noted earlier, and a delayed effective date would delay the cost savings opportunities to all parties. For these reasons, the Coast Guard rejected this alternative.

Alternative 3. Exempt Small Entities

The Coast Guard could have exempted small entities from some or all of the proposed rule's provisions. In principle, an exemption would save small entities time and money to comply with regulations. Exemptions for small entities often are used when costs of compliance, such as capital costs, are high. However, there are no costs of compliance for this proposed rule. For this alternative, an exemption may cause the cost savings opportunities of the rulemaking to be precluded for small entities and, thereby, the total value of the rule's cost savings would decline accordingly.

The proposal would implement requirements for business practices in which the majority (if not all) of small businesses now engage. An exemption for small business entities from the rulemaking would have little effective and practical impact on small business entities. There is a high level of voluntary compliance and limited applicability for the affected population. The costs of compliance are zero and the rule is applicable only if an actionable event occurs (for example, if a new vessel is procured or an existing vessel undergoes a major conversion). For these reasons, the Coast Guard did not pursue an exemption for small entities.

B. Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, and Executive Order 13272 (Consideration of Small Entities in Agency Rulemaking) requires a review of proposed and final rules to assess their impacts on small entities. An agency must prepare an initial regulatory flexibility analysis unless it determines and certifies that a rule, if promulgated, would not have a significant impact on a substantial number of small entities.

Under the RFA, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities.

The term “small entities”⁴³ 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.

Based on our analysis, this proposed rule would affect vessel owners and operators, manufacturers and class societies. While the proposed rule excludes public vessels,⁴⁴ there exists considerable diversity in the types of vessel owners that may be impacted by the proposal. Some vessel owners potentially impacted by this proposed rule include Tribal, State, and local governments as well as nonprofits including colleges and universities, museums, and science foundations.

The MISLE database maintained by the Coast Guard contains detailed information on the U.S. maritime industry, including vessel and major equipment specific information, and MISLE data suggest that the potentially affected population contains thousands of vessels for thousands of vessel owners and operators. While there exists no exact figure of the population of U.S.-flagged vessels and their owners and operators, and the Coast Guard does not maintain a registry of all vessels, many vessels are documented and therefore there is a record of the owner. For these reasons, the Coast Guard was able to estimate the number of vessel owners and operators impacted by the proposed rulemaking based on the MISLE dataset of U.S.-flagged vessels. The Coast Guard used this dataset of vessels, refined to eliminate duplicate managing owner names, to create a dataset of unique owner names to serve as a proxy for the number of vessel owners in the affected population.

The SBA uses either revenue level or employment size to establish small entity size categories.⁴⁵ For that reason, the Coast Guard reviewed publicly available information to determine revenue and employment estimates. These sources included but were not limited to www.manta.com, www.dnb.com, and the corporate websites of several businesses. The

⁴³ The Regulatory Flexibility Act considers the term “small entity” as having the same meaning as the terms “small business,” “small organization” and “small governmental jurisdiction.”

⁴⁴ 42 U.S. Code 6939d(c)(1) provides, “The term ‘public vessel’ means a vessel owned or bareboat chartered and operated by the United States or by a foreign nation, except when the vessel is engaged in commerce.”

⁴⁵ The SBA threshold for a small entity is either the maximum number of employees or the maximum revenue level (or population size for a State/local government). Size standards may be found in 13 CFR 121.201.

reader should note that the Coast Guard used data for the governing body of a corporate entity. In other words, for affected business entities that were subsidiaries of another company; the employment size and revenue level of the parent company was compared to the small business size standard for the North American Industry Classification System (NAICS) code of the parent company.⁴⁶

The Coast Guard used a random sample to estimate the number of small entities that are manufacturers and managing owners.⁴⁷ The Coast Guard was able to find data on approximately 92 percent of the sampled managing owner businesses and 88.6 percent of manufacturers impacted by the rule.⁴⁸ Publicly available data were used to obtain company-specific information such as annual revenues and number of employees.⁵⁰ Any company for which the Coast Guard did not find data was considered small.⁵¹ Using the SBA’s “Table of Size Standards” and the NAICS codes listed in the table, the Coast Guard found that 21.35 percent of governmental entities that were managing owners of vessels are small entities.⁵² For nonprofits, 84.48 percent were small entities.⁵³ For the remaining companies owning vessels in the affected population, the Coast Guard found that 85.85 percent were small entities. For manufacturers, the Coast Guard estimates that 62.03 percent of companies were small entities.

Cost savings are incurred only under conditions as specified in the proposal. The cost saving for each vessel owner or operator would be approximately \$2,923 per entity, which is less than 1 percent

⁴⁶ The NAICS codes for the parent company may differ for its subsidiaries.

⁴⁷ Separate samples were performed for managing owners that are governmental entities or nonprofits.

⁴⁸ The Coast Guard used a sample size of 190 (alpha = 0.10, confidence interval of 90%).

⁴⁹ We found data on 81 percent of nonprofits that were managing owners and data for all governmental entities that were managing owners.

⁵⁰ www.dnb.com and www.charitynavigator.org (for nonprofits).

⁵¹ <https://www.sba.gov/document/support-table-size-standards>.

⁵² The following NAICS codes were found for most sampled owners (excluding governmental entities and nonprofits): 441222 Boat Dealers; 237990 Other Heavy and Civil Engineering Construction; 325110 Petrochemical Manufacturing; 336611 Ship Building and Repairing; 483111 Deep Sea Freight Transportation, 454310 Fuel Dealers, 237310 Hwy, Street, and Bridge Construction; 483211 Inland Water Freight Transportation; and 488330 Navigational Services to Shipping. This list is not exclusive.

⁵³ The most commonly found NAICS codes for nonprofits in the sample were 813410 Civic and Social Organizations; 611710 Educational Support Services; 813312 Environment, Conservation and Wildlife Organizations; and 712110 Museums. This list is not exclusive.

of revenue for 72.48 percent of small entity managing owners. These cost savings are incurred only if the regulated entity experienced tasks as noted in the proposed rule. For most vessel owners and operators, there would be no cost nor cost savings from the proposed rule.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to docket at the address in the **ADDRESSES** section. In your comment, explain why you think it qualifies and how and to what degree this rule would affect it economically.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed 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 in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

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).

D. Collection of Information

This proposed rule would not require a modification of an existing collection of information (Plan Approval and Records for Marine Engineering Systems—Title 46 CFR Subchapter F *OMB Control Number*: 1625–0097) and would not call for new collection of information under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C.

3501–3520. As defined in 5 CFR 1320.3(c), “collection of information” comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions.

E. Federalism

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 proposed rule under Executive Order 13132 and determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis follows.

It is well settled that States may not regulate in categories reserved by Congress for regulation by the Coast Guard. It is also well settled that all of the categories regulated under 46 U.S.C. 3306 and 3703, as well as any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States v. Locke* and *Intertanko v. Locke*, 529 U.S. 89, 120 S.Ct. 1135 (2000). This proposed rulemaking updates the references to incorporating standards in 46 CFR Subchapter F, which is authorized under 43 U.S.C. 1333, 46 U.S.C. 3306, and 46 U.S.C. 3703. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, Executive Order 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule has implications for federalism under Executive Order 13132, please contact the person listed in the **FOR FURTHER INFORMATION** section of this preamble.

F. 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. Although this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630 (Governmental Actions and Interference with Constitutionally Protected Property Rights).

H. Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b) (2) of Executive Order 12988, (Civil Justice Reform), to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this proposed rule under Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks). This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

This proposed rule does not have Tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), because it would not have a substantial direct effect on one or more Tribal governments, on the relationship between the Federal Government and Tribal governments, or on the distribution of power and responsibilities between the Federal Government and Tribal governments.

K. Energy Effects

We have analyzed this proposed rule under Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use). We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (such as for specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule uses the following voluntary standards:

- ABS Rules for Building and Classing Marine Vessels, 2020, Part 4, Vessel Systems and Machinery.
- ABYC P-1-14, Installation of Exhaust Systems for Propulsion and Auxiliary Engines (2009 standard reaffirmed 2014).
- ANSI Z21.22-2015, Relief valves for hot water supply systems.
- API Recommended Practice 14C, Analysis, Design, Installation, and Testing of Safety Systems for Offshore Production Facilities, Eighth Edition, February 2017.
- API STD 53 Well Control Equipment Systems for Drilling Wells, 5th Edition (“API STD 53”).
- API STD 607, Fire Test for Quarter-turn Valves and Valves Equipped with Nonmetallic Seats, seventh edition (2016).
- ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (2019) (“Section I of the ASME BPVC”).
- ASME Boiler and Pressure Vessel Code, Section IV, Rules for Construction of Power Boilers (2019) (“Section IV of the ASME BPVC”).
- ASME Boiler and Pressure Vessel Code, Section VII, Recommended Guidelines for the Care of Power Boilers (2019 edition).
- ASME Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Power Boilers (2019) (“Section VIII of the ASME BPVC”).
- ASME Boiler and Pressure Vessel Code, Section IX, Rules for Construction of Power Boilers (2019) (“Section IX of the ASME BPVC”).
- ASME B1.1-2003 (reaffirmed 2008), Unified Inch Screw Threads (UN and UNR Thread Form).
- ASME B1.20.1-2013, Pipe Threads, General Purpose (Inch).
- ASME B1.20.3-1976 (Reaffirmed 2013), Dryseal Pipe Threads (Inch).

- ASME B16.1-2015, Gray Iron Pipe Flanges and Flanged Fittings, Classes 25, 125, and 250.
- ASME B16.3-2016, Malleable Iron Threaded Fittings, Classes 150 and 300.
- ASME B16.4-2016, Gray Iron Threaded Fittings Classes 125 and 250.
- ASME B16.5-2017, Pipe Flanges and Flanged Fittings NPS ½ through NPS 24 Metric/Inch Standard.
- ASME B16.11-2016, Forged Fittings, Socket-Welding and Threaded.
- ASME B16.14-2013, Ferrous Pipe Plugs, Bushings, and Locknuts with Pipe Threads.
- ASME B16.15-2013, Cast Copper Alloy Threaded Fittings, Classes 125 and 250.
- ASME B16.20-2012, Metallic Gaskets for Pipe Flanges, Ring-Joint, Spiral-Wound, and Jacketed.
- ASME B16.21-2016, Nonmetallic Flat Gaskets for Pipe Flanges.
- ASME B16.23-2016, Cast Copper Alloy Solder Joint Drainage Fittings: DWV.
- ASME B16.25-2012, Buttwelding Ends.
- ASME B16.29-2012, Wrought Copper Alloy Solder-Joint Drainage Fittings-DWV.
- ASME B16.34-2017, Valves—Flanged, Threaded, and Welding End.
- ASME B18.2.1-2012, Square, Hex, Heavy Hex, and Askew Head Bolts and Hex, Heavy Hex, Hex Flange, Lobed Head, and Lag Screws (Inch Series).
- ASME B18.2.2-2015, Nuts for General Applications: Machine Screw Nuts, Hex, Square, Hex Flange, and Couplings Nuts (Inch Series).
- ASME B31.1-2016, Power Piping, ASME Code for Pressure Piping, B31.
- ASME B31.3-2018, Process Piping, ASME Code for Pressure Piping, B31.
- ASME B31.5-2016, Refrigeration Piping and Heat Transfer Components, ASME Code for Pressure Piping, B31.
- ASME B36.10M-2015, Welded and Seamless Wrought Steel Pipe.
- ASME CSD-1-2018, Controls and Safety Devices for Automatically Fired Boilers.
- ASME SA-675-2021, Standard Specification for Steel Bars, Carbon, Hot-Wrought, Special Quality, Mechanical Properties.
- ASTM A20/A20M-19, Standard Specification for General Requirements for Steel Plates for Pressure Vessels (“ASTM A20/A20M”).
- ASTM A36/A36M-14, Standard Specification for Carbon Structural Steel.
- ASTM A47A47M-99 (Reapproved 2014), Standard Specification for Ferritic Malleable Iron Castings.
- ASTM A53/A53M-12, Standard Specification for Pipe, Steel, Black and

Hot Dipped, Zinc-Coated, Welded and Seamless.

- ASTM A126-04 (Reapproved 2014), Standard Specification for Gray Iron Castings for Valves, Flanges, and Pipe Fittings.
- ASTM A135/A135M-19, Standard Specification for Electric-Resistance-Welded Steel Pipe.
- ASTM A193/A193M-19, Standard Specification for Alloy-Steel and Stainless Steel Bolting for High-Temperature Service or High Pressure Service and Other Special Purpose Applications.
- ASTM A197-00 (Reapproved 2015), Standard Specification for Cupola Malleable Iron.
- ASTM A203/A203M-17, Standard Specification for Pressure Vessel Plates, Alloy Steel, Nickel (“ASTM A203/A203M”).
- ASTM A210/A210M-19, Standard Specification for Seamless Medium-Carbon Steel Boiler and Superheater Tubes.
- ASTM A268/A268M-10 (Reapproved 2016), Standard Specification for Seamless and Welded Ferritic and Martensitic Stainless Steel Tubing for General Service.
- ASTM A276/A276M-17, Standard Specification for Stainless Steel Bars and Shapes.
- ASTM A312/A312M-17, Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes.
- ASTM A333/A333M-16, Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service and Other Applications with Required Notch Toughness.
- ASTM A334/A334M-04a, Standard Specification for Seamless and Welded Carbon and Alloy-Steel Tubes for Low-Temperature Service.
- ASTM A350/A350M-17, Standard Specification for Carbon and Low-Alloy Steel Forgings, Requiring Notch Toughness Testing for Piping Components.
- ASTM A352/A352M-17, Standard Specification for Steel Castings, Ferritic and Martensitic, for Pressure-Containing Parts, Suitable for Low-Temperature Service.
- ASTM A358/A358M-15, Standard Specification for Electric-Fusion-Welded Austenitic Chromium-Nickel Stainless Steel Pipe for High-Temperature Service and General Applications.
- ASTM A370-19, Standard Test Methods and Definitions for Mechanical Testing of Steel Products (“ASTM A370”).
- ASTM A376/A376M-17, Standard Specification for Seamless Austenitic

Steel Pipe for High-Temperature Service.

- ASTM A403/A403M–16, Standard Specification for Wrought Austenitic Stainless Steel Piping Fittings.
- ASTM A420/A420M–16, Standard Specification for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Low-Temperature Service.
- ASTM A522/A522M–14, Standard Specification for Forged or Rolled 8 and 9% Nickel Alloy Steel Flanges, Fittings, Valves, and Parts for Low-Temperature Service.
- ASTM A575–96 (Reapproved 2013), Standard Specification for Steel Bars, Carbon, Merchant Quality, M-Grades.
- ASTM A576–17, Standard Specification for Steel Bars, Carbon, Hot-Wrought, Special Quality.
- ASTM B16/B16M–10 (Reapproved 2015), Standard Specification for Free-Cutting Brass Rod, Bar and Shapes for Use in Screw Machines.
- ASTM B21/B21M–20, Standard Specification for Naval Brass Rod, Bar, and Shapes.
- ASTM B26/B26M–18, Standard Specification for Aluminum-Alloy Sand Castings.
- ASTM B42–20, Standard Specification for Seamless Copper Pipe, Standard Sizes.
- ASTM B43–15, Standard Specification for Seamless Red Brass Pipe, Standard Sizes.
- ASTM B68/B68M–19, Standard Specification for Seamless Copper Tube, Bright Annealed.
- ASTM B75/B75M–19, Standard Specification for Seamless Copper Tube.
- ASTM B85/B85M–18, Standard Specification for Aluminum-Alloy Die Castings.
- ASTM B96/B96M–16, Standard Specification for Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes and Pressure Vessels.
- ASTM B111/B111M–18a, Standard Specification for Copper and Copper-Alloy Seamless Condenser Tubes and Ferrule Stock.
- ASTM B122/B122M–16, Standard Specification for Copper-Nickel-Tin Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver), and Copper-Nickel Alloy Plate, Sheet, Strip, and Rolled Bar.
- ASTM B124/B124M–18, Standard Specification for Copper and Copper Alloy Forging Rod, Bar, and Shapes.
- ASTM B127–19, Standard Specification for Nickel-Copper Alloy Plate, Sheet, and Strip.
- ASTM B152/B152M–19, Standard Specification for Copper Sheet, Strip, Plate, and Rolled Bar.
- ASTM B161–05 (Reapproved 2019), Standard Specification for Nickel Seamless Pipe and Tube.

- ASTM B165–19, Standard Specification for Nickel-Copper Alloy Seamless Pipe and Tube.
- ASTM B167–18, Standard Specification for Nickel-Chromium-Aluminum Alloys (UNS N06699), Nickel-Chromium-Iron Alloys (UNS N06600, N06601, N06603, N06690, N06693, N06025, N06045, and N06696), Nickel-Chromium-Cobalt-Molybdenum Alloy (UNS N06617), Nickel-Iron-Chromium-Tungsten Alloy (UNS N06674), and Nickel-Chromium-Molybdenum-Copper Alloy (UNS N06235) Seamless Pipe and Tube.
- ASTM B171/B171M–18, Standard Specification for Copper-Alloy Plate and Sheet for Pressure Vessels, Condensers, and Heat Exchangers.
- ASTM B209–14, Standard Specification for Aluminum and Aluminum-Alloy Sheet and Plate.
- ASTM B210/B210M–19a, Standard Specification for Aluminum and Aluminum-Alloy Drawn Seamless Tubes.
- ASTM B234–17, Standard Specification for Aluminum and Aluminum-Alloy Drawn Seamless Tubes for Surface Condensers, Evaporators, and Heat Exchangers.
- ASTM B241/B241M–16, Standard Specification for Aluminum and Aluminum-Alloy Seamless Pipe and Seamless Extruded Tube.
- ASTM B280–18, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service.
- ASTM B283/B283M–18, Standard Specification for Copper and Copper-Alloy Die Forgings (Hot-Pressed).
- ASTM B315–19, Standard Specification for Seamless Copper Alloy Pipe and Tube.
- ASTM B361–16, Standard Specification for Factory-Made Wrought Aluminum and Aluminum-Alloy Welding Fittings.
- ASTM B858–06 (Reapproved 2018), Standard Test Method for Ammonia Vapor Test for Determining Susceptibility to Stress Corrosion Cracking in Copper Alloys.
- ASTM D92–18, Standard Test Method for Flash and Fire Points by Cleveland Open Cup Tester.
- ASTM D93–19, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.
- ASTM D323–15a, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).
- ASTM D665–19, Standard Test Method for Rust-Preventing Characteristics of Inhibited Mineral Oil in the Presence of Water.
- ASTM E23–18, Standard Test Methods for Notched Bar Impact Testing of Metallic Materials.

- ASTM E208–19, Standard Test Method for Conducting Drop-Weight Test to Determine Nil-Ductility Transition Temperature of Ferritic Steels (“ASTM E208”).
- ASTM F1006–86 (reapproved 2018), Standard Specification for Entrainment Separators for Use in Marine Piping Applications.
- ASTM F1007–18, Standard Specification for Pipeline Expansion Joints of the Packed Slip Type for Marine Application.
- ASTM F1020–86 (Reapproved 2018), Standard Specification for Line-Blind Valves for Marine Applications.
- ASTM F1120–87 (Reapproved 2015), Standard Specification for Circular Metallic Bellows Type Expansion Joints for Piping Applications.
- ASTM F1123–87 (Reapproved 2015), Standard Specification for Non-Metallic Expansion Joints.
- ASTM F1139–88 (Reapproved 2015), Standard Specification for Steam Traps and Drains.
- ASTM F1155–10 (Reapproved 2015), Standard Practice for Selection and Application of Piping System Materials.
- ASTM F1172–88 (Reapproved 2015), Standard Specification for Fuel Oil Meters of the Volumetric Positive Displacement Type.
- ASTM F1173–01 (Reapproved 2018), Standard Specification for Thermosetting Resin Fiberglass Pipe Systems to be Used for Marine Applications.
- ASTM F1199–88 (Reapproved 2015), Standard Specification for Cast (All Temperatures and Pressures) and Welded Pipe Line Strainers (150 psig and 150 °F Maximum).
- ASTM F1200–88 (Reapproved 2016), Standard Specification for Fabricated (Welded) Pipe Line Strainers (Above 150 psig and 150 °F).
- ASTM F1201–88 (Reapproved 2016), Standard Specification for Fluid Conditioner Fittings in Piping Applications above 0 °F.
- ASTM F1323–14, Standard Specification for Shipboard Incinerators (“ASTM F 1323”).
- ASTM F1387–19, Standard Specification for Performance of Piping and Tubing Mechanically Attached Fittings.
- ASTM F1476–07 (Reapproved 2013), Standard Specification for Performance of Gasketed Mechanical Couplings for Use in Piping Applications.
- ASTM F1548–01 (Reapproved 2018), Standard Specification for the Performance of Fittings for Use with Gasketed Mechanical Couplings Used in Piping Applications.

- CGA S-1.2-2009, Pressure Relief Device Standards—Part 2—Portable Containers for Compressed Gases.
- Standards of the Expansion Joint Manufacturers Association, Tenth Edition (2015).
- FCI 69-1, Pressure Rating Standard for Steam Traps, 2017.
- International Convention for Safety of Life at Sea, 1974 as amended (SOLAS).
- IMO Resolution MEPC.244(66), Standard Specification for Shipboard Incinerators, 2014.
- IMO Resolution MSC.337(91), Code on Noise Levels on Board Ships.
- ISO 9096:2017(E), Stationary source emissions—Manual determination of mass concentration of particulate matter.
- ISO 13617:2019(E), Ships and marine technology—Shipboard incinerators—Requirements (“ISO 13617”).
- ISO 15540:2016(E), Ships and marine technology—Fire resistance of non-metallic hose assemblies and non-metallic compensators—Test methods.
- MSS SP-6-2017, Standard Finishes for Contact Faces of Pipe Flanges and Connecting-End Flanges of Valves and Fittings.
- MSS SP-9-2013, Spot Facing for Bronze, Iron, and Steel Flanges.
- MSS SP-25 (ANSI/MSS SP-25-2018), Standard Marking System for Valves, Fittings, Flanges and Unions.
- MSS SP-51-2012, Class 150LW Corrosion Resistant Flanges and Cast Flanged Fittings.
- MSS SP-53-2012, Quality Standard for Steel Castings and Forgings for Valves, Flanges, Fittings, and Other Piping Components—Magnetic Particle Examination Method.
- MSS SP-55 (ANSI/MSS SP-55-2011), Quality Standard for Steel Castings for Valves, Flanges, Fittings and Other Piping Components—Visual Method for Evaluation of Surface Irregularities.
- MSS SP-58 (ANSI/MSS SP-58-2009), Pipe Hangers and Supports—Materials, Design, Manufacture, Selection, Application, and Installation.
- MSS SP-61-2019, Pressure Testing of Valves.
- NFPA 302, Fire Protection Standard for Pleasure and Commercial Motor Craft, 2020 Edition.
- SAE J429 MAY2014, Mechanical and Material Requirements for Externally Threaded Fasteners.
- SAE J1475 JUN2014, Hydraulic Hose Fittings for Marine Applications.
- SAE J1928 JUN2018, Devices Providing Backfire Flame Control for Gasoline Engines in Marine Applications.

- SAE J1942 MAR2019, Hose and Hose Assemblies for Marine Applications.
- UL 174, Standard for Safety, Household Electric Storage Tank Water Heaters, Eleventh Edition, April 29, 2004 (reapproved in 2016) (“UL 174”).
- UL 296, Standard for Safety, Oil Burners, Eleventh Edition, February 24, 2017 (“UL 296”).
- UL 343, Standard for Safety, Pumps for Oil-Burning Appliances, Ninth Edition, December 17, 2008 (“UL 343”).
- UL 1453, Standard for Safety, Electric Booster and Commercial Storage Tank Water Heaters, Sixth Edition, March 29, 2016 (“UL 1453”).

The proposed sections that reference these standards and the locations where these standards are available are listed in §§ 52.01-1, 53.01-1, 54.01-1, 56.01-2, 57.02-1, 58.03-1, 59.01-2, 61.03-1, 62.05-1, and 63.05-1.

If you disagree with our analysis of these voluntary consensus standards or are aware of voluntary consensus standards that might apply but are not listed, please send a comment explaining your disagreement or identifying additional standards to the docket using one of the methods listed in the **ADDRESSES** section of this preamble.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary 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. This proposed rule would be categorically excluded under paragraphs L54, L57 and L58 of Appendix A, Table 1 of DHS Instruction Manual 023-01, Rev. 1.⁵⁴ Paragraph L54 pertains to regulations which are editorial and procedural; paragraph L57 pertains to regulations concerning manning, documentation, admeasurement,

⁵⁴ https://www.dhs.gov/sites/default/files/publications/DHS_Instruction%20Manual%20023-01-001-01%20Rev%2001_508%20Admin%20Rev.pdf.

inspection, and equipping of vessels; and paragraph L58 pertains to regulations concerning equipment approval and carriage requirements.

This proposed action involves amending rules relating to standards for marine engineering details for various types of vessels, including incorporation of national and international safety standards by reference. This proposed rule is part of the Coast Guard’s ongoing regulatory reform efforts to increase compliance options for the regulated public while providing cost savings to the public and U.S. Government, and also would promote the Coast Guard’s marine safety mission. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects

46 CFR Part 50

Reporting and recordkeeping requirements, Vessels.

46 CFR Parts 52, 53, 54, 56, 57, 58, 59, 61, 62, 64

Incorporation by reference, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 63

Incorporation by reference, Vessels.

Title 46—Shipping

PART 50—GENERAL PROVISIONS

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

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; Section 50.01-20 also issued under the authority of 44 U.S.C. 3507.

§ 50.01-10 [Amended]

■ 2. In § 50.01-10(b), remove the word “shall” and add, in its place, the word “must”.

§ 50.05-1 [Amended]

■ 3. Amend § 50.05-1 as follows:

■ a. In paragraph (a), remove the word “shall”; and

■ b. In paragraph (c), remove the words “shall be” and add, in their place, the word “are”.

■ 4. Amend § 50.05-5 as follows:

■ a. Revise paragraph (b); and

■ b. In paragraph (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 50.05-5 Existing boilers, pressure vessels or piping systems.

* * * * *

(b) For the purpose of recalculating the maximum allowable working pressure of boilers, pressure vessels, or piping which have deteriorated in service, the applicable design formulas in effect at the time it was contracted for or built must be used.

* * * * *

§ 50.05–10 [Amended]

■ 5. In § 50.05–10(a), remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 50.05–15 [Amended]

■ 6. Amend § 50.05–15 as follows:

■ a. In paragraph (a), remove the word “shall”;

■ b. In paragraph (b), remove the words “shall be” and add, in its place, the word “are”.

■ 7. Amend § 50.05–20 as follows:

■ a. Revise the section heading and paragraph (a); and

■ b. In paragraph (b), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revisions read as follows:

§ 50.05–20 Steam-propelled vessels.

(a) The requirements covering design of the propelling engine, boiler, and the auxiliary machinery, and the inspection thereof on all vessels which are more than 40 feet in length and which are propelled by machinery driven by steam must be in accordance with the applicable provisions of this subchapter.

* * * * *

§ 50.10–20 [Amended]

■ 8. In § 50.10–20, remove the text “SE.” and add, in its place, the text “SE”.

■ 9. Revise § 50.10–23 to read as follows:

§ 50.10–23 Marine Safety Center.

The term *Marine Safety Center* refers to the Commanding Officer, Marine Safety Center, U.S. Coast Guard Stop 7430, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7430 for mail. Send mail in a printed or electronic format. Information for submitting the documents electronically can be found at <http://www.uscg.mil/HQ/MSC>.

§ 50.10–25 [Amended]

■ 10. Amend § 50.10–25 as follows:

■ a. In paragraph (b), remove the text “Figure 50.10–25(b)” and add, in its place, the text “figure § 50.10–25(b)”;

■ b. Redesignate figure 50.10–25(b) as figure § 50.10–25(b).

§ 50.10–30 [Amended]

■ 11. Amend § 50.10–30 as follows:

■ a. In paragraph (b), remove the word “shall” and add, in its place, the word “must”;

■ b. In paragraph (c)(1), remove the text “table 50.10–30” and add, in its place, the text “table § 50.10–30”;

■ c. Redesignate table 50.10–30 as table § 50.10–30.

§ 50.20–1 [Amended]

■ 12. In § 50.20–1(b), remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 50.20–5 [Amended]

■ 13. Amend § 50.20–5 as follows:

■ a. In paragraph (b), remove the words “in triplicate”; and

■ b. In paragraph (c), remove the last sentence.

§ 50.20–10 [Removed and Reserved]

■ 14. Remove and reserve § 50.20–10.

§ 50.20–15 [Amended]

■ 15. Amend § 50.20–15 as follows:

■ a. In paragraph (a), remove the text “(including work accomplished under a different contract) shall not be” and add, in its place, the words “is not”; and

■ b. Reserve paragraph (b).

§ 50.20–25 [Amended]

■ 16. In § 50.20–25, remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 17. Revise § 50.20–30 to read as follows:

§ 50.20–30 Alternative materials or methods of construction.

When new materials, alternative procedures, designs, or methods of construction are submitted for approval and for which no regulations have been provided, the Commandant will act regarding the approval or disapproval thereof.

§ 50.20–35 [Amended]

■ 18. In § 50.20–35, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 50.25–1 [Amended]

■ 19. Amend § 50.25–1 as follows:

■ a. Remove paragraph (e) and redesignate paragraph (f) as paragraph (e); and

■ b. In redesignated paragraph (e), remove the word “shall” and add, in its place, the word “must”.

§ 50.25–3 [Amended]

■ 20. In § 50.25–3, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 50.25–5 [Amended]

■ 21. In § 50.25–5, remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 22. Amend § 50.25–7 as follows:

■ a. In paragraph (b), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. Revise paragraph (c); and

■ c. Remove paragraph (d).

The revision reads as follows:

§ 50.25–7 Testing of products required to be certified in presence of marine inspector.

* * * * *

(c) Unless otherwise authorized, required tests and inspections described in applicable specifications must be made at the place of manufacture prior to shipment.

§ 50.30–1 [Amended]

■ 23. Amend § 50.30–1 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and

■ b. In paragraph (c), remove the text “tables 54.01–5(a) and 54.01–5(b)” and add, in its place, the text “tables 1 and 2 to § 54.01–5”.

§ 50.30–10 [Amended]

■ 24. In § 50.30–10, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 50.30–15 [Amended]

■ 25. In § 50.30–15, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 50.30–20 [Amended]

■ 26. In § 50.30–20, remove the word “shall” wherever it appears and add, in its place, the word “must”.

PART 52—POWER BOILERS

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

Authority: 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 28. Revise § 52.01–1 to read as follows:

§ 52.01–1 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington,

DC 20593-7509, phone (202) 372-1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(b) American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016-5990, 800-843-2763, www.asme.org.

(1) ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (2019) ("Section I of

the ASME BPVC"); IBR approved for §§ 52.01-2, 52.01-3, 52.01-5, 52.01-50, 52.01-95, 52.01-100, 52.01-105, 52.01-110, 52.01-115, 52.01-120, 52.01-135, 52.01-140, 52.01-145, 52.05-1, 52.05-15, 52.05-20, 52.05-30, 52.05-45, 52.15-1, 52.15-5, 52.20-1, 52.20-25, 52.25-3, 52.25-5, 52.25-7, 52.25-10.

(2) [Reserved]

* * * * *

■ 29. Amend § 52.01-2 as follows:

■ a. Revise the section heading and paragraphs (a) and (b); and

■ b. In paragraph (c), remove the text "material in section I of the ASME Code" and add, in its place, the text "Section I of the ASME BPVC".

The revisions read as follows:

§ 52.01-2 Adoption of Section I of the ASME BPVC.

(a) Main power boilers and auxiliary boilers must be designed, constructed, inspected, tested, and stamped in accordance with Section I of the ASME BPVC (incorporated by reference; see § 52.01-1), as limited, modified, or replaced by specific requirements in this part. The appendices to Section I of the ASME BPVC are adopted and must be followed when the requirements in Section I make them mandatory. For general information, table § 52.01-1(a) lists the various paragraphs in Section I of the ASME BPVC that are limited, modified, or replaced by regulations in this part.

TABLE § 52.01-1(a)—LIMITATIONS AND MODIFICATIONS IN THE ADOPTION OF SECTION I OF THE ASME BPVC

Paragraphs in section I, ASME BPVC and disposition	Unit of this part
PG-1 replaced by	54.01-5(a)
PG-16 through PG-31 modified by	52.01-95
PG-32 through PG-39 modified by	52.01-100
PG-42 through PG-55 modified by	52.01-100
PG-58 and PG-59 modified by	52.01-105
PG-60 modified by	52.01-110
PG-61 modified by	52.01-115 (56.50-30)
PG-67 through PG-73 modified by	52.01-120
PG-90 through PG-100 modified by	52.01-135 (52.01-95)
PG-91 modified by	52.01-135(b)
PG-99 modified by	52.01-135(c)
PG-100 modified by	52.01-95(e)
PG-104 through PG-113 modified by	52.01-140(a)
PG-112 and PG-113 modified by	52.01-145
PW-1 through PW-54 modified by	52.05-1
PW-10 modified by	52.05-15
PW-11.1 modified by	52.05-20
PW-16 modified by	52.05-30
PW-41 modified by	52.05-20, 52.05-45
PWT-1 through PWT-15 modified by	52.15-1
PWT-9 modified by	52.15-5
PWT-9.2 replaced by	52.15-5(b)
PWT-11 modified by	52.15-5
PWT-11.3 replaced by	52.15-5(b)
PFT-1 through PFT-49 modified by	52.20-1
PFT-44 modified by	52.20-17
PFT-46. modified by	52.20-25
PFH-1 modified by	52.25-3
PMB-1 through PMB-21 modified by	52.25-5
PEB-1 through PEB-19 modified by	52.25-7
PVG-1 through PVG-12 modified by	52.25-10
A-19 through A-21 modified by	52.01-50

Note 1 to table 52.01-1(a): The references to specific provisions in the ASME BPVC are coded. The first letter "P" refers to section I, while the letter "A" refers to the appendix to section I. The letter or letters following "P" refer to a specific subsection of section I. The number following the letter or letters refers to the paragraph so numbered in the text.

(b) References to the ASME BPVC, such as paragraph PG-1, indicate:

P=Section I, Power Boilers.

G=Subsection—General Requirements.

1=Paragraph 1.

* * * * *

■ 30. Revise § 52.01-3 to read as follows:

§ 52.01-3. Definition of terms used in this part.

For primary definitions associated with power boiler design, see Section I of the ASME BPVC (incorporated by reference; see § 52.01-1).

(a) *Types of boilers*—(1) *Main power boiler*. A main power boiler is a steam boiler used for generating steam for main propulsion.

(2) *Auxiliary or donkey boiler*. An auxiliary or donkey boiler is a steam boiler used for general purposes other than main propulsion.

(3) *Watertube boiler*. A watertube boiler is a steam boiler in which the boiler tubes contain water and steam. The heat is applied to the outside surface of the tubes.

(4) *Internally fired firetube boiler (scotch boiler)*. An internally fired firetube boiler is a steam boiler containing furnaces, one or more combustion chambers and tubes or flues, which are surrounded by water and through which the products of combustion pass from the furnace to the uptake.

(5) *Externally fired firetube or flue boiler (horizontal return tubular)*. An externally fired firetube or flue boiler is a steam boiler, part of the outer shell of which is exposed to fire or to the products of combustion, and containing flues through which such products pass from the furnace to the uptake.

(6) *Unfired steam boiler*. A pressure vessel in which steam is generated by means other than fuel combustion is classed as an unfired steam boiler. (See § 54.01–10 of this subchapter.)

(b) *Parts of boilers*—(1) *Superheater*. A superheater is an appliance, normally consisting of tube rows, for the purpose of increasing the temperature of steam above the saturation temperature.

(2) *Economizer*. An economizer is a feed-water heater usually located in the uptake or casing of a boiler to absorb heat from the waste gases.

(3) *Furnace*. A furnace is a firebox or a large flue in which the fuel is burned.

(4) *Flues*. Flues are cylindrical shells made of seamless or welded tubing, or with a riveted longitudinal joint, the ends being attached by riveting or welding. Their purpose is to provide additional heating surface and to form a path for the products of combustion.

(5) *Tubes*. Tubes are cylindrical shells of comparatively small diameter constituting the main part of the heating surface of a boiler or superheater.

(c) *Pressure relief devices*. For boilers, pressure vessels, and pressure piping, a pressure relief device is designed to open to prevent a rise of internal pressure in excess of a specified value due to emergency or abnormal conditions. It may be a pressure relief valve or a nonreclosing pressure relief device.

(1) *Pressure relief valve*. A pressure relief valve is a pressure relief device which is designed to reclose and prevent the further flow of fluid after normal conditions have been restored.

(i) *Safety valve*. A safety valve is a pressure relief valve actuated by inlet static pressure and characterized by rapid opening or pop action. Examples of types used on boilers include:

(A) *Spring-loaded safety valve*. A spring-loaded safety valve is a safety valve fitted with a spring which normally holds the valve disk in a closed position against the seat and allows it to open or close at

predetermined pressures. Spring-loaded safety valves are characterized by pop action.

(ii) *Pilot operated pressure relief valve*. A pilot operated pressure relief valve is a pressure relief valve in which the major relieving device is combined with and is controlled by a self-actuated auxiliary pressure relief pilot valve.

(iii) *Temperature actuated pressure relief valve*. A temperature actuated pressure relief valve is a dual-function relief device designed to protect against both excessive pressure and temperature.

(2) *Nonreclosing pressure relief device*. A nonreclosing pressure relief device is a pressure relief device not designed to reclose after operation.

(i) *Rupture disk device*. A rupture disk device is a device actuated by inlet static pressure and designed to function by the bursting of a pressure retaining disk.

(ii) *Explosion rupture disk device*. An explosion rupture disk device is a rupture disk device designed for use at high rates of pressure rise.

(iii) *Fusible plug device*. A fusible plug device is a device designed to function by the yielding or melting of a plug of suitable melting temperature.

(3) *Vacuum relief valve*. A vacuum relief valve is a valve designed to admit fluid or gas to prevent an excessive internal vacuum.

(d) *Other boiler attachments*—(1) *Mountings*. Mountings are nozzle connections, distance pieces, valves, or fittings attached directly to the boiler.

(2) *Main steam stop valve*. A main steam stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam to/from the main steam line.

(3) *Auxiliary steam stop valve*. An auxiliary steam stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam to/from the auxiliary lines.

(4) *Manifold*. A manifold is a fitting with two or more branches having valves either attached by bolting or integral with the fitting.

(5) *Blowoff valve*. A blowoff valve is a valve connected directly to the boiler for the purpose of blowing out water, scum or sediment.

(6) *Dry pipe*. A dry pipe is a perforated or slotted pipe placed in the highest part of the steam space of a boiler to prevent priming (water carryover).

(7) *Water column*. A water column is a fitting or tube equipped with a water glass attached to a boiler for the purpose of indicating the water level.

(8) *Test cocks*. Test cocks are small valves on a boiler for indicating the water level or water sampling.

(9) *Fusible plugs*. Fusible plugs are plugs made with a bronze casing and a tin filling which melts at a temperature of 445° to 450 °F. They are intended to melt in the event of low water level.

(e) *Boiler fabrication*—(1) *Repair*. Repair is the restoration of any damaged or impaired part to an effective and safe condition.

(2) *Alteration*. Alteration is a structural modification to or departure from an approved design or existing construction.

(3) *Access or inspection openings*. Access or inspection openings are holes cut in the shells or heads of boilers or boiler pressure parts for the purpose of inspection and cleaning.

(f) *Gage (or gauge) pressure*. Gage pressure is the difference between the pressure at the point being measured and the ambient pressure for the gage. It is measured in units such as pounds per square inch gage (p.s.i.g.).

(g) *Maximum allowable working pressure*. For a definition of maximum allowable working pressure, see PG–21 of Section I of the ASME BPVC.

■ 31. Amend § 52.01–5 as follows:

■ a. Revise paragraph (a); and

■ b. In paragraph (b)(3), remove the text “section I of the ASME Code” and add, in its place, the text “Section I of the ASME BPVC”.

The revision reads as follows:

§ 52.01–5 Plans

(a) Manufacturers intending to fabricate boilers to be installed on vessels must submit detailed plans as required by subpart 50.20 of this subchapter. The plans, including design calculations, must be certified by a registered professional engineer as meeting the design requirements in this part and in Section I of the ASME BPVC (incorporated by reference; see § 52.01–1).

* * * * *

§ 52.01–35 [Amended]

■ 32. Amend § 52.01–35 as follows:

■ a. In paragraph (a), remove the text “table 54.01–5(a)” and add, in its place the text “table 1 to § 54.01–5”; and

■ b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”.

§ 52.01–40 [Amended]

■ 33. In § 52.01–40, remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 34. Revise § 52.01–50 to read as follows:

§ 52.01–50 Fusible plugs (modifies A–19 through A–21).

(a) Fusible plugs must comply with the requirements of A19 and A20 of section I of the ASME BPVC (incorporated by reference; see § 52.01–1) and be stamped on the casing with the name of the manufacturer, and on the water end of the fusible metal “ASME Std.” Fusible plugs are not permitted where the maximum steam temperature to which they are exposed exceeds 218 °C (425 °F).

(b)(1) Fusible plugs must be cleaned and will be examined by the marine inspector at each inspection for certification, periodic inspection, or if the boiler is opened for repair or inspection. If in the marine inspector’s opinion the condition of any plug is satisfactory, it may be continued in use.

(2) When fusible plugs are renewed at other than the inspection for certification and no marine inspector is in attendance, the Chief Engineer must report the renewal to the Officer in Charge, Marine Inspection. This report must contain the following information:

- (i) Name and official number of vessel.
- (ii) Date of renewal of fusible plugs.
- (iii) Number and location of fusible plugs renewed in each boiler.
- (iv) Manufacturer and rating of each plug.
- (v) Reason for renewal.

- 35. Amend § 52.01–55 as follows:
 - a. Revise the section heading and paragraph (a); and
 - b. In paragraph (b), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revisions read as follows:

§ 52.01–55 Maximum allowable working pressure.

(a) The piping system, machinery, and appurtenances must meet the requirements of this subchapter for the boiler maximum allowable working pressure. Only the Commandant may grant an increase in pressure.

* * * * *

§ 52.01–90 [Removed and Reserved]

- 36. Remove and reserve § 52.01–90.
- 37. Amend § 52.01–95 as follows:
 - a. Revise paragraph (a);
 - b. In paragraph (b)(1), remove the word “shall” and add, in its place, the word “must”;
 - c. Revise paragraph (b)(2);
 - d. In paragraphs (b)(3) and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - e. In paragraph (d), remove the word “temperature” and add, in its place, the word “temperatures”; and
 - f. Revise paragraphs (e) and (f).

The revisions read as follows:

§ 52.01–95 Design (modifies PG–16 through PG–31 and PG–100).

(a) *Requirements.* Boilers required to be designed to this part must meet the requirements of PG–16 through PG–31 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section.

(b) * * *

(2) Controls must be provided to ensure that the maximum temperature at the superheater outlets does not exceed the allowable temperature limit of the material used in the superheater outlet, in the steam piping, and in the associated machinery under all operating conditions. Visible and audible alarms indicating excessive superheat must be provided in any installation in which the superheater outlet temperature exceeds 454 °C (850 °F). The setting of the excessive superheat alarms must not exceed the maximum allowable temperature of the superheater outlet, which may be limited by the boiler design, the main steam piping design, or the temperature limits of other equipment subjected to the temperature of the steam.

* * * * *

(e) *Stresses.* (Modifies PG–22.) The stresses due to hydrostatic head must be taken into account in determining the minimum thickness of the shell or head of any boiler pressure part unless noted otherwise. Additional stresses, imposed by effects other than internal pressure or static head, which increase the average stress over substantial sections of the shell or head by more than 10 percent of the allowable stress, must be taken into account. These effects include the weight of the vessel and its contents, method of support, impact loads, superimposed loads, localized stresses due to the reactions of supports, stresses due to temperature gradients and dynamic effects.

(f) *Cylindrical components under internal pressure.* (Modifies PG–27.) The minimum required thickness and maximum allowable working pressure of boiler piping, tubes, drums and headers must be as required by the formula in PG–27 of Section I of the ASME BPVC except that threaded boiler tubes are not permitted.

- 38. Amend § 52.01–100 by revising paragraphs (a) and (b) to read as follows:

§ 52.01–100 Openings and compensation (modifies PG–32 through PG–39, PG–42 through PG–55).

(a) The rules for openings and compensation must be as indicated in PG–32 through PG–55 of Section I of the

ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section.

(b) (Modifies PG–39.) Pipe and nozzle necks must be attached to vessel walls as indicated in PG–39 of Section I of the ASME BPVC except that threaded connections must not be used under any of the following conditions:

* * * * *

- 39. Amend § 52.01–105 as follows:
 - a. Revise paragraph (a);
 - b. In paragraph (b), remove the text “section I of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section I of the ASME BPVC”;
 - c. In paragraph (d), remove the subject heading;
 - d. In paragraphs (d)(1) and (2), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - e. In paragraph (e), remove the subject heading; and
 - f. Revise paragraphs (e)(1) and (f).

The revisions read as follows:

§ 52.01–105 Piping, valves and fittings (modifies PG–58 and PG–159).

(a) Boiler external piping within the jurisdiction of the ASME BPVC must be as indicated in PG–58 and PG–59 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section. Piping outside the jurisdiction of the ASME BPVC must meet the appropriate requirements of part 56 of this subchapter.

* * * * *

(e) * * * (1) Firetube and drum type boilers must be fitted with a surface and a bottom blowoff valve or cock attached directly to the boiler or to a short distance piece. The bottom blowoff valve must be attached to the lowest part of the boiler or fitted with an internal pipe leading to the lowest point inside the boiler. Boilers equipped with a continuous blowdown valve on the steam drum are not required to be fitted with an additional surface blowoff connection.

* * * * *

(f) Where dry pipes are used, they must be provided with drains at each end to prevent an accumulation of water.

- 40. Amend § 52.01–110 as follows:
 - a. Revise paragraphs (a) and (b)(1);
 - b. In paragraphs (b)(2) through (4), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - c. Revise paragraphs (c) and (d);
 - d. Remove and reserve paragraph (e)(2) and remove paragraph (f);

- e. Redesignate paragraphs (g) and (h) as paragraphs (f) and (g), respectively; and
- f. Revise newly redesignated paragraph (f).

The revisions read as follows:

§ 52.01–110 Water-level indicators, water columns, gauge-glass connections, gauge cocks, and pressure gauges (modifies PG–60).

(a) *Boiler water level devices.* Boiler water level devices must be as indicated in PG–60 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section.

* * * * *

(b) * * * (1) Each boiler, except those of the forced circulation type with no fixed water line and steam line, must have two independent means of indicating the water level in the boiler connected directly to the head or shell. One must be a gage lighted by the emergency electrical system (See subpart 112.15 of subchapter J (Electrical Engineering) of this chapter). The secondary indicator may consist of a gage glass, or other acceptable device. Where the allowance pressure exceeds 1724 kPa (250 psi), gage glasses must be of the flat type instead of the common tubular type.

* * * * *

(c) *Water columns.* (Modifies PG–60.2.) The use of water columns is generally limited to firetube boilers. Water column installations must minimize the effect of ship motion on water level indication. Water columns must be fitted directly to the heads or shells of boilers or drums, or if necessary, connected thereto by a distance piece both at the top and bottom of the water columns. Shutoff valves used in the pipe connections between the boiler and water column must be locked or sealed open. Water column piping must not be fitted inside the uptake, the smoke box, or the casing. Water columns must be fitted with suitable drains. Cast iron fittings are not permitted.

(d) *Gage glass connections.* (Modifies PG–60.3.) Gage glasses and gage cocks must be connected directly to the head or shell of a boiler as indicated in paragraph (b)(1) of this section.

* * * * *

(f) *Salinometer cocks.* In vessels operating in salt water, each boiler shall be equipped with a salinometer cock or valve. They must not be attached to the water gage or water column.

* * * * *

§ 52.01–115 [Amended]

- 41. Amend § 52.01–115 as follows:

- a. Remove the text “section I of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section I of the ASME BPVC”; and
- b. Remove the text “46 CFR” and add, in its place, the symbol “§”.

- 42. Amend § 52.01–120 as follows:

- a. In paragraph (a)(1):
 - i. Remove the text “section I of the ASME Boiler and Pressure Vessel Code” wherever it appears and add, in its place, the text “Section I of the ASME BPVC”; and
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “§”;
- b. In paragraph (a)(2)(i), remove the text “section I of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section I of the ASME BPVC”;
- c. In paragraph (a)(3), remove the word “shall” and add, in its place, the word “must”;
- d. Revise paragraphs (a)(4) through (6) and (a)(8);
- e. In paragraph (a)(9), remove the word “shall” and add, in its place, the word “must”; and
- f. Revise paragraphs (b)(1) and (2), (c), and (d).

The revisions read as follows:

§ 52.01–120 Safety valve and safety relief valves (modifies PG–67 through PG–73).

(a) * * *

(4) (Modifies PG–70.) The total rated relieving capacity of drum and superheater safety valves as certified by the valve manufacturer must not be less than the maximum generating capacity of the boiler which must be determined and certified by the boiler manufacturer. This capacity shall be in compliance with PG–70 of Section I of the ASME BPVC.

(5) In the event the maximum steam generating capacity of the boiler is increased by any means, the relieving capacity of the safety valves must be checked by an inspector, and, if necessary, valves of increased relieving capacity must be installed.

(6) (Modifies PG–67.) Drum safety valves must be set to relieve at a pressure not in excess of that allowed by the Certificate of Inspection. Where for any reason this is lower than the pressure for which the boiler was originally designed and the revised safety valve capacity cannot be recomputed and certified by the valve manufacturer, one of the tests described in PG–69 of section I of the ASME BPVC must be conducted in the presence of the Inspector to insure that the relieving capacity is sufficient at the lower pressure.

* * * * *

(8) Lever or weighted safety valves now installed may be continued in use

and may be repaired, but when repairs are not possible, lever or weighted safety valves must be replaced by valves conforming to the requirements of this section.

* * * * *

(b)(1) (Modifies PG–68.) Superheater safety valves must be as indicated in PG–68 of Section I of the ASME BPVC except as noted otherwise in this paragraph.

(2) The setting of the superheater safety valve must not exceed the design pressure of the superheater outlet flange or the main steam piping beyond the superheater. To prevent damage to the superheater, the drum safety valve must be set at a pressure not less than that of the superheater safety valve setting plus 5 pounds, plus the pressure drop through the superheater and associated piping, including the desuperheater if fitted. See also § 52.01–95(b)(1).

* * * * *

(c)(1) (Modifies PG–71.) Safety valves must be installed as indicated in PG–71 of Section I of the ASME BPVC except as noted otherwise in this paragraph (c).

(2) The final setting of boiler safety valves must be checked and adjusted under steam pressure and, if possible, while the boiler is on line and at operating temperatures, to the satisfaction of a marine inspector who, upon acceptance, must seal the valves. This regulation applies to both drum and superheater safety valves of all boilers.

(3) The safety valve body drains required by PG–71 of Section I of the ASME BPVC must be run as directly as possible from the body of each safety valve, or the drain from each safety valve may be led to an independent header common only to boiler safety valve drains. No valves of any type may be installed in the leakoff from drains or drain headers and they must be led to suitable locations to avoid hazard to personnel.

(d)(1) (Modifies PG–72.) The operation of safety valves must be as indicated in PG–72 of Section I of the ASME BPVC except as noted in paragraph (d)(2) of this section.

(2) (Modifies PG–73.) The lifting device required by PG–73.1.3 of Section I of the ASME BPVC must be fitted with suitable relieving gear so arranged that the controls may be operated from the fireroom or engineroom floor.

- 43. Amend § 52.01–130 as follows:

- a. In paragraphs (a), (b)(1) and (2), remove the word “shall” wherever it appears and add, in its place, the word “must”;

- b. Remove paragraph (b)(3);

- c. Redesignate paragraphs (b)(4) through (6) as paragraphs (b)(3) through (5), respectively;
- d. In newly redesignated paragraph (b)(3), remove the word “shall” wherever it appears and add, in its place, the word “must”;
- e. Revise newly redesignated paragraphs (b)(4) and (5); and
- f. In paragraph (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revisions read as follows:

§ 52.01–130 Installation.

* * * * *

(b) * * *

(4) The distance between a boiler and a compartment containing fuel oil must not be less than 24 inches.

(5) All oil-burning boilers must be provided with oiltight drip pans under the burners to prevent oil draining into the bilges.

* * * * *

- 44. Revise § 52.01–135 to read as follows:

§ 52.01–135 Inspection and tests (modifies PG–90 through PG–100).

(a) *Requirements.* Inspection and test of boilers and boiler pressure parts must be as indicated in PG–90 through PG–100 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section.

(b) *Inspection personnel.* The inspections required by PG–90 through PG–100 of Section I of the ASME BPVC must be performed by the “Authorized Inspector” as defined in PG–91 of Section I of the ASME BPVC. The Authorized Inspector must hold a valid commission issued by the National Board of Boiler and Pressure Vessel Inspectors. After installation, boilers will be inspected for compliance with this part by the “Marine Inspector” as defined in § 50.10–15 of this subchapter.

(c) *Hydrostatic test (Modifies PG–99).* Each new boiler must be hydrostatically tested after installation to 11–2 times the maximum allowable working pressure as indicated in PG–99 of Section I of the ASME BPVC. Before the boilers are insulated, accessible parts of the boiler must be emptied, opened, and all interior surfaces must be examined by the marine inspector to ascertain that no defects have occurred due to the hydrostatic test.

(d) *Operating tests.* In addition to hydrostatic tests prescribed in paragraph (c) of this section, automatically controlled propulsion and auxiliary boilers must be subjected to operating tests as specified in §§ 61.30–20, 61.35–1, 61.35–3, 62.30–10, 63.15–9,

63.25–3, and 63.25–5 of this chapter, as appropriate, or as directed by the Officer in Charge, Marine Inspection, for propulsion boilers. These tests are to be performed after final installation.

- 45. Amend § 52.01–140 as follows:

- a. Revise paragraph (a);
- b. In paragraph (b)(1)(ii), remove the words “Code Symbol” and add, in its place, the word “symbol”;
- c. Revise paragraphs (b)(3), (c), and (d).

The revisions read as follows:

§ 52.01–140 Certification by stamping (modifies PG–104 through PG–113).

(a) All boilers built in accordance with this part must be stamped with the appropriate ASME symbol as required by PG–104 through PG–113 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1).

(b) * * *

(3) Heating boilers built to Section I of the ASME BPVC, as permitted by § 53.01–10(e) of this subchapter, do not require Coast Guard stamping but must receive full ASME stamping including the appropriate code symbol.

(c) The data must be legibly stamped and must not be obliterated during the life of the boiler. In the event that the portion of the boiler upon which the data is stamped is to be insulated or otherwise covered, a metal nameplate as described in PG–106.6 of Section I of the ASME BPVC must be furnished and mounted. The nameplate is to be maintained in a legible condition so that the data may be easily read.

(d) Safety valves must be stamped as indicated in PG–110 of the ASME BPVC.

- 46. Revise § 52.01–145 to read as follows:

§ 52.01–145 Manufacturer’s data report forms (modifies PG–112 and PG–113).

The manufacturer’s data report forms required by PG–112 and PG–113 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) must be made available to the marine inspector for review. The Authorized Inspector’s National Board commission number must be included on the manufacturers’ data report forms.

- 47. Revise § 52.05–1 to read as follows:

§ 52.05–1 General (modifies PW–1 through PW–54).

Boilers and component parts, including piping, that are fabricated by welding must be as indicated in PW–1 through PW–54 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this subpart.

- 48. Revise § 52.05–15 to read as follows:

§ 52.05–15 Heat treatment (modifies PW–10).

Vessels and vessel parts must be preheated and postweld heat treated in accordance with PW–38 and PW–39 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) (reproduces PW–10). This includes boiler parts made of pipe material, even though they may be nondestructively examined under § 52.05–20.

- 49. Revise § 52.05–20 to read as follows:

§ 52.05–20 Radiographic and ultrasonic examination (modifies PW–11 and PW–41.1).

Radiographic and ultrasonic examination of welded joints must be as described in PW–11 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1). Parts of boilers, fabricated of pipe material such as drums, shells, downcomers, risers, cross pipes, headers, and tubes containing only circumferentially welded butt joints, must be nondestructively examined as required by § 56.95–10 of this subchapter.

- 50. Revise § 52.05–30 to read as follows:

§ 52.05–30 Minimum requirements for attachment welds (modifies PW–16).

(a) The location and minimum size of attachment welds for nozzles and other connections must be as required by PW–16 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section.

(b) When nozzles or couplings are attached to boilers, as shown in Figure PW–16 (a) and (c) of Section I of the ASME BPVC, and are welded from one side only, backing strips must be used unless it can be determined visually or by nondestructive test methods that complete penetration has been obtained.

(c) When attachments as shown in Figure PW–16 (y) and (z) of Section I of the ASME BPVC are employed they must be limited to 2-inch pipe size for pressure exceeding 150 pounds per square inch.

- 51. Amend § 52.05–45 as follows:

- a. Revise paragraph (a);
- b. In paragraph (b), remove the text, “section I of the ASME Boiler and Pressure Vessel Code”, and add, in its place, the text, “Section I of the ASME BPVC”; and
- c. Revise paragraph (c).

The revisions read as follows:

§ 52.05–45 Circumferential joints in pipes, tubes and headers (modifies PW–41).

(a) Circumferential welded joints of pipes, tubes and headers must be as required by PW–41 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section.

* * * * *

(c) (*Modifies PW–41.5*) Butt welded connections must be provided whenever radiography is required by § 56.95–10 of this subchapter for the piping system in which the connection is to be made. When radiography is not required, welded socket or sleeve type joints meeting the requirements of PW–41.5 of Section I of the ASME BPVC may be provided.

■ 52. Revise § 52.15–1 to read as follows:

§ 52.15–1 General (modifies PWT–1 through PWT–15).

Watertube boilers and parts thereof must be as indicated in PWT–1 through PWT–15 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this subpart.

■ 53. Revise § 52.15–5 to read as follows:

§ 52.15–5 Tube connections (modifies PWT–9 and PWT–11).

(a) Tubes, pipe and nipples must be attached to sheets, heads, headers, and fittings as indicated in PWT–11 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section.

(b) (*Replaces PWT–9.2 and PWT–11.3.*) Threaded boiler tubes are not permitted as described by PWT–9.2 and PWT–11.3 of Section I of the ASME BPVC.

(c) In welded wall construction employing stub and welded wall panels that are field welded, 10 percent of the field welds must be checked using any acceptable nondestructive test method.

(d) Nondestructive testing of the butt welded joints must meet the requirements of § 56.95–10 of this subchapter.

■ 54. Revise § 52.20–1 to read as follows:

§ 52.20–1 General (modifies PFT–1 through PFT–49).

Firetube boilers and parts thereof must be as indicated in PFT–1 through PFT–49 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this subpart.

■ 55. Revise § 52.20–17 to read as follows:

§ 52.20–17 Opening between boiler and safety valve (modifies PFT–44).

Discharge pipes must be installed in accordance with the requirements of § 52.01–105.

■ 56. Revise § 52.20–25 to read as follows:

§ 52.20–25 Setting (modifies PFT–46).

(a) The method of supporting firetube boilers must be as indicated in PFT–46 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1) except as noted otherwise in this section.

(b) The foundations must meet the requirements of § 52.01–130.

§ 52.25–1 [Amended]

■ 57. In § 52.25–1, remove the text “table 54.01–5(a)” and add, in its place, the text “table 1 to § 54.01–5”.

■ 58. Revise § 52.25–3 to read as follows:

§ 52.25–3 Feedwater heaters (modifies PFH–1).

Feedwater heaters must meet the requirements in PFH–1 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1).

■ 59. Revise § 52.25–5 to read as follows:

§ 52.25–5 Miniature boilers (modifies PMB–1 through PMB–21).

Miniature boilers must meet the requirements in PMB–1 through PMB–21 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1).

■ 60. Revise § 52.25–7 to read as follows:

§ 52.25–7 Electric boilers (modifies PEB–1 through PEB–19).

Electric boilers required to comply with this part must meet the requirements in PEB–1 through PEB–19 except PEB–3 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1).

■ 61. Revise § 52.25–10 to read as follows:

§ 52.25–10 Organic fluid vaporizer generators (modifies PVG–1 through PVG–12).

(a) Organic fluid vaporizers must meet the requirements of PVG–1 through PVG–12 of Section I of the ASME BPVC (incorporated by reference; see § 52.01–1).

(b) The Commandant must approve the application and end use of organic fluid vaporizer generators.

§ 52.25–15 [Amended]

■ 62. In § 52.25–15(a), remove the word “shall” and add, in its place, the word “must”.

PART 53—HEATING BOILERS

■ 63. The authority citation for part 53 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 64. Revise § 53.01–1 to read as follows:

§ 53.01–1 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, phone (202) 372–1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(a) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue, New York, NY 10016–5990, 800–843–2763, www.asme.org.

(1) ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (2019) (“Section I of the ASME BPVC”); IBR approved for § 53.01–10.

(2) ASME Boiler and Pressure Vessel Code, Section IV, Rules for Construction of Heating Boilers (2019) (“Section IV of the ASME BPVC”); IBR approved for §§ 53.01–3, 53.01–5, 53.01–10, 53.05–1, 53.05–2, 53.05–3, 53.05–5, 53.10–1, 53.10–3, 53.10–10, 53.10–15, 53.12–1.

(b) *Underwriters Laboratories Inc.*, 333 Pfingston Road, Northbrook, IL 60062–2096; www.ul.com.

(1) UL 174, Standard for Safety, Household Electric Storage Tank Water Heaters, Eleventh Edition, April 29, 2004 (reapproved in 2016) (“UL 174”); IBR approved for § 53.01–10.

(2) UL 1453, Standard for Safety, Electric Booster and Commercial Storage Tank Water Heaters, Sixth Edition, March 29, 2016 (“UL 1453”); IBR approved for § 53.01–10.

■ 65. Amend § 53.01–3 as follows:

- a. Revise the section heading and paragraph (a);
- b. In paragraph (b), remove the words “Boiler and Pressure Code” wherever they appear and add, in their place, the text “BPVC”; and
- c. In paragraph (c), remove the text “section IV of the ASME Boiler and Pressure Code” and add, in its place, the text “Section IV of the ASME BPVC”.

The revisions read as follows:

§ 53.01–3 Adoption of Section IV of the ASME BPVC.

(a) Heating boilers must be designed, constructed, inspected, tested, and stamped in accordance with Section IV of the ASME BPVC (incorporated by reference; see § 53.01–1) as limited, modified, or replaced by specific requirements in this part. The provisions in the appendices to Section IV of the ASME BPVC are adopted and must be followed when the requirements in Section IV make them mandatory. For general information, table § 53.01–3(a) lists the various paragraphs in Section IV of the ASME BPVC that are limited, modified, or replaced by regulations in this part.

TABLE § 53.01–3(a)—LIMITATIONS AND MODIFICATIONS IN THE ADOPTION OF SECTION IV OF THE ASME BPVC

Paragraphs in Section IV of the ASME BPVC and disposition	Unit of this part
HG–100 modified by	53.01–5(b)
HG–101 replaced by	53.01–10
HG–400 modified by	53.05–1
HG–400.2 modified by	53.05–2
HG–401 modified by	53.05–1
HG–401.2 modified by	53.05–3
HG–500 through HG–540 modified by	53.10–3
HG–600 through HG–640 modified by	53.12–1

Note 1 to table § 53.01–3(a): The references to specific provisions in Section IV of the ASME BPVC are coded. The first letter, such as “H,” refers to Section IV. The second letter, such as “G,” refers to a part or subpart in Section IV. The number following the letters refers to the paragraph so numbered in the text of the part or subpart in Section IV.

- * * * * *
- 66. Revise § 53.01–5 to read as follows:

§ 53.01–5 Scope (modifies HG–100).

(a) The regulations in this part apply to steam heating boilers, hot water boilers (which include hot water heating boilers and hot water supply boilers), and to appurtenances thereto. The

requirements in this part must be used in conjunction with section IV of the ASME BPVC (incorporated by reference; see § 53.01–1). Table 1 to § 54.01–5 of this subchapter gives a breakdown by parts in this subchapter of the regulations governing various types of pressure vessels and boilers.

(b) (*Modifies HG–100.*) The requirements of part HG of section IV of the ASME BPVC must be used except as noted otherwise in this part.

- 67. Amend § 53.01–10 as follows:
 - a. Revise paragraph (a);
 - b. In paragraph (b), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - c. In paragraph (c)(1), remove the words “46 CFR” and add, in their place, the symbol “§”;
 - d. In paragraph (c)(2), remove the words “shall not be” and add, in their place, the words “are not”;
 - e. Revise paragraph (d), the introductory text to paragraph (e), and paragraph (e)(1).

The revisions read as follows:

§ 53.01–10 Service restrictions and exceptions (replaces HG–101).

(a) *General.* The service restrictions and exceptions must be as indicated in this section in lieu of the requirements of HG–101 of Section IV of the ASME BPVC (incorporated by reference; see § 53.01–1).

(d) *Exhaust gas boilers.* Exhaust gas type boilers must be restricted to a working pressure equal to or less than 103 kPa gage (15 psig) and an operating temperature equal to or less than 454 °C (850 °F). The design temperature of parts exposed to the exhaust gas must be the maximum temperature that could normally be produced by the source of exhaust gas. This temperature must be verified by testing or by the manufacturer of the engine or other equipment producing the exhaust.

(e) *ASME BPVC Section I.* Heating boilers whose operating conditions are within the service restrictions of paragraph (b)(1) of this section may be constructed in accordance with Section I of the ASME BPVC (incorporated by reference; see § 53.01–1). In addition, these heating boilers must:

- (1) Be stamped with the appropriate ASME symbol in accordance with Section I of the ASME BPVC;

* * * * *

§ 53.05–1 [Amended]

- 68. Amend § 53.05–1(a) as follows:
 - a. Remove the text “section IV of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section IV of the ASME BPVC”; and

- b. Remove the text “46 CFR” and add, in its place, the symbol “§”.

§ 53.05–2 [Amended]

- 69. Amend § 53.05–2(a) as follows:
 - a. Remove the text “section IV of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section IV of the ASME BPVC”; and
 - b. Remove the text “46 CFR” and add, in its place, the symbol “§”.

§ 53.05–3 [Amended]

- 70. Amend § 53.05–3 as follows:
 - a. Remove the text “section IV of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section IV of the ASME BPVC”; and
 - b. Remove the text “46 CFR” and add, in its place, the symbol “§”.

§ 53.05–5 [Amended]

- 71. Amend § 53.05–5 as follows:
 - a. Remove the text “section IV of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section IV of the ASME BPVC”; and
 - b. Remove the text “46 CFR” and add, in its place, the symbol “§”.
- 72. Revise § 53.10–1 to read as follows:

§ 53.10–1 General

The tests, inspection, stamping, and reporting of heating boilers must be as indicated in article 5, part HG of Section IV of the ASME BPVC (incorporated by reference; see § 53.01–1) except as noted otherwise in this subpart.

- 73. Amend § 53.10–3 by revising paragraph (a) to read as follows:

§ 53.10–3 Inspection and tests (modifies HG–500 through HG–540).

(a) The inspections required by HG–500 through HG–540 must be performed by the “Authorized Inspector” as defined in HG–515 of Section IV of the ASME BPVC (incorporated by reference; see § 53.01–1). The Authorized Inspector must hold a valid commission issued by the National Board of Boiler and Pressure Vessel Inspectors. After installation, heating boilers must be inspected for compliance with this part by a marine inspector.

* * * * *

- 74. Revise § 53.10–10 to read as follows:

§ 53.10–10 Certification by stamping.

Stamping of heating boilers must be as indicated in HG–530 of Section IV of the ASME BPVC (incorporated by reference; see § 53.01–1).

- 75. Revise § 53.10–15 to read as follows:

§ 53.10–15 Manufacturer’s data report forms.

The manufacturer’s data report forms required by HG–520 of Section IV of the ASME BPVC (incorporated by reference; see § 53.01–1) must be made available to the marine inspector for review. The Authorized Inspector’s National Board commission number must be included on the manufacturer’s data report forms.

- 76. Amend § 53.12–1 as follows:
 - a. Revise paragraph (a); and
 - b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 53.12–1 General (modifies HG–600 through HG–640).

(a) The instruments, fittings and controls for heating boilers must be as indicated in HG–600 through HG–640 of Section IV of the ASME BPVC (incorporated by reference; see § 53.01–1) except as noted otherwise in this section.

* * * * *

PART 54—PRESSURE VESSELS

- 77. The authority citation for part 54 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

- 78. Revise § 54.01–1 to read as follows:

§ 54.01–1 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S.

Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, phone (202) 372–1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(a) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue, New York, NY 10016–5990, 800–843–2763, www.asme.org.

(1) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, Rules for Construction of Pressure Vessels (2019) (“Section VIII of the ASME BPVC”); IBR approved for §§ 54.01–2, 54.01–5, 54.01–18, 54.01–25, 54.01–30, 54.01–35, 54.03–1, 54.05–1, 54.10–1, 54.10–3, 54.10–5, 54.10–10, 54.10–15, 54.15–1, 54.15–5, 54.15–10, 54.15–13, 54.20–1, 54.20–3, 54.25–1, 54.25–3, 54.25–8, 54.25–10, 54.25–15, 54.25–20, 54.30–3, 54.30–5, 54.30–10.

(2) [Reserved]

(b) *ASTM International*, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959, 877–909–2786, www.astm.org.

(1) ASTM A20/A20M–19, Standard Specification for General Requirements for Steel Plates for Pressure Vessels, December 4, 2019 (“ASTM A20/A20M”); IBR approved for §§ 54.05–10, 54.25–10.

(2) ASTM A203/A203M–17, Standard Specification for Pressure Vessel Plates, Alloy Steel, Nickel, November 1, 2017 (“ASTM A203/A203M”); IBR approved for § 54.05–20.

(3) ASTM A370–19, Standard Test Methods and Definitions for Mechanical Testing of Steel Products, July 1, 2019 (“ASTM A370”); IBR approved for § 54.25–20.

(4) ASTM E23–18, Standard Test Methods for Notched Bar Impact Testing of Metallic Materials, June 1, 2018 (“ASTM E23”); IBR approved for § 54.05–5, and

(5) ASTM E208–19, Standard Test Method for Conducting Drop-Weight Test to Determine Nil-Ductility Transition Temperature of Ferritic Steel, October 1, 2019 (“ASTM E208”); IBR approved for § 54.05–5.

(c) *Compressed Gas Association (CGA)*, 14501 George Carter Way, Chantilly, VA 20151, www.cganet.com.

(1) CGA S–1.2–2009, Pressure Relief Device Standards—Part 2—Portable Containers for Compressed Gases, Ninth Edition, January 1, 2009 (“CGA S–1.2”); IBR approved for § 54.15–10.

(2) [Reserved]

(d) Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street NE, Vienna, VA 22180–4602; 703–281–6613; www.msshq.org.

(1) ANSI/MSS SP–25–2018, Standard Marking System for Valves, Fittings, Flanges and Unions, March, 2018 (“MSS SP–25”); IBR approved for § 54.01–25.

(2) [Reserved]

- 79. Amend § 54.01–2 as follows:

- a. Revise the section heading and paragraphs (a) and (b); and

- b. In paragraph (c), remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”.

The revisions read as follows:

§ 54.01–2 Adoption of Division 1 of Section VIII of the ASME BPVC.

(a) Pressure vessels must be designed, constructed, and inspected in accordance with Section VIII of the ASME BPVC (incorporated by reference, see § 54.01–1), as limited, modified, or replaced by specific requirements in this part. The provisions in the appendices to Section VIII of the ASME BPVC are adopted and must be followed when the requirements in Section VIII make them mandatory. For general information, table § 54.01–2(a) lists the various paragraphs in Section VIII of the ASME BPVC that are limited, modified, or replaced by regulations in this part.

TABLE § 54.01–2(a)—LIMITATIONS AND MODIFICATIONS IN THE ADOPTION OF SECTION VIII OF THE ASME BPVC

Paragraphs in Section VIII of the ASME BPVC and disposition	Unit of this part
U–1 and U–2 modified by	54.01–5 through 54.01–15.
U–1(c) replaced by	54.01–5.
U–1(d) replaced by	54.01–5(a) and 54.01–15.
U–1(g) modified by	54.01–10.
U–1(c)(2) modified by	54.01–15.
UG–11 modified by	54.01–25.
UG–22 modified by	54.01–30.
UG–25 modified by	54.01–35.
UG–28 modified by	54.01–40.
UG–84 replaced by	54.05–1.

TABLE § 54.01–2(a)—LIMITATIONS AND MODIFICATIONS IN THE ADOPTION OF SECTION VIII OF THE ASME BPVC—Continued

Paragraphs in Section VIII of the ASME BPVC and disposition	Unit of this part
UG–90 and UG–91 replaced by	54.10–3.
UG–92 through UG–103 modified by	54.10–1 through 54.10–15.
UG–98 reproduced by	54.10–5.
UG–115 through UG–120 modified by	54.10–1.
UG–116, except (j), replaced by	54.10–20(a).
UG–116(j) replaced by	54.10–20(b).
UG–117 replaced by	54.10–20(c).
UG–118 replaced by	54.10–20(a).
UG–119 modified by	54.10–20(d).
UG–120 modified by	54.10–25.
UG–125 through UG–137 modified by	54.15–1 through 54.15–15.
UW–1 through UW–65 modified by	54.20–1.
UW–2(a) replaced by	54.01–5(b) and 54.20–2.
UW–2(b) replaced by	54.01–5(b) and 54.20–2.
UW–9, UW–11(a), UW–13, and UW–16 modified by	54.20–3.
UW–11(a) modified by	54.25–8.
UW–26, UW–27, UW–28, UW–29, UW–47, and UW–48 modified by	54.20–5.
UB–1 modified by	54.23–1
UB–2 modified by	52.01–95(d) and 56.30–30(b)(1).
UCS–6 modified by	54.25–3.
UCS–56 modified by	54.25–7.
UCS–57, UNF–57, UHA–33, and UHT–57 modified by	54.25–8.
UCS–65 through UCS–67 replaced by	54.25–10.
UHA–23(b) and UHA–51 modified by	54.25–15.
UHT–5(c), UHT–6, and UHT–23 modified by	54.25–20.
UHT–82 modified by	54.25–20 and 54.25–25.
Appendix 3 modified by	54.15–3.

Note 1 to table § 54.01–2(a): The references to specific provisions in Section VIII of the ASME BPVC are coded. The first letter, such as “U,” refers to Division 1 of Section VIII. The second letter, such as “G,” refers to a subsection within Section VIII. The number refers to the paragraph within the subsection.

(b) References to the ASME BPVC, such as paragraph UG–125, indicate: U = Division 1 of Section VIII of the ASME BPVC.

G = Part containing general requirements.

125 = Paragraph within part.

* * * * *

§ 54.01–5 [Amended]

- 80. Amend § 54.01–5 as follows:
 - a. In paragraph (a), remove the text “table 54.01–5(a)” and add, in its place, the text “table 1 to § 54.01–5”;
 - b. In paragraph (b), remove the text “table 54.01–5(b)” and add, in its place, the text “table 2 to § 54.01–5”;
 - c. In paragraph (c)(3):
 - i. Remove the text “division 1, of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Division 1, of the ASME BPVC”; and
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “\$”;
 - d. In paragraph (d)(5), remove the text “table 54.01–5(b)” and add, in its place, the text “table 2 to § 54.01–5”;

- e. In paragraph (e), remove the text “section VIII, division 1, of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII, Division 1, of the ASME BPVC”;
- f. Redesignate table 54.01–5(a) as table 1 to § 54.01–5 and table 54.01–5(b) as table 2 to § 54.01–5; and
- g. In newly redesignated table 2 to § 54.01–5:
 - i. Remove the text “table 54.01–5(b)” and add, in its place, the text “table 2 to § 54.01–5”;
 - ii. Remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” wherever it appears and add, in its place, the text “Section VIII of the ASME BPVC”; and
 - iii. Remove the text “46 CFR” wherever it appears and add, in its place, the symbol “\$”.

§ 54.01–10 [Amended]

- 81. In § 54.01–10, remove the word “shall” wherever it appears and add, in its place, the word “must”.
- 82. Amend § 54.01–15 by revising the section heading and paragraphs (a)(2) and (3)(i) to read as follows:

§ 54.01–15 Exemptions from shop inspection and plan approval (modifies U–1(c)(2)).

- (a) * * *
- (2) (i) Hot water supply storage tanks heated by steam or any other indirect

means when none of the following limitations is exceeded:

- (A) A heat input of 58 kW (200,000 B.t.u. per hour);
 - (B) A water temperature of 93 °C (200 °F);
 - (C) A nominal water-containing capacity of 454 liters (120 gallons); or
 - (D) A pressure of 689 kPa (100 psig).
- (ii) The exemption of any tank under paragraph (a)(2) of this section requires that it must be fitted with a safety relief valve of at least 1-inch diameter, set to relieve below the maximum allowable working pressure of the tank.
- (3)(i) Vessels having an internal operating pressure not exceeding 103 kPa (15 psig) with no limitation on size.

* * * * *

- 83. Amend § 54.01–18 as follows:
 - a. Revise paragraph (a);
 - b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”;
 - c. In paragraph (b)(5):
 - i. Remove the text “section VIII of section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”; and
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “\$”;
 - d. Add paragraph (c).
- The revision and addition read as follows:

§ 54.01–18 Plan approval.

(a) Manufacturers intending to fabricate pressure vessels, heat exchangers, evaporators, and similar appurtenances, covered by the regulations in this part must submit detailed plans in accordance with subpart 50.20 of this subchapter except as provided in paragraph (c) below.

* * * * *

(c) Plans for Class I, II, and III pressure vessels with the ASME “U” stamp that do not contain hazardous materials are not required to be submitted for approval (see § 54.01–5(e)).

■ 84. Amend § 54.01–25 as follows:

- a. Revise paragraph (a); and
- b. In paragraph (b):
 - i. Remove the word “shall” and add, in its place, the word “must”; and
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “\$”.

The revision reads as follows:

§ 54.01–25 Miscellaneous pressure components (modifies UG–11).

(a) Pressure components for pressure vessels must be as required by UG–11 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) except as noted otherwise in this section.

* * * * *

■ 85. Amend § 54.01–30 as follows:

- a. Revise paragraph (a); and
- b. In the introductory text to paragraph (b), remove the words “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in their place, the text “Section VIII of the ASME BPVC”.

The revision reads as follows:

§ 54.01–30 Loadings (modifies UG–22).

(a) The loadings for pressure vessels must be as required by UG–22 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) except as noted otherwise in this section.

* * * * *

■ 86. Amend § 54.01–35 as follows:

- a. Revise paragraph (a);
- b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”;
- c. In paragraph (b)(4), remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”;
- d. In paragraph (c), remove the word “shall” and add, in its place, the word “must”; and
- e. Designate the note following paragraph (d) as paragraph (e) and revise newly designated paragraph (e).

The revisions read as follows:

§ 54.01–35 Corrosion (modifies UG–25).

(a) Vessels or portions of vessels subject to corrosion must be as required by UG–25 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) except as noted otherwise in this section.

* * * * *

(e) No applied linings except as provided in part UCL of Section VIII of the ASME BPVC are acceptable.

§ 54.01–40 [Amended]

■ 87. In § 54.01–40(b), remove the word “shall” and add, in its place, the word “must”.

■ 88. Revise § 54.03–1 to read as follows:

§ 54.03–1 Scope.

The pressure vessels for low temperature operation must be as required by Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) as modified by this subpart.

■ 89. Revise § 54.05–1 to read as follows:

§ 54.05–1 Scope (replaces UG–84).

The toughness tests of materials used in pressure vessels must be as required by this subpart in lieu of requirements in UG–84 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1).

§ 54.05–3 [Amended]

■ 90. Amend § 54.05–3 as follows:

- a. In the introductory text to paragraph (a), remove the word “shall”; and
 - b. In paragraph (a)(2), remove the word “shall” and add, in its place, the word “must”.
- 91. Amend § 54.05–5 as follows:
- a. Revise paragraphs (a) and (b);
 - b. In paragraph (c)(1), remove the word “shall” and add, in its place, the word “must”;
 - c. In paragraph (c)(2), remove the words “shall be” and add, in their place, the word “are”; and
 - d. In paragraph (d), remove the word “shall” and add, in its place, the word “must”.

The revisions read as follows:

§ 54.05–5 Toughness test specimens.

(a) *Charpy V-notch impact tests.* Where required, Charpy V-notch tests must be conducted in accordance with ASTM E23 (incorporated by reference, see § 54.01–1), using the Type A specimen shown in ASTM E23—Figure 4. Special attention is drawn to the fact that the Charpy Keyhole and U-notch specimens are not acceptable substitutes for the Charpy V-notch specimen and

must not be used to qualify materials within the scope of this subpart. Each set of Charpy impact tests must consist of three specimens. For materials 1/2-inch thick or less, the largest possible Charpy specimens for that thickness must be cut centered at the material’s mid-thickness. For materials thicker than 1/2-inch, full size Charpy specimens must be cut centered at a location as near as practicable to a point midway between the material’s surface and half-thickness. Except where otherwise specified, transversely oriented specimens must be used. When longitudinal specimens are used, the required energy values may not be less than 1.5 times the values required for transversely oriented specimens. In all cases the notch must be cut normal to the material’s surface. Test specimens must be taken at least one “t” from any heat treated edge (where “t” is the material’s nominal thickness).

(b) *Drop weight tests.* Where required, drop weight tests must be conducted for no-break performance in accordance with ASTM E208 (incorporated by reference, see § 54.01–1). For material thicknesses between 1/2-inch and 5/8-inch, the ASTM E208 specimen P–3, machined to 1/2-inch thickness, must be used with a stop distance of 0.090-inch. In preparing weld specimens for dropweight testing, weld reinforcement must be ground flush, the hard facing bead centered on and transverse to the weld, and the notch centered on and parallel to the weld axis.

* * * * *

■ 92. Amend § 54.05–10 as follows:

- a. Revise the second sentence of paragraph (a);
- b. In paragraphs (b)(1), (3), (4), and (c)(2), remove the word “shall” wherever it appears and add, in its place, the word “must”;
- c. Revise, paragraph (c)(3);
- d. In paragraphs (c)(4) and (d)(1), remove the word “shall” wherever it appears and add, in its place, the word “must”;
- e. Reserve paragraph (d)(2);
- f. In paragraphs (e)(1) and (3), remove the word “shall” wherever it appears and add, in its place, the word “must”; and
- g. Revise the last sentence of paragraph (f).

The revisions read as follows:

§ 54.05–10 Certification of material toughness tests.

(a) * * * Impact specimens must be taken as outlined in section 12 of ASTM A20/A20M (incorporated by reference, see § 54.01–1). * * *

* * * * *

(c) * * *

(3) One set of Charpy impact specimens or two drop-weight specimens, as applicable, must be cut from each such test block and these specimens will represent all forgings (up to 5 short tons) that are from the same heat of material and given the same heat-treatment as the test block, and the thickness of which does not differ from that of the test block by more than plus or minus 50 percent of 1½ inches, whichever is less, except that forged flanges and tube sheets thicker than 5½ inches may be qualified from a 4-inch test block.

* * * * *

(f) * * * For such parts too small to impact test, the Commandant will determine toughness qualifications based on material, chemical, and mechanical properties.

§ 54.05-15 [Amended]

- 93. Amend § 54.05-15 as follows:
 - a. Remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - b. In paragraph (a), remove the text “figure 54.05-15(a)” and add, in its place, the text “figure § 54.05-15(a)”;
 - c. Redesignate figure 54.05-15(a) as figure § 54.05-15(a); and
 - d. Reserve paragraph (b).
- 94. Amend § 54.05-16 as follows:
 - a. In paragraphs (a) and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - b. Revise paragraph (d); and
 - c. In paragraph (e), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revisions read as follows:

§ 54.05-16 Production toughness testing.

* * * * *

(d) The test plates and any other test material from which toughness test specimens are cut must be given the same heat-treatment as the production material they represent. Test specimens representing other material than the weld toughness test plates should preferably be cut from a part of the vessel material but may be cut from like material that has been heat-treated within the temperature range specified by the producer in treating the actual vessel material.

* * * * *

§ 54.05-17 [Amended]

- 95. In § 54.05-17, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 54.05-20 [Amended]

- 96. Amend § 54.05-20 as follows:
 - a. In paragraph (a):

- i. Remove the text “table 54.05-20(a)” and add, in its place, the text “table § 54.05-20(a)”;

- ii. Redesignate table 54.05-20(a) as § 54.05-20(a); and

- b. In paragraph (b), remove the text “ASTM A 203” and add, in its place, the text “ASTM A203/A203M”.

- 97. Amend § 54.05-30 by revising paragraph (b) to read as follows:

§ 54.05-30 Allowable stress values at low temperatures.

* * * * *

(b) The use of such allowable stress values must be specially approved by the Coast Guard for each application. Further information may be obtained by writing to the Commandant (CG-ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593.

* * * * *

- 98. Revise § 54.10-1 to read as follows:

§ 54.10-1 Scope (modifies UG-90 through UG-103 and UG-115 through UG-120).

The inspection, tests, stamping, and reports for pressure vessels must be as required by paragraphs UG-90 through UG-103 and UG-115 through UG-120 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01-1) except as noted otherwise in this subpart.

- 99. Amend § 54.10-3 as follows:

- a. Revise the section heading;
- b. In paragraph (a), remove the word “shall” and add, in its place, the word “will”;
- c. Revise paragraph (b);
- d. Redesignate paragraph (c) as paragraph (d); and
- e. Add paragraph (c).

The revisions and addition read as follows:

§ 54.10-3 Marine inspectors and Coast Guard Symbol stamping (replaces UG-90 and UG-91, and modifies UG-92 through UG-103).

* * * * *

(b) All pressure vessels not exempted under provisions of § 54.01-15 must be subject to shop inspection by a marine inspector referring to procedures outlined in UG-92 through UG-103 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01-1) and §§ 50.30-10, 50.30-15, and 50.30-20 of this subchapter. The marine inspector will then stamp the vessel with the Coast Guard Symbol.

(c) Pressure vessels exempted under provisions of § 54.01-15, except as provided in paragraph (d) of this

section, are not required to be stamped with the Coast Guard Symbol.

* * * * *

§ 54.10-5 [Amended]

- 100. Amend § 54.10-5 as follows:
 - a. Remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” wherever it appears and add, in its place, the text “Section VIII of the ASME BPVC”;
 - b. Remove the text “46 CFR” wherever it appears and add, in its place, the symbol “§”;
 - c. Designate the note following paragraph (c) as note 1 to § 54.10-5;
 - d. In newly designated note 1 to § 54.10-5, remove the text “Table 54.10-5” and add, in its place, the text “Table to § 54.10-5”;
 - e. Designate the table following note 1 to § 54.10-5 as table § 54.10-5; and
 - f. Caption newly designated table § 54.10-5 as “Pressure Vessel Design, Testing and Relief Valve Characteristics”.
- 101. Amend § 54.10-10 as follows:
 - a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”;
 - b. Revise paragraph (b);
 - c. In paragraphs (c) and (d), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - d. Revise paragraph (e); and
 - e. In paragraph (f), remove the word “shall” and add, in its place, the word “must”.

The revisions read as follows:

§ 54.10-10 Standard hydrostatic test (modifies UG-99).

* * * * *

(b) The hydrostatic-test pressure must be at least one and three-tenths (1.30) times the maximum allowable working pressure stamped on the pressure vessel, multiplied by the ratio of the stress value “S” at the test temperature to the stress value “S” at the design temperature for the materials of which the pressure vessel is constructed. The values for “S” must be taken from tables UCS 23, UNF 23, UHA 23, or UHT 23 of Section VIII of the ASME BPVC (incorporated by reference, see § 54.01-1). The value of “S” at test temperature must be that taken for the material of the tabulated value of temperature closest to the test temperature. The value of “S” at design temperature must be as interpolated from the appropriate table. No ratio less than one must be used. The stress resulting from the hydrostatic test must not exceed 90 percent of the yield stress of the material at the test temperature. External loadings which will exist in supporting structure during the hydrostatic test should be

considered. The design must consider the combined stress during hydrostatic testing due to pressure and the support reactions. This stress must not exceed 90 percent of the yield stress of the material at the test temperature. In addition the adequacy of the supporting structure during hydrostatic testing should be considered in the design.

* * * * *

(e) Vessels requiring stress relieving must be stress relieved after any welding repairs have been made. (See UW-40 of Section VIII of the ASME BPVC.)

* * * * *

■ 102. Amend § 54.10-15 as follows:

■ a. In paragraph (a), remove the words “shall be” and add, in its place, the word “is”;

■ b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”;

■ c. Revise paragraph (c); and

■ d. In paragraphs (d) through (g), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 54.10-15 Pneumatic test (modifies UG-100).

* * * * *

(c) Except for enameled vessels, for which the pneumatic test pressure must be at least equal to, but need not exceed, the maximum allowable working pressure to be marked on the vessel, the pneumatic test pressure must be at least equal to one and one-tenth (1.10) times the maximum allowable working pressure to be stamped on the vessel multiplied by the lowest ratio (for the materials of which the vessel is constructed) of the stress value “S” for the test temperature of the vessel to the stress value “S” for the design temperature (see UG-21 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01-1)). In no case must the pneumatic test pressure exceed one and one-tenth (1.10) times the basis for calculated test pressure as defined in UA-60(e) of Section VIII of the ASME BPVC.

* * * * *

§ 54.10-20 [Amended]

■ 103. Amend § 54.10-20 as follows:

■ a. In paragraph (a)(2), add the text “(only applicable to pressure vessels inspected as required by § 54.10-3(b))” after the word “subchapter”;

■ b. In paragraphs (b) and (c) remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ c. Reserve paragraph (c)(2); and

■ d. In paragraph (d), remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 54.10-25 [Amended]

■ 104. In § 54.10-25, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 54.15-1 [Amended]

■ 105. Amend § 54.15-1 as follows:

■ a. In paragraph (a), remove the text “section VIII of the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC (incorporated by reference; see § 54.01-1)”;

■ b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”.

§ 54.15-5 [Amended]

■ 106. Amend § 54.15-5 as follows:

■ a. In paragraph (a):

■ i. Remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”;

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “§”;

■ b. In paragraphs (b) through (f) and (h) through (l), remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 107. Amend § 54.15-10 as follows:

■ a. In paragraphs (a), (b), and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. Revise paragraph (e);

■ c. In paragraph (g) and the introductory text to (h), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ d. In paragraph (h)(1), remove the text “46 CFR” and add, in its place, the symbol “§”;

■ e. In paragraph (h)(2), remove the text “section VIII of section VIII of the ASME Boiler and Pressure Vessel Code” wherever it appears and add, in its place, the text “Section VIII of the ASME BPVC”;

■ f. In paragraph (h)(3), remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” wherever it appears and add, in its place, the text “Section VIII of the ASME BPVC”.

The revision reads as follows:

§ 54.15-10 Safety and relief valves (modifies UG-126).

* * * * *

(e) If the design of a safety or relief valve is such that liquid can collect on the discharge side of the disk, the valve must be equipped with a drain at the lowest point where liquid can collect (for installation, see UG-134 of Section

VIII of the ASME BPVC (incorporated by reference; see § 54.01-1).

* * * * *

§ 54.15-13 [Amended]

■ 108. Amend § 54.15-13 as follows:

■ a. In paragraph (a):

■ i. Remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”;

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “§”;

■ b. In paragraphs (b) and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 54.15-15 [Amended]

■ 109. In § 54.15-15, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 54.15-25 [Amended]

■ 110. Amend § 54.15-25 as follows:

■ a. In paragraphs (a) and (b), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. In paragraph (c), remove the text “Figure 54.15-25(c)” and add, in its place, the text “figure § 54.15-25(c)”;

■ c. Designate the figure immediately following paragraph (c) as figure § 54.15-25(c);

■ d. Caption newly designated figure § 54.15-25(c) as “Surface Area of Grouped Vertical Tanks”;

■ e. Redesignate table 54.15-25(c) as table § 54.15-25(c).

■ f. Redesignate paragraph (c-1) as paragraph (c)(1);

■ g. In newly redesignated paragraph (c)(1), remove the text “(CG-ENG).” and add, in its place, the text “(CG-ENG).”;

■ h. Reserve paragraph (c)(2); and

■ i. In paragraphs (d) and (e), remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 111. Amend § 54.20-1 by revising paragraph (a) to read as follows:

§ 54.20-1 Scope (modifies UW-1 through UW-65).

(a) Pressure vessels and vessel parts that are fabricated by welding must be as required by paragraphs UW-1 through UW-65 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01-1) except as noted otherwise in this subchapter.

* * * * *

■ 112. Amend § 54.20-3 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”;

■ b. Revise paragraph (b);

■ c. In paragraph (c), remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its

place, the text “Section VIII of the ASME BPVC”;

- d. Revise paragraph (d); and
- e. In paragraph (e):
- i. Remove the word “shall” and add, in its place, the word “must”; and
- ii. Remove the text “table 54.01–5(b)” and add, in its place, the text “table 2 to § 54.01–5”.

The revisions read as follows:

§ 54.20–3 Design (modifies UW–9, UW–11(a), UW–13, and UW–16).

* * * * *

(b) Welding subject to UW–11(a) of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) must be modified as described in § 54.25–8 for radiographic examination.

* * * * *

(d) Attachment welds for nozzles and other connections must be in accordance with UW–16 of Section VIII of the ASME BPVC. When nozzles or connections are made to pressure vessels, as shown in Figure UW–16.1 (a) and (c) of the ASME BPVC, and are welded from one side only, backing strips must be used unless it can be determined visually that a full penetration weld has been achieved.

* * * * *

§ 54.20–5 [Amended]

- 113. In § 54.20–5(a), remove the word “shall” and add, in its place, the word “must”.

§ 54.23–1 [Amended]

- 114. Amend § 54.23–1 as follows:
 - a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and
 - b. Reserve paragraph (b).
- 115. Revise § 54.25–1 to read as follows:

§ 54.25–1 Scope.

The pressure vessels for low temperature operation must be as required by Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) as modified by this subpart.

- 116. Revise § 54.25–3 to read as follows:

§ 54.25–3 Steel plates (modifies UCS–6).

The steels listed in UCS–6(b) of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) will be allowed only in Class III pressure vessels (see table 2 to § 54.01–5(b)).

§ 54.25–7 [Amended]

- 117. Amend § 54.25–7 as follows:
 - a. In paragraph (a), remove the text “table 54.01–5(b)” and add, in its place, the text “table 2 to § 54.01–5”; and

- b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”.

- 118. Amend § 54.25–8 as follows:
 - a. In paragraph (a), remove the text “table 54.01–5(b)” and add, in its place, the text “table 2 to § 54.01–5”; and
 - b. Revise paragraph (b).

The revision reads as follows:

§ 54.25–8 Radiography (modifies UW–11(a), UCS–57, UNF–57, UHA–33, and UHT–57).

* * * * *

(b) Class II–L vessels must be spot radiographed. The exemption provided in UW–11(c) of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) does not apply. (Refer to table 2 to 54.01–5 for applicable requirements.)

- * * * * *
- 119. Amend § 54.25–10 as follows:
 - a. Revise the section heading;
 - b. In paragraph (a)(2), remove the word “shall” and add, in its place, the word “must”;
 - c. Revise the introductory text to paragraph (b), and paragraph (b)(1);
 - d. Redesignate table 54.25–10(b)(1) as table 1 to § 54.25–10(b)(1) and designate the table immediately before paragraph (b)(2) as table 2 to § 54.25–10(b)(1);
 - e. In paragraphs (b)(2):

- i. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - ii. Remove the text “table 54.25–10(b)(2)” wherever it appears and add, in its place, the text “table 3 to § 54.25–10(b)(2)”;
- f. Redesignate table 54.25–10(b)(2) as table 3 to § 54.25–10(b)(2);
- g. In paragraphs (b)(3) through (5), remove the word “shall” wherever it appears and add, in its place, the word “must”; and
- h. In paragraph (c), remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” wherever it appears and add, in its place, the text “Section VIII of the ASME BPVC”.

The revision reads as follows:

§ 54.25–10 Low temperature operation—ferritic steels (replaces UCS–65 through UCS–67).

* * * * *

(b) *Specifications.* Materials used in the construction of vessels to operate below 0 °F. (but not below the designated minimum service temperature) must conform to a specification given in table UCS–23 in Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) and the following additional requirements:

Note 1 to paragraph (b) introductory text: For high alloy steels refer to

§ 54.25–15. For heat treated steels refer to § 54.25–20.

(1)(i) For minimum service temperatures not lower than –67 °F., ferritic steels must be made with fine grain practice and must have an austenitic grain size of 5 or finer, and must be normalized. Consideration will be given to other heat treatments; refer to § 57.03–1(d) of this subchapter. Plate for pressure vessel applications must conform to the requirements of ASTM A20/A20M (incorporated by reference, see § 54.01–1). It may be produced by the open hearth, basic oxygen or electric furnace process and must conform to the requirements of table 1 to § 54.25–10(b)(1). (Other alloying elements may only be present in trace amounts.)

(ii) Mechanical properties must be within the following limits:

(A) Ultimate strength:
—58,000¹–85,000¹ p.s.i.

(B) Yield strength:
—Minimum 35,000 p.s.i.
—Maximum 80 percent of ultimate.

(C) Elongation minimum:
—20 percent in 8 inches, or
—24 percent in 2 inches, or
—22 percent in 5.65√A, where “A” is the test specimen cross sectional area.

- * * * * *
- 120. Revise § 54.25–15 to read as follows:

§ 54.25–15 Low temperature operation—high alloy steels (modifies UHA–23(b) and UHA–51).

(a) Toughness tests for the materials listed in UHA–51(a) in Section VIII of the ASME BPVC (incorporated by reference; see § 54.01–1) for service temperatures below –425 °F., UHA–51(b)(1) through (5) for service temperatures below 0 °F., and UHA–51(c) for all service temperatures, must be performed in accordance with the requirements of subpart 54.05. These requirements are also applicable to nonpressure vessel type, low temperature tanks and associated secondary barriers, as defined in § 38.05–4 in subchapter D (Tank Vessels) of this chapter. Such tests are required regardless of the vessel’s design stress. Service temperature is defined in § 54.25–10(a)(2).

(b) Materials for pressure vessels with service temperatures below –320 °F. must be of the stabilized or low carbon (less than 0.10 percent) austenitic stainless steel type, produced according to the applicable specifications of table UHA–23 of Section VIII of the ASME BPVC. These materials and their weldments must be tested for toughness according to the requirements of subpart 54.05 except that the Charpy V-notch

testing acceptance criteria will be in accordance with UHT-6(a)(4) and (5) of Section VIII of the ASME BPVC.

(c) Except as permitted by § 54.05-30, the allowable stress values used in the design of low temperature pressure vessels may not exceed those given in table UHA-23 of Section VIII of the ASME BPVC for temperatures of -20 °F. to 100 °F.

- 121. Amend § 54.25-20 as follows:
 - a. Revise the section heading;
 - b. In paragraph (a):
 - i. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - ii. Remove the text “table 54.25-20(a)” and add, in its place, the text “table § 54.25-20(a)”;
 - c. Redesignate table 54.25-20(a) as § 54.25-20(a)
 - d. Revise paragraph (b);
 - e. Designate the figure following paragraph (b) as Figure § 54.25-20(b);
 - f. In paragraph (c):
 - i. Remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”; and
 - ii. Remove the text “table 54.25-20(a)” and add, in its place, the text “table § 54.25-20(a)”;
 - g. In paragraph (d), remove the word “shall” and add, in its place, the word “must”.

The revisions read as follows:

§ 54.25-20 Low temperature operation—ferritic steels with properties enhanced by heat treatment (modifies UHT-5(c), UHT-6, UHT-23, and UHT-82).

* * * * *

(b) The materials permitted under paragraph (a) of this section must be tested for toughness in accordance with the requirements of UHT-6 of Section VIII of the ASME BPVC (incorporated by reference; see § 54.01-1) except that tests must be conducted at the temperature specified in § 54.05-6 in lieu of that in UHT-5(c) of Section VIII of the ASME BPVC. Lateral expansion in a broken Charpy V-notch specimen is illustrated in Figure 54.25-20(b) and must be measured in accordance with the procedure outlined in ASTM A370 (incorporated by reference, see § 54.01-1).

* * * * *

- 122. Amend § 54.30-3 by revising paragraph (c) to read as follows:

§ 54.30-3 Introduction.

* * * * *

(c) The weld joint efficiencies as listed in table UW-12 of Section VIII of the BPVC (incorporated by reference; see § 54.01-1) apply except that a minimum of spot radiography will be

required. UW-12(c) of Section VIII of the ASME BPVC that permits omitting all radiography does not apply. Spot examination must follow UW-52 of Section VIII of the ASME BPVC and, in addition, these vessels will be required to have radiographic examination of intersecting circumferential and longitudinal joints for a distance of at least 20 times the plate thickness from the junction. See § 54.25-8 on spot radiography.

* * * * *

- 123. Amend § 54.30-5 as follows:

- a. In the introductory text to paragraph (a), remove the text “table 54.01-5(b)” and add, in its place, the text “table 2 to § 54.01-5”;
- b. In paragraph (a)(1):
 - i. Remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”;
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “\$”;
- c. In paragraph (a)(4), remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”;
- d. Revise paragraph (a)(6); and
- e. In paragraph (b), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 54.30-5 Limitations and requirements.

(a) * * *

(6) The categories A and B joints are type one as described in table UW-12 of Section VIII of the ASME BPVC and all categories C and D joints are full penetration welds. See UW-3 of the ASME BPVC for definition of categories.

* * * * *

§ 54.30-10 [Amended]

- 124. Amend § 54.30-10 as follows:
 - a. In the introductory text to paragraph (a), remove the word “shall” and add, in its place, the word “must”;
 - b. In paragraph (a)(1):
 - i. Remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”;
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “\$”; and
 - c. In paragraphs (a)(2) and (3), remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 54.30-15 [Amended]

- 125. In § 54.30-15, remove the word “shall” wherever it appears and add, in its place, the word “must”.

PART 56—PIPING SYSTEMS AND APPURTENANCES

- 126. The authority citation for part 56 continues to read as follows:

Authority: 33 U.S.C. 1321(j), 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

§ 56.01-1 [Amended]

- 127. In § 56.01-1(b), remove the word “shall” and add, in its place, the word “must”.
- 128. Revise § 56.01-2 to read as follows:

§ 56.01-2 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG-ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509, phone (202) 372-1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. The material is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(a) *American Petroleum Institute (API)*, 1220 L Street NW, Washington, DC 20005-4070, www.api.org.

(1) API Standard 607, Fire Test for Quarter-turn Valves and Valves Equipped with Nonmetallic Seats, Seventh Edition, June 2016 (“API 607”); IBR approved for § 56.20-15.

(2) [Reserved]

(b) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue, New York, NY 10016-5990, 800-843-2763, www.asme.org.

(1) ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (2019) (“Section I of the ASME BPVC”); IBR approved for §§ 56.15-1, 56.60-1, 56.70-15, 56.95-10.

(2) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, Rules for Construction of Pressure Vessels (2019) (“Section VIII of the ASME BPVC”); IBR

approved for §§ 56.15–156.25–5, 56.30–10, 56.60–1, 56.60–2, 56.60–15, 56.95–10.

(3) ASME Boiler and Pressure Vessel Code, Section IX, Welding and Brazing Qualifications (2019) (“Section IX of the ASME BPVC”); IBR approved for §§ 56.70–5, 56.70–20, 56.75–20, 56.85–10.

(4) ASME B1.1–2003, Unified Inch Screw Threads (UN and UNR Thread Form), September 30, 2004, reaffirmed 2008 (“ASME B1.1”); IBR approved for §§ 56.25–20, 56.60–1.

(5) ASME B1.20.1–2013, Pipe Threads, General Purpose (Inch), November 15, 2013 (“ASME B1.20.1”); IBR approved for § 56.60–1.

(6) ASME B1.20.3–1976, Dryseal Pipe Threads (Inch), January 1, 1976, reaffirmed 2013, (“ASME B1.20.3”); IBR approved for § 56.60–1.

(7) ASME B16.1–2015, Gray Iron Pipe Flanges and Flanged Fittings, Classes 25, 125, and 250, December 28, 2015 (“ASME B16.1”); IBR approved for §§ 56.60–1, 56.60–10.

(8) ASME B16.3–2016, Malleable Iron Threaded Fittings, Classes 150 and 300, November 30, 2016 (“ASME B16.3”); IBR approved for § 56.60–1.

(9) ASME B16.4–2016, Gray Iron Threaded Fittings, Classes 125 and 250, November 11, 2016 (“ASME B16.4”); IBR approved for § 56.60–1.

(10) ASME B16.5–2017, Pipe Flanges and Flanged Fittings, NPS ½ Through NPS 24 Metric/Inch Standard, November 20, 2017, (“ASME B16.5”); IBR approved for §§ 56.25–20, 56.30–10, 56.60–1.

(11) ASME B16.11–2016, Forged Fittings, Socket-Welding and Threaded, January 1, 2016 (“ASME B16.11”); IBR approved for §§ 56.30–5, 56.60–1.

(12) ASME B16.14–2013, Ferrous Pipe Plugs, Bushings, and Locknuts with Pipe Threads, November 15, 2013 (“ASME B16.14”); IBR approved for § 56.60–1.

(13) ASME B16.15–2013, Cast Copper Alloy Threaded Fittings, Classes 125 and 250, December 6, 2013 (“ASME B16.15”); IBR approved for § 56.60–1.

(14) ASME B16.20–2012, Metallic Gaskets for Pipe Flanges, Ring-Joint, Spiral-Wound, and Jacketed, January 1, 2012 (“ASME B16.20”); IBR approved for § 56.60–1.

(15) ASME B16.21–2016, Nonmetallic Flat Gaskets for Pipe Flanges, December 9, 2016 (“ASME B16.21”); IBR approved for § 56.60–1.

(16) ASME B16.23–2016, Cast Copper Alloy Solder Joint Drainage Fittings: DWV, January 1, 2016 (“ASME B16.23”); IBR approved for § 56.60–1.

(17) ASME B16.25–2012, Buttwelding Ends, January 1, 2012 (“ASME B16.25”);

IBR approved for §§ 56.30–5, 56.60–1, 56.70–10.

(18) ASME B16.29–2012, Wrought Copper and Wrought Copper Alloy Solder-Joint Drainage Fittings—DWV, September 26, 2012 (“ASME B16.29”); IBR approved for § 56.60–1.

(19) ASME B16.34–2017, Valves—Flanged, Threaded, and Welding End, August 23, 2017 (“ASME B16.34”); IBR approved for § 56.60–1.

(20) ASME B18.2.1–2012, Square, Hex, Heavy Hex, and Askew Head Bolts and Hex, Heavy Hex, Hex Flange, Lobed Head, and Lag Screws (Inch Series), 2012 (“ASME B18.2.1”); IBR approved for §§ 56.25–20, 56.60–1.

(21) ASME B18.2.2–2015, Nuts for General Applications: Machine Screw Nuts, Hex, Square, Hex Flange, and Coupling Nuts (Inch Series), November 30, 2015 (“ASME B18.2.2”); IBR approved for §§ 56.25–20, 56.60–1.

(22) ASME B31.1–2016, Power Piping, ASME Code for Pressure Piping, June 30, 2016 (“ASME B31.1”); IBR approved for §§ 56.01–3, 56.01–5, 56.07–5, 56.07–10, 56.10–1, 56.10–5, 56.15–1, 56.25–7, 56.30–1, 56.30–5, 56.30–20, 56.35–1, 56.50–1, 56.50–40, 56.50–70, 56.50–97, 56.60–1, 56.65–1, 56.70–5, 56.70–10, 56.70–15, 56.80–5, 56.80–15, 56.85–10, 56.95–1, 56.95–10, 56.97–1.

(23) ASME B31.3–2018, Process Piping, ASME Code for Pressure Piping, August 30, 2019 (“ASME B31.3”); IBR approved for § 56.60–1.

(24) ASME B36.10M–2015 Welded and Seamless Wrought Steel Pipe, August 31, 2015 (“ASME B36.10M”); IBR approved for §§ 56.07–5, 56.30–20, 56.60–1.

(25) ASME B36.19M–2004 Stainless Steel Pipe, October 25, 2004 (“ASME B36.19M”); IBR approved for §§ 56.07–5, 56.60–1.

(26) ASME SA–675, Standard Specification for Steel Bars, Carbon, Hot-Wrought, Special Quality, Mechanical Properties, May 1, 2014 (“ASTM SA–675”); IBR approved for § 56.60–2.

(c) *ASTM International*, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959, 877–909–2786, www.astm.org.

(1) ASTM A36/A36M–14, Standard Specification for Carbon Structural Steel, December 1, 2014 (“ASTM A36/A36M”); IBR approved for § 56.30–10.

(2) ASTM A47/A47M–99 (Reapproved 2014), Standard Specification for Ferritic Malleable Iron Castings, April 1, 2014, (“ASTM A47/A47M”); IBR approved for § 56.30–10, 56.60–1.

(3) ASTM A53/A53M–12, Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless, March 1, 2012 (“ASTM A53/

A53M”); IBR approved for §§ 56.10–5, 56.60–1.

(4) ASTM A126–04 (Reapproved 2014), Standard Specification for Gray Iron Castings for Valves, Flanges, and Pipe Fittings, April 1, 2014 (“ASTM A126”); IBR approved for § 56.60–1.

(5) ASTM A135/A135M–19, Standard Specification for Electric-Resistance-Welded Steel Pipe, May 1, 2019 (“ASTM A135/A135M”); IBR approved for § 56.60–1.

(6) ASTM A197/A197M–00 (Reapproved 2015), Standard Specification for Cupola Malleable Iron, November 1, 2015 (“ASTM A197/A197M”); IBR approved for § 56.60–1.

(7) ASTM A210/A210M–19, Standard Specification for Seamless Medium-Carbon Steel Boiler and Superheater Tubes, May 1, 2019 (“ASTM A210/A210M”); IBR approved for § 56.60–1.

(8) ASTM A268/A268M–10 (Reapproved 2016), Standard Specification for Seamless and Welded Ferritic and Martensitic Stainless Steel Tubing for General Service, September 1, 2016 (“ASTM A268/A268M”); IBR approved for § 56.60–1.

(9) ASTM A276/A276M–17, Standard Specification for Stainless Steel Bars and Shapes, March 15, 2017 (“ASTM A276/A276M”); IBR approved for § 56.60–2.

(10) ASTM A312/A312M–17, Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes, March 15, 2017 (“ASTM A312/A312M”); IBR approved for §§ 56.50–105, 56.60–1.

(11) ASTM A333/A333M–16, Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service and Other Applications with Required Notch Toughness, March 1, 2016 (“ASTM A333/A333M”); IBR approved for §§ 56.50–105, 56.60–1.

(12) ASTM A334/A334M–04a, Standard Specification for Seamless and Welded Carbon and Alloy-Steel Tubes for Low-Temperature Service, May 1, 2004 (“ASTM A334/A334M”); IBR approved for §§ 56.50–105, 56.60–1.

(13) ASTM A350/A350M–17, Standard Specification for Carbon and Low-Alloy Steel Forgings, Requiring Notch Toughness Testing for Piping Components, September 1, 2017 (“ASTM A350/A350M”); IBR approved for § 56.50–105.

(14) ASTM A352/A352M–17, Standard Specification for Steel Castings, Ferritic and Martensitic, for Pressure-Containing Parts, Suitable for Low-Temperature Service, November 1, 2017 (“ASTM A352/A352M”); IBR approved for § 56.50–105.

(15) ASTM A358/A358M–15, Standard Specification for Electric-

Fusion-Welded Austenitic Chromium-Nickel Stainless Steel Pipe for High-Temperature Service and General Applications, September 1, 2015 (“ASTM A358/A358M”); IBR approved for § 56.60–1.

(16) ASTM A376/A376M–17, Standard Specification for Seamless Austenitic Steel Pipe for High-Temperature Service, September 1, 2017 (“ASTM A376/A376M”); IBR approved for §§ 56.60–1, 56.60–2.

(17) ASTM A403/A403M–16, Standard Specification for Wrought Austenitic Stainless Steel Piping Fittings, May 1, 2016 (“ASTM A403/A403M”); IBR approved for § 56.60–1.

(18) ASTM A420/A420M–16, Standard Specification for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Low-Temperature Service, May 1, 2016 (“ASTM A420/A420M”); IBR approved for §§ 56.50–105, 56.60–1.

(19) ASTM A522/A522M–14, Standard Specification for Forged or Rolled 8 and 9% Nickel Alloy Steel Flanges, Fittings, Valves, and Parts for Low-Temperature Service, October 1, 2014 (“ASTM A522/A522M”) IBR approved for § 56.50–105.

(20) ASTM A575–96 (Reapproved 2013),^{e1} Standard Specification for Steel Bars, Carbon, Merchant Quality, M-Grades, July 2013 (“ASTM A575”); IBR approved for § 56.60–2.

(21) ASTM A576–17, Standard Specification for Steel Bars, Carbon, Hot-Wrought, Special Quality, November 1, 2017 (“ASTM A576”); IBR approved for § 56.60–2.

(22) ASTM B16/B16M–10 (Reapproved 2015), Standard Specification for Free-Cutting Brass Rod, Bar, and Shapes for Use in Screw Machines May 1, 2015 (“ASTM B16/B16M”); IBR approved for § 56.60–2.

(23) ASTM B21/B21M–20, Standard Specification for Naval Brass Rod, Bar, and Shapes, April 1, 2020 (“ASTM B21/B21M”); IBR approved for § 56.60–2.

(24) ASTM B26/B26M–18, Standard Specification for Aluminum-Alloy Sand Castings, May 15, 2018 (“ASTM B26/B26M”); IBR approved for § 56.60–2.

(25) ASTM B42–20, Standard Specification for Seamless Copper Pipe, Standard Sizes, April 1, 2020 (“ASTM B42”); IBR approved for § 56.60–1.

(26) ASTM B43–15, Standard Specification for Seamless Red Brass Pipe, Standard Sizes, October 1, 2015 (“ASTM B43”); IBR approved for § 56.60–1.

(27) ASTM B68/B68M–19, Standard Specification for Seamless Copper Tube, Bright Annealed, April 1, 2019 (“ASTM B68/B68M”); IBR approved for § 56.60–1.

(28) ASTM B75/B75M–19, Standard Specification for Seamless Copper Tube, April 1, 2019 (“ASTM B75/B75M”); IBR approved for § 56.60–1.

(29) ASTM B85/B85M–18, Standard Specification for Aluminum-Alloy Die Castings, May 1, 2018 (“ASTM B85/B85M”); IBR approved for § 56.60–2.

(30) ASTM B96/B96M–16, Standard Specification for Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes and Pressure Vessels, April 1, 2016 (“ASTM B96/B96M”); IBR approved for § 56.60–2.

(31) ASTM B111/B111M–18a, Standard Specification for Copper and Copper-Alloy Seamless Condenser Tubes and Ferrule Stock, October 1, 2018 (“ASTM B111/B111M”); IBR approved for § 56.60–1.

(32) ASTM B124/B124M–18, Standard Specification for Copper and Copper Alloy Forging Rod, Bar, and Shapes, March 15, 2018 (“ASTM B124/B124M”); IBR approved for § 56.60–2.

(33) ASTM B161–05 (Reapproved 2019), Standard Specification for Nickel Seamless Pipe and Tube, April 1, 2019 (“ASTM B161”); IBR approved for § 56.60–1.

(34) ASTM B165–19, Standard Specification of Nickel-Copper Alloy Seamless Pipe and Tube, November 1, 2019 (“ASTM B165”); IBR approved for § 56.60–1.

(35) ASTM B167–18, Standard Specification for Nickel-Chromium-Aluminum Alloys (UNS N06699), Nickel-Chromium-Iron Alloys (UNS N06600, N06601, N06603, N06690, N06693, N06025, N06045, and N06696), Nickel-Chromium-Cobalt-Molybdenum Alloy (UNS N06617), Nickel-Iron-Chromium-Tungsten Alloy (UNS N06674), and Nickel-Chromium-Molybdenum-Copper Alloy (UNS N06235) Seamless Pipe and Tube, December 1, 2018 (“ASTM B167”); IBR approved for § 56.60–1.

(36) ASTM B171/B171M–18, Standard Specification for Copper-Alloy Plate and Sheet for Pressure Vessels, Condensers, and Heat Exchangers, October 1, 2018 (“ASTM B171/B171M”); IBR approved for § 56.60–2.

(37) ASTM B210–19a, Standard Specification for Aluminum and Aluminum-Alloy Drawn Seamless Tubes, November 1, 2019 (“ASTM B210”); IBR approved for § 56.60–1.

(38) ASTM B234–17, Standard Specification for Aluminum and Aluminum-Alloy Drawn Seamless Tubes for Surface Condensers, Evaporators, and Heat Exchangers, October 1, 2017 (“ASTM B234”); IBR approved for § 56.60–1.

(39) ASTM B241/B241M–16, Standard Specification for Aluminum

and Aluminum-Alloy Seamless Pipe and Seamless Extruded Tube, February 1, 2016 (“ASTM B241/B241M”); IBR approved for § 56.60–1.

(40) ASTM B280–18, Standard Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, March 1, 2018 (“ASTM B280”); IBR approved for § 56.60–1.

(41) ASTM B283/B283M–18, Standard Specification for Copper and Copper-Alloy Die Forgings (Hot-Pressed), March 1, 2018 (“ASTM B283/B283M”); IBR approved for § 56.60–2.

(42) ASTM B315–19, Standard Specification for Seamless Copper Alloy Pipe and Tube, April 1, 2019 (“ASTM B315”); IBR approved for § 56.60–1.

(43) ASTM B361–16, Standard Specification for Factory-Made Wrought Aluminum and Aluminum-Alloy Welding Fittings, May 1, 2016 (“ASTM B361”); IBR approved for § 56.60–1.

(44) ASTM B858–06 (Reapproved 2018), Standard Test Method for Ammonia Vapor Test for Determining Susceptibility to Stress Corrosion Cracking in Copper Alloys, March 1, 2018 (“ASTM B858”); IBR approved for § 56.60–2.

(45) ASTM E23–18, Standard Test Methods for Notched Bar Impact Testing of Metallic Materials, June 1, 2018 (“ASTM E23”); IBR approved for § 56.50–105.

(46) ASTM F1006–86 (Reapproved 2018), Standard Specification for Entrainment Separators for Use in Marine Piping Applications, September 1, 2018 (“ASTM F1006”); IBR approved for § 56.60–1.

(47) ASTM F1007–18, Standard Specification for Pipeline Expansion Joints of the Packed Slip Type for Marine Application, May 1, 2018 (“ASTM F1007”); IBR approved for § 56.60–1.

(48) ASTM F1020–86 (Reapproved 2018), Standard Specification for Line-Blind Valves for Marine Applications, March 1, 2018 (“ASTM F1020”); IBR approved for § 56.60–1.

(49) ASTM F1120–87 (Reapproved 2015), Standard Specification for Circular Metallic Bellows Type Expansion Joints for Piping Applications, May 1, 2015 (“ASTM F1120”); IBR approved for § 56.60–1.

(50) ASTM F1123–87 (Reapproved 2015), Standard Specification for Non-Metallic Expansion Joints, May 1, 2015 (“ASTM F1123”); IBR approved for § 56.60–1.

(51) ASTM F1139–88 (Reapproved 2015), Standard Specification for Steam Traps and Drains, May 1, 2015 (“ASTM F1139”); IBR approved for § 56.60–1.

(52) ASTM F1155–10 (Reapproved 2015), Standard Practice for Selection

and Application of Piping System Materials, May 1, 2015 (“ASTM F1155”); IBR approved for §§ 56.50–60, 56.50–105, 56.60–1, 56.60–15.

(53) ASTM F1172–88 (Reapproved 2015), Standard Specification for Fuel Oil Meters of the Volumetric Positive Displacement Type, May 1, 2015 (“ASTM F1172”); IBR approved for § 56.60–1.

(54) ASTM F1173–01 (Reapproved 2018), Standard Specification for Thermosetting Resin Fiberglass Pipe and Fittings to be Used for Marine Applications, March 1, 2018 (“ASTM F1173”); IBR approved for § 56.60–1.

(55) ASTM F1199–88 (Reapproved 2015), Standard Specification for Cast (All Temperatures and Pressures) and Welded Pipe Line Strainers (150 psig and 150 °F Maximum), May 1, 2015 (“ASTM F1199”); IBR approved for § 56.60–1.

(56) ASTM F1200–88 (Reapproved 2016), Standard Specification for Fabricated (Welded) Pipe Line Strainers (Above 150 psig and 150 °F), September 1, 2016 (“ASTM F1200”); IBR approved for § 56.60–1.

(57) ASTM F1201–88 (Reapproved 2016), Standard Specification for Fluid Conditioner Fittings in Piping Applications above 0 °F, September 1, 2016 (“ASTM F1201”); IBR approved for § 56.60–1.

(58) ASTM F1387–19, Standard Specification for Performance of Mechanically Attached Fittings, September 15, 2019 (“ASTM F1387”); IBR approved for § 56.30–25.

(59) ASTM F1476–07 (Reapproved 2013), Standard Specification for Performance of Gasketed Mechanical Couplings for Use in Piping Applications, October 1, 2013 (“ASTM F1476”); IBR approved for § 56.30–35.

(60) ASTM F1548–01 (Reapproved 2018), Standard Specification for the Performance of Fittings for Use with Gasketed Mechanical Couplings Used in Piping Applications, March 1, 2018 (“ASTM F1548”); IBR approved for § 56.30–35.

(d) *Expansion Joint Manufacturers Association Inc. (EJMA)*, 25 North Broadway, Tarrytown, NY 10591, www.ejma.org/.

(1) Standards of the Expansion Joint Manufacturers Association, 10th Edition, July 1, 2015; IBR approved for § 56.60–1.

(2) [Reserved]

(e) *Fluid Controls Institute Inc. (FCI)*, 1300 Sumner Avenue, Cleveland, Ohio 44115, www.fluidcontrolsintstitute.org.

(1) FCI 69–1 Pressure Rating Standard for Steam Traps, January 1, 2017 (“FCI 69–1”); IBR approved for § 56.60–1.

(2) [Reserved]

(f) *International Maritime Organization (IMO Publications Section)*, 4 Albert Embankment, London SE1 7SR, United Kingdom, +44 (0) 20 7735 7611, www.imo.org.

(1) Resolution A.753(18) Guidelines for the Application of Plastic Pipes on Ships, adopted on 4 November 1993 (“IMO Resolution A.753(18)”; IBR approved for § 56.60–25.

(2) Resolution MSC.313(88), Amendments to the Guidelines for the Application of Plastic Pipes on Ships, adopted 26 November 2010 (“IMO Resolution MSC.313(88)”; IBR approved for § 56.60–25.

(3) The International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS); IBR approved for § 56.50–50.

(g) *International Organization for Standardization (ISO)*, Case Postal 56, CH–1211 Geneva 20 Switzerland, www.iso.org.

(1) ISO 15540:2016(E) Ships and Marine Technology—Fire resistance of non-metallic hose assemblies and non-metallic compensators—Test methods, 2nd Edition, July 15, 2016 (“ISO 15540”); IBR approved for § 56.60–25.

(2) [Reserved]

(h) *Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS)*, 127 Park Street NE, Vienna, VA 22180–4601, www.msshq.org.

(1) MSS SP–6–2017, Standard Finishes for Contact Faces of Pipe Flanges and Connecting-End Flanges of Valves and Fittings, January 2017 (“MSS SP–6”); IBR approved for §§ 56.25–10, 56.60–1.

(2) MSS SP–9–2013, Spot Facing for Bronze, Iron and Steel Flanges, January 1, 2013 (“MSS SP–9”); IBR approved for § 56.60–1.

(3) ANSI/MSS SP–25–2018, Standard Marking System for Valves, Fittings, Flanges and Unions, March 2018 (“MSS SP–25”); IBR approved for §§ 56.15–1, 56.20–5, 56.60–1.

(4) MSS SP–45–2003, Bypass and Drain Connections, 2003 (“MSS SP–45”); IBR approved for §§ 56.20–20, 56.60–1.

(5) MSS SP–51–2012, Class 150LW Corrosion Resistant Flanges and Cast Flanged Fittings, January 1, 2012 (“MSS SP–51”); IBR approved for § 56.60–1.

(6) MSS SP–53–2012, Quality Standard for Steel Castings and Forgings for Valves, Flanges, Fittings, and Other Piping Components—Magnetic Particle Examination Method, January 2012 (“MSS SP–53”); IBR approved for § 56.60–1.

(7) ANSI/MSS SP–55–2011, Quality Standard for Steel Castings for Valves, Flanges, Fittings and Other Piping

Components—Visual Method for Evaluation of Surface Irregularities, October 2011 (“MSS SP–55”); IBR approved for § 56.60–1.

(8) ANSI/MSS SP–58–2009, Pipe Hangers and Supports—Materials, Design, Manufacture, Selection, Application, and Installation, 2009 (“MSS SP–58”); IBR approved for § 56.60–1.

(9) MSS SP–61–2019, Pressure Testing of Valves, December 2019 (“MSS SP–61”); IBR approved for § 56.60–1.

(i) *SAE International (SAE)*, 400 Commonwealth Drive, Warrendale, PA 15096, 724–776–4841, www.sae.org.

(1) SAE J1475 JUN2014, Hydraulic Hose Fitting for Marine Applications, June 1, 2014 (“SAE J1475”); IBR approved for § 56.60–25.

(2) J1942 MAR2019, Hose and Hose Assemblies for Marine Applications, Reaffirmed March 1, 2019 (“SAE J1942”); IBR approved for § 56.60–25.

§ 56.01–5 [Amended]

■ 129. Amend § 56.01–5 as follows:

■ a. In paragraph (a):

■ i. Remove the text “46 CFR” and add, in its place, the symbol “\$”; and

■ ii. Remove the text “table 56.01–5(a)” and add, in its place, the text “table § 56.01–5(a)”;

■ b. Redesignate table 56.01–5(a) as table § 56.01–5(a);

■ c. Redesignate paragraph (viii)(b) as paragraph (b); and

■ d. In paragraph (c):

■ i. Remove the text “of this chapter”; and

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “\$”.

■ 130. Amend § 56.01–10 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”;

■ b. Revise paragraph (b);

■ c. In the introductory text to paragraphs (c)(1) and (2), paragraph (d)(1), and the introductory text to paragraphs (d)(2) and (3); remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ d. Redesignate paragraph (d–1), (e) and (f) as paragraphs (e), (f), and (g); and

■ e. In newly redesignated paragraph (f), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 56.01–10 Plan approval.

* * * * *

(b) Piping materials and appliances, such as pipe, tubing, fittings, flanges, and valves, except safety relief valves covered in part 162 of subchapter Q (Specifications) of this chapter, are not required to be specifically approved by

the Commandant, but must comply with the applicable requirements for materials, construction, markings, and testing. These materials and appliances must be certified as described in part 50 of this subchapter. Drawings listing material specifications and showing details of welded joints for pressure-containing appurtenances of welded construction must be submitted in accordance with paragraph (a) of this section.

* * * * *

- 131. Amend § 56.04–1 as follows:
 - a. Revise introductory text to § 56.04–1.; and
 - b. Redesignate table 56.04–1 as table § 56.04–1.

The revision reads as follows:

§ 56.04–1 Scope.

Piping is classified as shown in table § 56.04–1.

* * * * *

§ 56.04–2 [Amended]

- 132. Amend § 56.04–2 as follows:
 - a. In the introductory text to § 56.04–2, remove the text “table 56.04–2” and add, in its place, the text “table § 56.04–2”; and
 - b. Redesignate table 56.04–2 as table § 56.04–2.
- 133. Amend § 56.07–5 as follows:
 - a. In the introductory text to paragraph (a), remove the text “46 CFR” and add, in its place, the symbol “\$”;
 - b. Reserve paragraph (a)(1);
 - c. Revise paragraph (c); and
 - d. Remove paragraph (g).

The revision reads as follows:

§ 56.07–5 Definitions (modifies 100.2).

* * * * *

(c) *Schedule*. The word *Schedule* when used in this part generally relates to the wall thickness of piping, and refers to specific values as given in ASME B36.10M and B36.19M (both incorporated by reference; see § 56.01–2).

* * * * *

- 134. Amend § 56.07–10 as follows:
 - a. In paragraph (a)(1), remove the text “46 CFR” and add, in its place, the symbol “\$”;
 - b. In paragraph (a)(2), remove the word “shall” and add, in its place, the word “must”;
 - c. Revise paragraph (b)(1);
 - d. In paragraphs (b)(2) and (3), and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - e. Revise paragraph (d);
 - f. In paragraph (e)(1), remove the text “tables 56.60–1 and” and add, in its place, the text “tables 1 and 2 to § 56.60–1 and table §”;

- g. Revise paragraphs (e)(2) and (3); and
- h. In paragraph (f)(1), remove the word “shall” and add, in its place, the word “must”.

The revisions read as follows:

§ 56.07–10 Design conditions and criteria (modifies 101–104.7).

* * * * *

(b) * * *

(1) Every system which may be exposed to pressures higher than the system’s maximum allowable working pressure must be safeguarded by appropriate relief devices. Relief valves are required at pump discharges except for centrifugal pumps so designed and applied that a pressure in excess of the maximum allowable working pressure for the system cannot be developed.

* * * * *

(d) *Ratings for pressure and temperature (modifies 102.2)*. The material in 102.2 of ASME B31.1 applies, with the following exceptions:

- (1) The details of components not having specific ratings as described in 102.2.2 of ASME B31.1 must be furnished to the Marine Safety Center for approval.
- (2) Boiler blowoff piping must be designed in accordance with § 56.50–40 of this part.

(e) * * *

(2) Allowable stress values, as found in the ASME BPVC, which are restricted in application by footnote or are italicized must not be used. Where multiple stresses are listed for a material, the lowest value of the listing must be used unless otherwise approved by the Commandant. In all cases the temperature is understood to be the actual temperature of the component.

(3) Where the operator desires to use a material not listed, permission must be obtained from the Commandant. Requirements for testing found in § 56.97 may affect design and should be considered. Special design limitations may be found for specific systems. Refer to subpart 56.50 for specific requirements.

* * * * *

§ 56.10–1 [Amended]

- 135. Amend § 56.10–1 as follows:
 - a. In paragraph (a), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - b. In paragraph (b), remove the text “46 CFR” and add, in its place, the symbol “\$”.
- 136. Amend § 56.10–5 as follows:
 - a. In paragraph (a):
 - i. Remove the word “shall” and add, in its place, the word “must”;

- ii. Remove the text “table 56.60–1(a)” and add, in its place, the text “table 1 to § 56.60–1”;
- b. Revise paragraphs (b) and (c)(1) and (2);
- c. In paragraph (c)(3), remove the text “46 CFR” and add, in its place, the symbol “\$”;
- d. Revise paragraph (c)(4); and
- e. In paragraph (c)(5), remove the word “shall” and add, in its place, the word “must”.

The revisions read as follows:

§ 56.10–5 Pipe.

* * * * *

(b) *Ferrous pipe*. ASTM A53/A53M (incorporated by reference, see § 56.01–2) furnace welded pipe must not be used for combustible or flammable liquids within machinery spaces. (See §§ 30.10–15 and 30.10–22 of this chapter for definitions of combustible and flammable liquids.)

* * * * *

(c) * * *

(1) Copper and brass pipe for water and steam service may be used for design pressures up to 250 psig and for design temperatures to 406 °F.

(2) Copper and brass pipe for air may be used in accordance with the allowable stresses of the materials found from table 1 to § 56.60–1.

* * * * *

(4) Copper tubing may be used for instrument service up to 1,000 psig per square inch.

* * * * *

- 137. Amend § 56.15–1 as follows:
 - a. In paragraph (a), add the words “meeting the standards specified in this part and” after the word “fittings”;
 - b. In paragraph (b):
 - i. Remove the text “tables 56.60–1(a) and 56.60–1(b)” and add, in its place, the text “tables 1 and 2 to § 56.60–1”;
 - ii. Remove the words “pounds per square inch gage” and add, in their place, the text “psig”;
 - c. Revise paragraph (c)(2);
 - d. In paragraph (c)(4)(ii)(B), remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”;
 - e. In paragraph (e), remove the text “46 CFR” and add, in its place, the symbol “\$”.

The revision reads as follows:

§ 56.15–1 Pipe joining fittings.

* * * * *

(c) * * *

(2) The maximum allowable working pressure may be determined by—

- (i) Calculations comparable to those of ASME B31.1 (incorporated by reference;

see § 56.01–2) or Section VIII of the ASME BPVC (incorporated by reference; see § 56.01–2);

(ii) Subjecting a representative model to a proof test or experimental stress analysis described in paragraph A–22 of Section I of the ASME BPVC (incorporated by reference; see § 56.01–2); or

(iii) Other means specifically accepted by the Marine Safety Center.

* * * * *

■ 138. Revise § 56.15–5 to read as follows:

§ 56.15–5 Fluid-conditioner fittings.

(a) Fluid-conditioner fittings meeting the standards of this part and certified in accordance with subpart 50.25 of this subchapter are acceptable for use in piping systems.

(b) Fluid-conditioner fittings made in accordance with the applicable standards listed in table 2 to § 56.60–1 of this part and of materials complying with subpart 56.60 of this part, may be used within the material, size, fluid, pressure, and temperature limitations of those standards and within any further limitations specified in this subchapter.

(c) The maximum allowable working pressure may be determined in accordance with § 56.15–1(c) of this part.

(d) If welded, nonstandard fluid-conditioner fittings must be welded in accordance with subpart 56.70 of this part and part 57 of this chapter or by other processes specifically approved by the Marine Safety Center.

(e) Heat exchangers having headers and tubes, and brazed boiler steam air heaters, are not considered fluid-conditioner fittings and must meet the requirements in part 54 of this chapter regardless of size. For brazed boiler steam air heaters, see also § 56.30–30(b)(1) of this part.

§ 56.15–10 [Amended]

■ 139. Amend § 56.15–10 as follows:

■ a. Remove paragraph (a);

■ b. Redesignate paragraphs (b) and (c) as paragraphs (a) and (b); and

■ c. In newly redesignated paragraph (a), remove the text “table 56.60–1(b)” and add, in its place, the text “table 2 to § 56.60–1”.

■ 140. Amend § 56.20–1 as follows:

■ a. In paragraph (c)(1), remove the text “pressure-containing”;

■ b. Revise paragraphs (c)(2) and (3); and

■ c. Remove paragraph (d).

The revisions read as follows:

§ 56.20–1 General.

* * * * *

(c) * * *

(2) The maximum allowable working pressure may be determined by § 56.15–1(c)(2) of this part.

(3) Valves must be tested in accordance with the requirements of the applicable incorporated standard or § 56.97 of this part.

* * * * *

■ 141. Revise § 56.20–5 to read as follows:

§ 56.20–5 Marking (modifies 107.2).

Each valve marking must be in accordance with MSS SP–25 (incorporated by reference; see § 56.01–2).

§ 56.20–7 [Amended]

■ 142. In § 56.20–7, reserve paragraph (b).

■ 143. Revise § 56.20–9 to read as follows:

§ 56.20–9 Valve construction.

(a) Each valve must close with a right-hand (clockwise) motion of the handwheel or operating lever as seen by one facing the end of the valve stem. Each nonrising-stem valve, lever-operated valve, or other valve where, because of design, the position of the disc or closure mechanism is not obvious must be fitted with an indicator to show whether the valve is opened or closed. No such indicator is required for any valve located in a tank or similar inaccessible space when indicators are available at accessible sites. The operating levers of quarter-turn valves must be parallel to the fluid flow when open and perpendicular to the fluid flow when closed.

(b) Valves of Class I piping systems having diameters exceeding 2 inches must have bolted, pressure seal, or breech lock bonnets and flanged or welding ends. Socket type welding ends must meet § 56.30–5(c) and § 56.30–10(b)(4). For diameters not exceeding 2 inches, screwed union bonnet or bolted bonnet, or bonnetless valves which prevent the stem from screwing out of the body may be employed. Outside screw and yoke design must be used for valves 3 inches and larger for pressures above 600 psig. Cast iron valves with screwed-in or screwed-over bonnets are prohibited. Union bonnet type cast iron valves must have the bonnet ring made of steel, bronze, or malleable iron.

(c) Valves must be designed for the maximum pressure to which they may be subjected, but in no case must the design pressure be less than 50 psig. The use of wafer type resilient seated valves is subject to the requirements of § 56.20–15.

(d) Disks or disk faces, seats, stems and other wearing parts of valves must

be made of material possessing corrosion and heat-resisting qualities suitable for the service conditions to which they may be subjected.

(e) Plug cocks must be constructed with satisfactory and positive means of preventing the plug from becoming loosened or removed from the body when the plug is operated.

(f) Cocks must be marked in a straight line with the body to indicate whether they are open or closed.

■ 144. Revise § 56.20–15 to read as follows:

§ 56.20–15 Valves employing resilient material.

(a) A valve in which the closure is accomplished by resilient nonmetallic material instead of a metal to metal seat must comply with the design, material, construction and testing for valves specified in this section.

(b) Valves employing resilient material are divided into three categories: Positive shutoff, Category A, and Category B, and must be tested and used as follows:

(1) *Positive shutoff valves.* The closed valve must pass less than 10 ml/hr (0.34 fluid oz/hr) of liquid, or less than 3 l/hr (0.11 cubic ft/hr) of gas per inch nominal pipe size through the line at full rated pressure after being subjected to the fire test requirements of API 607 (incorporated by reference; see § 56.01–2). Packing material must be fire resistant. Piping subject to internal head pressure from a tank containing oil must be fitted with positive shutoff valves located at the tank in accordance with § 56.50–60(d). Positive shutoff valves may be used in any location in lieu of a Category A or Category B valve.

(2) *Category A valves.* Category A valves may be used in any location except where positive shutoff valves are required by § 56.50–60(d). To be qualified as a Category A valve, the valve must meet the fire test and leakage requirements of API 607.

(i) Category A valves are required at vital piping system manifolds;

(ii) Category A valves must be used in isolation valves in cross-connects between two piping systems, at least one of which is a vital system, where failure of the valve in a fire would prevent the vital system(s) from functioning as designed; and

(iii) Category A valves must be used for valves providing closure for any opening in the shell of the vessel.

(3) *Category B valves.* The closed valve will not provide effective closure of the line or will permit appreciable leakage from the valve after the resilient material is damaged or destroyed.

Category B valves are not required to be

tested and may be used in any location except where a Category A or positive shutoff valve is required.

(c) Resiliently seated valves previously accepted by the Commandant or the Marine Safety Center may continue to be used within the service restrictions of their acceptance.

§ 56.20–20 [Amended]

- 145. Amend § 56.20–20 as follows:
 - a. In paragraph (a):
 - i. Remove the word “shall” and add, in its place, the word “must”; and
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “\$”; and
 - b. Remove paragraph (c).
- 146. Revise § 56.25–5 to read as follows:

§ 56.25–5 Flanges.

Each flange must conform to the design requirements of either the applicable standards of table 2 to § 56.60–1, or of those of Appendix 2 of Section VIII of the ASME BPVC (incorporated by reference; see § 56.01–2). Plate flanges must meet the requirements of § 56.30–10(b)(5). Flanges may be integral or may be attached to pipe by threading, welding, brazing, or other means within the applicable standards specified in table 2 to § 56.60–1.

- 147. Revise § 56.25–10 to read as follows:

§ 56.25–10 Flange facings.

Flange facings must be in accordance with the applicable standards listed in table 2 to § 56.60–1 and MSS SP–6 (incorporated by reference; see § 56.01–2).

§ 56.25–15 [Amended]

- 148. Amend § 56.25–15 as follows:
 - a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”;
 - b. In paragraph (b), remove the text “table 56.60–1(b) of this part” and add, in its place, the text “table 2 to § 56.60–1”; and
 - c. In paragraph (c), remove the words “pounds per square inch” and add, in their place, the text “psig”.
- 149. Amend § 56.25–20 as follows:
 - a. In the introductory text to paragraph (a), remove the subject heading;
 - b. Revise paragraphs (a)(1), (b), (c), and (d); and
 - c. In paragraph (e), remove the word “shall” and add, in its place, the word “must”.

The revisions read as follows:

§ 56.25–20 Bolting.

(a) * * *

(1) Bolts, studs, nuts, and washers must comply with applicable standards and specifications listed in § 56.60–1. Bolting must be in accordance with ASME B16.5 (incorporated by reference; see § 56.01–2).

* * * * *

(b) Carbon steel bolts or bolt studs may be used if operating pressure does not exceed 300 psig and the operating temperature does not exceed 400 °F. Carbon steel bolts must have heavy hexagon heads in accordance with ASME B18.2.1 (incorporated by reference, see § 56.01–2) and must have heavy semifinished hexagonal nuts in accordance with ASME B18.2.2 (incorporated by reference, see § 56.01–2).

(c) Alloy steel stud bolts must be threaded full length and use heavy semifinished hexagonal nuts in accordance with ASME B18.2.2.

(d) Alloy bolts or studs and nuts are to be threaded in accordance with ASME B1.1 (incorporated by reference; see § 56.01–2), Class 2A external threads, and Class 2B internal threads (8-thread series 8UN for one inch and larger).

* * * * *

§ 56.30–3 [Amended]

- 150. In § 56.30–3, remove the word “shall” wherever it appears and add, in its place, the word “must”.
- 151. Amend § 56.30–5 as follows:
 - a. In paragraphs (b)(1) and (2), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - b. In paragraph (b)(3), remove the text “46 CFR” and add, in its place, the symbol “\$”;
 - c. Revise paragraph (c);
 - d. In paragraph (d), remove the first sentence; and
 - e. In paragraph (e), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 56.30–5 Welded joints.

* * * * *

(c) *Socket welds (Modifies 127.3.3A.)*
 (1) Each socket weld must conform to ASME B16.11 (incorporated by reference; see § 56.01–2), to applicable standards listed in table 2 to § 56.60–1, and to Figure 127.4.4C in ASME B31.1 (incorporated by reference; see § 56.01–2) as modified by § 56.30–10(b)(4).

(2) Restrictions on the use of socket welds appear in § 56.70–15(d)(3) for Class I service and in § 56.50–105 for low temperature service. See § 56.70–15(d)(4) for Class II service.

* * * * *

- 152. Amend § 56.30–10 as follows:

- a. Revise the introductory text to paragraph (b);
- b. In paragraph (b)(1), remove the text “Figure 56.30–10(b)” and add, in its place, the text “Figure § 56.30–10(b)”; and ii. Remove the text “46 CFR 56.30–20, table ” and add, in its place, the text “table \$”;
- c. Revise paragraphs (b)(2) through (7);
- d. In paragraph (b)(8):
 - i. Revise the subject heading;
 - ii. Remove the text “Figure 56.30–10(b)” and add, in its place, the text “figure § 56.30–10(b)”; and
 - iii. remove the text “46 CFR” and add, in its place, the symbol “\$”;
- e. In paragraph (b)(9):
 - i. Revise the subject heading; and
 - ii. Remove the text “Figure 56.30–10(b)” and add, in its place, the text “figure § 56.30–10(b)”; and
- f. Revise paragraphs (b)(10) through (12);
- g. In paragraph (b)(13),
 - i. Revise the subject heading; and
 - ii. Remove the text “Figure 56.30–10(b)” and add, in its place, the text “figure § 56.30–10(b)”; and
- h. Revise paragraph (b)(14);
- i. In paragraph (b)(13):
 - i. Revise the subject heading;
 - ii. Remove the text “Figure 56.30–10(b)” and add, in its place, the text “figure § 56.30–10(b)”; and
- j. Designate the figure immediately following paragraph (b) as figure § 56.30–10(b) and redesignate note to Figure 56.30–10(b) as note 1 to figure § 56.30–10(b).

The revisions read as follows:

§ 56.30–10 Flanged joints (modifies 104.5.1(a)).

* * * * *

(b) Flanges may be attached by any method shown in figure § 56.30–10(b) or by any means approved by the Marine Safety Center. Pressure temperature ratings of the appropriate ASME standard must not be exceeded.

(1) *Figure § 56.30–10(b), Method 1.* * * *

(2) *Figure § 56.30–10(b), Method 2.*
 ASME B16.5 (incorporated by reference; see § 56.01–2) Class 150 and Class 300 low-hubbed flanges with screw threads, plus the addition of a strength fillet weld of the size as shown, may be used in Class I systems not exceeding 750 °F or 4 NPS, in Class II systems, and in Class II–L systems not exceeding 1 NPS. If 100 percent radiography is required by § 56.95–10 threaded flanges are not permitted and butt welding flanges must be provided.

(3) *Figure § 56.30–10(b), Method 3.*
 Slip-on flanges meeting ASME B16.5 may be used in piping systems of Class

I, Class II, or Class II-L not to exceed the service pressure-temperature ratings, and not to exceed 4-inch Nominal Pipe Size (NPS) in systems of Class I and Class II-L. If 100 percent radiography is required by § 56.95-10, slip-on flanges are not permitted and butt-welding flanges are required. Restrictions on the use of slip-on flanges appear in § 56.50-105 for low-temperature piping systems.

(4) *Figure § 56.30-10(b), Method 4.* ASME B16.5 socket welding flanges may be used in Class I or II-L systems not exceeding 3 NPS for class 600 and lower class flanges and 21/2NPS for class 900 and class 1500 flanges within the service pressure-temperature ratings of the standard. Whenever full radiography is required by § 56.95-10 socket welding flanges are not permitted and a butt weld type connection must be provided. For Class II piping, socket welding flanges may be used without diameter limitation. Restrictions on socket welds appear in § 56.50-105 for low temperature piping systems.

(5) *Figure § 56.30-10(b), Method 5.* Flanges fabricated from steel plate meeting the requirements of part 54 of this chapter may be used for Class II piping for pressures not exceeding 150 psig per square inch and temperatures not exceeding 450 °F. Plate material listed in UCS-6(b) of Section VIII of the ASME BPVC (incorporated by reference; see § 56.01-2) may not be used in this application, except that material meeting ASTM A36/A36M (incorporated by reference; see § 56.01-2) may be used. The fabricated flanges must conform at least to the ASME B16.5 class 150 flange dimensions.

(6) *Figure § 56.30-10 (b), Method 6.* Steel plate flanges meeting the material and construction requirements listed in paragraph (b)(5) of this section may be used for Class II piping for pressures not exceeding 150 psig or temperatures not exceeding 650 °F. The flange must be attached to the pipe as shown by figure § 56.30-10(b), Method 6.

(7) *Figure § 56.30-10 (b), Method 7.* Lap joint flanges (Van Stone) may be used for Class I and Class II piping. The ends of the pipe must be heated from 1,650° to 1,900 °F based on the size of the pipe. Extra thickness of metal built up in the end of the pipe must be machined to restore the pipe to its original diameter. The width of the lap flange must be at least three times the thickness of the pipe wall and the end of the pipe must be properly stress relieved after the flanging operation is completed. Manufacturers desiring to produce this type of joint must demonstrate to a marine inspector that they have the proper equipment and

personnel to produce an acceptable joint.

(8) *Figure § 56.30-10(b), Method 8.* * * *

(9) *Figure § 56.30-10(b), Method 9.* * * *

(10) *Figure § 56.30-10 (b), Method 10.* Flanges may be attached by shrinking the flange on to the end of the pipe and flaring the end of the pipe to an angle of not less than 20°. A fillet weld of the size shown by figure § 56.30-10(b), Method 10, must be used to attach the hub to the pipe. This flange is limited to a pressure of 300 psig and a temperature not exceeding of 500 °F.

(11) *Figure § 56.30-10(b), Method 11.* The flange of the type described and illustrated by figure § 56.30-10(b), Method 10, except with the fillet weld omitted, may be used for Class II piping not exceeding 150 psig and temperatures not exceeding 450 °F.

(12) *Figure § 56.30-10(b), Method 12.* High-hub bronze flanges may be used for temperatures not exceeding 425 °F. A preinserted ring of silver brazing alloy having a melting point not less than 1,000 °F must be inserted into the groove. A suitable flux must be applied to the surfaces to be joined to produce a satisfactory joint.

(13) *Figure § 56.30-10(b), Method 13.* * * *

(14) *Figure § 56.30-10(b), Method 14.* Flanges may be attached to nonferrous pipe by inserting the pipe in the flange and flanging the end of the pipe into the recess machined in the face of the flange to receive it. The pipe must be securely brazed to the wall of the flange.

(15) *Figure § 56.30-10(b), Method 15.* * * *

* * * * *

■ 153. Amend § 56.30-20 as follows:

■ a. In paragraph (b):

■ i. Remove the text “Reproduces” and add, in its place, the text “Modifies”; and

■ ii. Remove the text “46 CFR 56.60-1, table 56.60-1(b)” and add, in its place, the text “table 2 to § 56.60-1”;

■ b. In paragraph (c), remove the text “table 56.30-20(c)” and add, in its place, the text “table § 56.30-20(c)”;

■ c. Redesignate table 56.30-20(c) as table § 56.30-20(c);

■ d. In note 2 to newly redesignated table § 56.30-20(c) remove the text “when commercially available components such as pumps, valves and strainers may only be obtained with threaded connections”; and

■ e. Revise paragraph (d).

The revision reads as follows:

§ 56.30-20 Threaded joints.

* * * * *

(d) No pipe with a wall thickness less than that of standard weight of ASME

B36.10M (incorporated by reference; see § 56.01-2) steel pipe may be threaded. For restrictions on the use of pipe in steam service more than 250 psig or water service over 100 psig and 200 °F (938C), see part 104.1.2(c)(1) of ASME B31.1 (incorporated by reference; see § 56.01-2).

§ 56.30-25 [Amended]

■ 154. Amend § 56.30-25 as follows:

■ a. In paragraph (a):

■ i. Remove the text “F 1387” and add, in its place, the text “F1387”; and

■ ii. Remove the words “as long as they are maintained in good condition”; and

■ b. In paragraph (d), remove the words “or reducing the wall thickness”.

§ 56.30-27 [Amended]

■ 155. Amend § 56.30-27 by removing the words “in marine installations”.

■ 156. Amend § 56.30-30 by revising paragraphs (a) and (b)(1) to read as follows:

§ 56.30-30 Brazed joints.

(a) *General (refer also to subpart 56.75).* The minimum socket depth must be sufficient for the intended service. Brazing alloy must either be end-fed into the socket or must be provided in the form of a preinserted ring in a groove in the socket. The brazing alloy must be sufficient to fill completely the annular clearance between the socket and the pipe or tube.

(b) * * *(1) Brazed socket-type joints must not be used on systems containing flammable or combustible fluids in areas where fire hazards are involved or where the service temperature exceeds 425 °F. Higher temperature service must be approved by the Commandant.

* * * * *

§ 56.30-35 [Amended]

■ 157. Amend § 56.30-35 as follows:

■ a. In paragraph (a):

■ i. Remove the text “F 1476” and add, in its place, the text “F1476”;

■ ii. Remove the text “F 1548” and add, in its place, the text “F1548”; and

■ iii. Remove the words “as long as they are maintained in good condition”; b. In paragraph (b)(1), remove the words “disable the vessel” and add, in their place, the word “occur”; and

■ c. In paragraph (c), remove the words “do not provide positive protection against creep and”.

■ 158. Amend § 56.30-40 as follows:

■ a. Revise paragraph (b);

■ b. Remove paragraph (c);

■ c. Redesignate paragraphs (d) through (h) as paragraphs (c) through (g);

■ d. In newly redesignated paragraph (c), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ e. In newly redesignated paragraph (d), remove the text “table 56.60–1(b) of this part” and add, in its place, the text “table 2 to § 56.60–1”;

■ f. Revise newly redesignated paragraph (e); and

■ g. In newly redesignated paragraphs (f) and (g), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revisions read as follows:

§ 56.30–40 Flexible pipe couplings of the compression or slip-on type.

* * * * *

(b) Positive means must also be provided to prevent the coupling from “creeping” on the pipe and uncovering the joint. Bite type devices are not generally accepted for this purpose. Machined grooves or centering pins are considered positive means.

* * * * *

(e) Flexible couplings must not be used in cargo holds or in any other space where leakage, undetected flooding, or impingement of liquid on vital equipment may occur, or in tanks where the liquid conveyed in the piping system is not compatible with the liquid in the tank.

* * * * *

■ 159. Amend § 56.35–1 as follows:

■ a. Revise paragraph (a); and

■ b. In paragraph (b), remove the text “46 CFR” wherever it appears and add, in its place, the symbol “§”.

The revision reads as follows:

§ 56.35–1 Pipe stress calculations (replaces 119.7).

(a) A summary of the results of pipe stress calculations for the main and auxiliary steam piping where the design temperatures exceed 800 °F must be submitted for approval. Calculations must be made in accordance with a method of stress analysis acceptable to the Marine Safety Center to determine the forces at all terminal connections, anchor and junction points, as well as the resultant bending stress, longitudinal pressure stress, torsional stress, and combined expansion stress at all such points. The location of the maximum combined stress must be indicated in each run of pipe between anchor points.

* * * * *

§ 56.35–10 [Amended]

■ 160. Amend § 56.35–10 as follows:

■ a. Remove paragraph (a);

■ b. Redesignate paragraph (b) as paragraph (a) and reserve new paragraph (b); and

■ c. In newly redesignated paragraph (a):

■ i. Remove the word “piping”; and

■ ii. Remove the text “table 56.60–1(b) of this part” and add, in its place, the text “table 2 to § 56.60–1”.

■ 161. Revise § 56.35–15 to read as follows:

§ 56.35–15 [Amended]

Metallic expansion joints must conform to the standards listed in table 2 to § 56.60–1 and may be used within their specified pressure and temperature rating.

■ 162. Revise § 56.50–1 to read as follows:

§ 56.50–1 General (replaces 122).

The requirements in this subpart for piping systems apply in addition to those in Section 122 of ASME B31.1 (incorporated by reference; see § 56.01–2). The following installation requirements are applicable to all systems:

(a) Where pipes and scuppers are carried through watertight or oiltight bulkheads, decks or tank tops, or are carried through fire control bulkheads and decks, the integrity of the structure must be maintained. Lead or other heat sensitive materials must not be used in piping systems in bulkhead or deck penetrations where fire would impair the integrity of the penetration. (For nonmetallic or plastic pipe installations, see § 56.60–25(a).) Openings in structure through which pipes pass must be reinforced where necessary. Metallic materials having a melting point of 1,700 °F or less are considered heat sensitive and if used must be suitably insulated.

(b)(1) Pipes piercing the collision bulkhead must be fitted with valves operable from above the bulkhead deck and the valve must be fitted inside the forepeak tank adjacent to the collision bulkhead. The pipe penetrating the collision bulkhead must be welded to the bulkhead on both sides. The valve body must be of steel or ductile cast iron.

(2) Passenger vessels must not have the collision bulkhead pierced below the margin line by more than one pipe conveying liquids in the forepeak tank.

(c) Valves and cocks not forming part of a piping system are not permitted in watertight subdivision bulkheads. However, sluice valves or gates in oiltight bulkheads of tankships may be used if approved by the Marine Safety Center.

(d) Piping must generally not be run over switchboards, and must be installed as far away from other electrical equipment as practicable. When such leads are necessary, provision must be made to prevent leakage from damaging the equipment.

(e) Stuffing boxes must not be used on deep tank bulkheads, double bottoms or in any position where they cannot be easily examined. This requirement does not apply to ore carriers operating on the Great Lakes or cargo lines of oil tankers.

(f) Piping systems must be installed so that under no condition will the operation of safety or relief valves be impaired.

(g)(1) Power actuated valves may be used if approved for the system by the Marine Safety Center. All power actuated valves must have a backup manual means of operation.

(2)(i) Remote valve controls must be fitted with nameplates describing the applicable system.

(ii) Remote valve controls must be accessible under normal service conditions.

(iii) Remote valve controls, except reach rods, must be fitted with indicators that show whether the valves they control are open or closed. Valve position indicating systems must be independent of valve control systems.

(iv) Valve reach rods must be adequately protected.

(v) Solid reach rods must be used in tanks containing liquids, except that reach rods of constructed of extra-heavy pipe may be considered acceptable by the OCMI.

(3) Air-operated remote control valves must be provided with self-indicating lines at the control boards that indicate the desired valve positions, such as open or closed.

(h) Suitable drains must be provided at low points of piping systems.

(i) Valves and cocks must be easily accessible. Valves attached to the shell of the vessel or to sea chests located below deck plating must be operable from above the deckplates.

(j) When welded fabrication is employed, a sufficient number of detachable joints must be provided to facilitate maintenance of machinery.

(k) Piping systems used where the fluid temperature exceeds 150 °F must be suitably insulated as necessary to preclude injury to personnel.

(l) Where pipes are run through dry cargo spaces they must be protected from mechanical injury by a suitable enclosure or other means.

■ 163. Amend § 56.50–10 by revising paragraph (b) to read as follows:

§ 56.50–10 Special gauge requirements.

* * * * *

(b) Fuel oil service and transfer, fire, cargo and boiler feed pumps must be provided with a discharge pressure gage. Additional information pertaining to fire pumps is in § 34.10–5 of

subchapter D (Tank Vessels), § 76.10–5 of subchapter H (Passenger Vessels), § 95.10–5 of subchapter I (Cargo and Miscellaneous Vessels), and § 108.417 of subchapter IA (Mobile Offshore Drilling Units), all of this chapter.

- 164. Amend § 56.50–15 as follows:
 - a. In paragraph (a), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - b. Revise paragraphs (b) and (c);
 - c. In paragraph (d), remove the word “shall” and add, in its place, the word “must”;
 - d. Revise paragraphs (f), (g), (h)(2) and (3), and (i);
 - e. In paragraph (j), remove the word “shall” and add, in its place, the word “must”; and
 - f. Revise paragraph (k).

The revisions read as follows:

§ 56.50–15 Steam and exhaust piping.

* * * * *

(b) Main superheater outlet piping systems, desuperheated piping systems, and other auxiliary superheated piping systems led directly from the boiler superheater must be designed for a pressure not less than the pressure at which the superheater safety valve is set. In the case of a superheated safety valve which is drum pilot actuated, the design pressure of such piping systems must not be less than the pressure setting of the actuator valve on the drum. Valves and fittings must be selected for the above systems from the accepted standards in table 1 to 56.60–1, using the pressure-temperature rating in the standard.

(c) Steam stop valves in sizes exceeding 6 inches must be fitted with bypasses.

* * * * *

(f) The auxiliary steam piping of each vessel equipped with more than one boiler must be so arranged that steam for the whistle and vital auxiliary systems may be supplied from any power boiler.

(g) Steam and engine exhaust pipes must not be led through coal bunkers or dry cargo spaces.

(h) * * *

(2) The pressure in steam heating systems must not exceed 150 psig, and the steam pressure for accommodation and public space heating must not exceed 45 psig.

(3) Steam lines must be suitably located and shielded to minimize hazards to any personnel within the space.

* * * * *

(i) Where the exhaust side of machinery is not designed for the full inlet pressure, the exhaust side must be protected from over pressure by one of the following means:

(1) A relief valve in the exhaust side with appropriate set pressure and sufficient capacity to prevent the exhaust side from overpressure.

(2) A sentinel valve or other warning device fitted on the exhaust side, together with a trip device, which will close the inlet valve.

* * * * *

(k) Means must be provided for draining every steam pipe in which water hammer might occur.

■ 165. Amend § 56.50–20 as follows:

- a. Revise paragraph (a);
- b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”; and
- c. In paragraph (c), remove the words “specifically provided for in other regulations or as”.

The revision reads as follows:

§ 56.50–20 Pressure relief piping.

(a) General. There must be no intervening stop valves between the pressure vessel or piping system being protected and its protective device or devices, except as authorized by the Marine Safety Center.

* * * * *

■ 166. Revise § 56.50–25 to read as follows:

§ 56.50–25 Safety and relief valve escape piping.

(a) Escape piping from safety valves must have an area of not less than that of the combined areas of the outlets of all valves discharging thereto and must be led as near vertically as practicable to the atmosphere.

(b) Expansion joints or flexible pipe connections must be fitted in escape piping. The piping must be adequately supported so that no stress is transmitted to the safety valve body.

(c) Safety or relief valve discharges, when permitted to terminate in the machinery space, must be led below the floorplates or to a remote position.

(d) The back pressure effect of the escape piping on the operation of the relief device must be considered.

■ 167. Amend § 56.50–30 as follows:

- a. In paragraph (a)(1), remove the word “shall” wherever it appears and add, in its place, the word “must”;
- b. Revise paragraphs (a)(3) and (4), and (b), the subject heading to paragraph (c), and paragraphs (c)(1) and (2);
- c. In the introductory text to paragraph (d), remove the word “shall” and add, in its place, the word “must”;
- d. Revise paragraphs (d)(1) and (2);
- e. In paragraph (d)(3) and the introductory text to paragraph (e), remove the word “shall” wherever it appears and add, in its place, the word “must”;

- f. Revise paragraph (e)(1);
- g. In paragraph (e)(2), remove the word “shall” wherever it appears and add, in its place, the word “must”; and
- h. Revise paragraph (f).

The revisions read as follows:

§ 56.50–30 Boiler feed piping.

(a) * * *

(3) Feed discharge piping from the pump up to, but not including the required stop and stop-check valves, must be designed for either the feed pump relief valve setting or the shutoff head of the pump if a relief valve is not fitted. (Refer to § 56.07–10(b) for specific requirements.) Feed piping from the boiler, to and including the required stop and stop-check valves (see paragraph (b) of this section), must have a design pressure which exceeds the maximum allowable working pressure of the boiler by either 25 percent or 225 psig, whichever is less. The value of allowable stress for design purposes must be selected as described in § 56.07–10(e) at a temperature not below that for saturated steam at the maximum allowable working pressure of the boiler.

(4) Feed pumps for water tube boilers must have freshwater connections only.

(b) *Feed valves.* (1) Stop and stop-check valves must be fitted in the main feed line and must be attached as closely as possible to drum inlets or to the economizer inlet.

(2) Auxiliary feed lines must be fitted with stop valves and stop-check valves.

(3) Boilers fitted with economizers must have a check valve fitted in the economizer discharge and located as close as possible to the drum feed inlet nozzle.

(c) *Feed water regulators and heaters.* (1) Where feed water regulators or feed water heaters are installed, an alternate means of operation with these devices bypassed must be provided.

(2) All feed water regulators installed in a unit feed system must be fitted with an external bypass.

* * * * *

(d) * * *

(1) Vessels having a feed pump attached to the main propulsion unit must be provided with at least one independently driven feed pump. Each of these pumps must be used exclusively for feed purposes and must be capable of supplying the operating boilers at their normal capacity. In addition, a second independently driven pump, capable of supplying such boilers at 75 percent of their normal capacity, must be provided.

(2) If two independently driven pumps are provided, each capable of supplying the boilers at their normal required operating capacity, and neither pump is used for other purposes, the third or emergency feed pump is not required.

* * * * *

(e) * * *

(1) The unit feed system may be used on vessels having two or more boilers. When the unit feed system is employed each boiler must have its own independently driven main feed pump capable of supplying the boiler at its normal operating capacity. In addition, there must be an auxiliary independent feed pump of the same capacity that can be operated in place of and in conjunction with the main feed pump. In vessels with three or more boilers, not more than two boilers may be served by any one auxiliary pump. The auxiliary pump may be so interconnected that any pump can feed any boiler.

* * * * *

(f) *Feedwater*. The feedwater must be introduced into a boiler as required by § 52.01–105(d) of this subchapter.

■ 168. Revise § 56.50–35 to read as follows:

§ 56.50–35 Condensate pumps.

Two means must be provided for discharging the condensate from the main condenser, one of which must be independent of the main propelling machinery.

■ 169. Amend § 56.50–40 as follows:

■ a. In paragraph (a)(1), remove the text “46 CFR” and add, in its place, the symbol “§”;

■ b. In paragraph (a)(2), remove the word “shall” and add, in its place, the word “must”;

■ c. Revise paragraph (b);

■ d. In paragraph (c), remove the word “shall” and add, in its place, the word “must”; and

■ e. Revise paragraph (d).

The revisions read as follow:

§ 56.50–40 Blowoff piping (replaces 122.1.4).

* * * * *

(b) Blowoff must be designed for not less than 125 percent of the maximum allowable working pressure of the boiler, or the maximum allowable working pressure of the boiler plus 225 psig, whichever is less. The value of allowable stress for design purposes must be selected as described in § 56.07–10(e) at a temperature not below that of saturated steam at the maximum allowable working pressure of the boiler.

* * * * *

(d) Globe valves must not be used for blowoff service.

§ 56.50–45 [Amended]

■ 170. Amend § 56.50–45 as follows:

■ a. In paragraphs (a) and (b), remove the word “shall” wherever it appears and add, in its place, the word “must”; and

■ b. Remove paragraph (d).

■ 171. Amend § 56.50–50 as follows:

■ a. Revise paragraphs (a), (b), and

(c)(1);

■ b. In paragraph (c)(2), remove the text “SOLAS II–1/21” and add the text “SOLAS Chapter II–1, Regulation 35–1” in its place;

■ c. Revise paragraph (c)(3)(iii);

■ d. In paragraph (c)(3)(iv), remove the words “for both manual operation and repair”;

■ e. In paragraph (c)(3)(vi), remove the text “(O/B/O)”;

■ f. Revise the introductory text to paragraph (d);

■ g. Designate the formula immediately following paragraph (d)(1) as Formula 1 to 56.50–50(d) and the formula immediately following paragraph (d)(2) as Formula 2 to 56.50–50(d), so that they appear immediately following the introductory text to paragraph (d);

■ h. Revise paragraph (d)(1);

■ i. In paragraph (d)(2), remove the text “For branch suction to cargo and machinery spaces:” and add, in its place, the text “The following “where” clause applies to Formulas 1 and 2 to 56.50–50(d):”;

■ j. Designate Notes 1 through 6 as Note 1 to paragraph (d)(2), Note 2 to paragraph (d)(2), Note 3 to paragraph (d)(2), Note 4 to paragraph (d)(2), Note 5 to paragraph (d)(2), and Note 6 to paragraph (d)(2), respectively.

■ k. In paragraph (d)(3), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ l. In paragraphs (d)(4):

■ i. Remove the text “Formulas (1) and (2) of this paragraph” and add, in its place, the text “Formulas 1 and 2 to 56.50–50(d)”;

■ ii. Remove the word “shall” and add, in its place, the word “must”;

■ m. In paragraph (d)(5), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ n. In paragraph (e), remove the text “Formula (2) in paragraph (d)” and add, in its place, the text “Formula 2 to 56.50–50(d)”;

■ o. Revise paragraphs (f)(1) and (2);

■ p. In paragraph (f)(4), remove the word “shall” and add, in its place, the word “must”;

■ q. Revise paragraph (g);

■ r. In paragraph (h), remove the text “Except as allowed by paragraph

(c)(4)(vii) of this section, piping for draining a cargo hold or machinery space must be separate from piping used for filling or emptying any tank where water or oil is carried.”;

■ s. In paragraph (i), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ t. Revise paragraphs (j) and (k);

■ u. In paragraphs (l) and (m), remove the word “shall” wherever it appears and add, in its place, the word “must”; and

■ v. Designate the concluding Note as Note 7 to § 56.50–50.

The additions and revisions read as follows:

§ 56.50–50 Bilge and ballast piping.

(a)(1) The requirements of SOLAS Chapter II–1 regulation 35–1 (incorporated by reference, see § 56.01–2) for passenger and cargo ships are considered equivalent to this section.

(2) All vessels except unmanned barges must be provided with a satisfactory bilge pumping plant capable of pumping from and draining any watertight compartment except for ballast, oil and water tanks. The bilge pumping system must be capable of operation under all practicable conditions after a casualty whether the ship is upright or listed.

(3) Arrangements must be made whereby water in the compartments will drain to the suction pipes. Where piping is led through the forepeak, see § 56.50–1(b).

(4) Where the vessel is to carry flammable liquids with a flashpoint below 23 °C (74 °F) in enclosed cargo spaces, the bilge-pumping system must be designed to ensure against inadvertent pumping of such liquids through machinery spaces.

(5) For vessels constructed on or after June 9, 1995, and on an international voyage, arrangements must meet the requirements of SOLAS Chapter II–1 regulation 35–1 to drain the enclosed cargo spaces on either the bulkhead deck of a passenger vessel or the freeboard deck of a cargo vessel.

(b) Passenger vessels must have provision made to prevent the compartment served by any bilge suction piping from being flooded in the event the pipe is severed or otherwise damaged by collision or grounding in any other compartment. Where the piping is located within one-fifth of the beam of the side of the vessel or is in a duct keel, a nonreturn valve must be fitted to the end of the pipe in the compartment which it serves.

(c)(1) Each bilge suction must lead from a manifold unless otherwise approved by the Marine Safety Center.

As far as practicable, each manifold must be in, or capable of remote operation from, the same space as the bilge pump. In either case, the manifold must be capable of being locally controlled from the floorplates. As far as practicable, each overboard-discharge valve for a bilge system must comply with the requirements governing location and accessibility for suction manifolds. Except as otherwise permitted by paragraph (c)(4) of this section for a vessel employing a common-rail bilge system, each bilge-manifold valve controlling a bilge suction from any compartment must be of the stop-check type.

* * * * *

(3) * * *

(iii) The stop valve or the stop-check valve is power-driven, is capable of remote operation from the space where the pump is, and is capable of manual operation.

* * * * *

(d) The internal diameter of bilge suction pipes including strainers must be determined by Formulas 1 and 2 to 56.50–50(d), except that the nearest commercial size not more than one-fourth inch under the required diameter may be used. * * *

(1) For suctions to each main bilge pump, use Formula 1 to 56.50–50(d). For branch suctions to cargo and machinery spaces, use Formula 2 to 56.50–50(d).

* * * * *

(f) * * *

(1) On passenger vessels propelled by steam and operating on an international voyage or on ocean, coastwise, or Great Lakes routes, the main circulating pump is to be fitted with a direct bilge suction for the machinery space. The diameter of such suctions must not be less than two-thirds the diameter of the main sea

injection. Other independent power pumps in the machinery space may be approved by the Commandant if the main circulating pump is not suitable.

(2) On passenger vessels propelled by internal combustion engines and operating on an international voyage or on ocean, coastwise, or Great Lakes routes, the largest available pump in the engine room is to be fitted with the direct bilge suction in the machinery space. The area of the suction pipe is to be equal to the full suction inlet of the pump.

* * * * *

(g) Each individual bilge suction must be fitted with a suitable strainer having an open area of not less than three times that of the suction pipe. In addition a mud box or basket strainer must be fitted in an accessible position between the bilge suction manifold and the pump.

* * * * *

(j) When dry cargo is to be carried in deep tanks, arrangement must be made for blanking-off the oil and ballast lines. The bilge suctions must be blanked-off when oil or ballast is carried.

(k) Where bilge and ballast piping is led through tanks, except ballast piping in ballast tanks, means must be provided to minimize the risk of flooding of other spaces due to pipe failure. In this regard, such piping may be in a watertight pipe tunnel, or the piping may be of Schedule 80 pipe wall thickness, fitted with expansion bends, with all joints welded. Alternative designs may be approved by the Marine Safety Center. Where a pipe tunnel is installed, the watertight integrity of the bulkheads must be maintained. No valve or fitting may be located within the tunnel if the pipe tunnel is not of sufficient size to afford access.

* * * * *

■ 172. Amend § 56.50–55 as follows:

■ a. In paragraph (a)(1), remove the text “table 56.50–55(a)” and add, in its place, the text “table § 56.50–55(a)”;

■ b. Reserve paragraph (a)(2);

■ c. Redesignate table 56.50–55(a) as table § 56.50–55(a) and revise note 5 to newly redesignated table § 56.50–55(a);

■ d. Revise paragraphs (b)(1) and (2), and (c);

■ e. In paragraph (d), remove the word “shall” and add, in its place, the word “must”;

■ f. In paragraph (e)(1), remove the words “submitted for consideration” and add, in their place, the word “considered”;

■ g. Revise paragraph (e)(2);

■ h. In paragraph (e)(3), remove the word “shall” and add, in its place, the word “must”;

■ i. In paragraph (e)(4), remove the last sentence; and

■ j. In paragraph (f), remove the words “fitted with necessary connections to the bilge pumping” and add, in their place, the words “connected to the bilge”.

The revisions read as follows:

§ 56.50–55 Bilge pumps.

(a) * * *

(1) * * *

⁵ Vessels operating on lakes (including Great Lakes), bays, sounds, or rivers where steam is available, or where a suitable water supply is available from a power-driven pump, may substitute siphons or eductors for one of the required power-driven pumps, provided a siphon or eductor is permanently installed in each hold or compartment.

(b) * * *

(1) Ocean going sailing vessels and barges must be provided with pumps connected to the bilge main as required in table § 56.50–55(b)(1).

TABLE § 56.50–55(b)(1)—BILGE PUMPS REQUIRED FOR NONSELF-PROPELLED VESSELS

Type of vessel	Waters navigated	Power pumps ¹	Hand pumps
Sailing	Ocean and coastwise	Two	(2)
Manned barges .....	.....do	Two	(2)
Manned barges	Other than ocean and coastwise	(3)	(3)
Unmanned barges	All waters	(3)	(3)
Mobile offshore drilling units	All waters	Two	None.

¹ Where power is available, independent power bilge pumps must be installed as required and must be connected to the bilge main.

² Efficient hand pumps connected to the bilge main may be substituted for the power pumps. Where there is no common bilge main, one hand pump will be required for each compartment.

³ Suitable hand or power pumps or siphons, portable or fixed, carried either on board the barge or on the towing vessel must be provided.

(2) The pumps and source of power for oceangoing sailing vessels and barges must be located above the bulkhead deck or at the highest convenient accessible level.

* * * * *

(c) *Capacity of independent power bilge pump.* (1) Each power bilge pump must develop a suction velocity of not less than 400 feet per minute and a corresponding capacity based on the

size of bilge main piping required by § 56.50–50(d)(1).

(2) Alternatively, the minimum pump capacity, Q, in m³/hr may be based on the following formula:

$Q = 5.75d^2/1000$, where d = diameter of the main bilge suction piping, in mm.

(3) For vessels of less than 65 feet in length not engaged on international voyages, the pump must have a minimum capacity of 25 gallons per minute and need not meet the velocity requirement of this paragraph.

* * * * *

(e) * * *

(2) For non-self-propelled vessels requiring two bilge pumps, these pumps, insofar as practicable, must be located in separate watertight machinery spaces. When the location of bilge pumps in separate watertight compartments is not possible, the Marine Safety Center will consider alternate arrangements.

* * * * *

§ 56.50–57 [Removed and Reserved]

- 173. Remove and reserve § 56.50–57.
- 174. Amend § 56.50–60 as follows:
 - a. Revise paragraphs (a) and (b)(1);
 - b. In paragraph (b)(2), remove the text “As far as practicable, no” and add, in its place, the word “No”;
 - c. In paragraph (c), remove the words “low pressure”;
 - d. In paragraph (d)(1):
 - i. Remove the text “A 395” and add, in its place, the text “F1155”; and
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “§”;
 - e. Revise paragraphs (d)(1)(i), (d)(2) and (3)(i) and (ii);
 - f. In paragraph (d)(3)(iii), remove the words “actuators shall” and add, in their place “power actuators must”;
 - g. Revise paragraph (d)(3)(iv);
 - h. In paragraph (d)(4), remove the words “operating rods” and add, in their place, the word “operation”;
 - i. In paragraph (f), remove the word “shall” and add, in its place, the word “must”;
 - j. In paragraph (j), remove the word “well”;
 - k. Revise paragraphs (m)(1) and (2) and the introductory text to paragraph (n);
 - l. In paragraph (n)(1), remove the word “Complying” and add, in its place, the word “Comply”; and
 - m. Revise paragraph (n)(2).

The revisions read as follows:

§ 56.50–60 Systems containing oil.

(a)(1) Oil-piping systems for cargo or fuel oil must be separate from other piping systems as far as practicable, and positive means must be provided to prevent interconnection in service.

(2) Fuel oil and cargo oil systems may be combined if the cargo oil systems contain only Grade E oils.

(3) Oil pumps must have no discharge connections to fire mains, boiler feed systems, or condensers.

(b) * * *

(1) Each drain from a heating coil as well as each drain from an oil heater must run to an inspection tank or other suitable oil detector.

* * * * *

(d) * * *

(1) * * *

(i) In the special case of a deep tank in any shaft tunnel, piping tunnel, or similar space, one or more valves must be fitted on the tank. In the event of fire, the flow of oil from the tank may be stopped by means of an additional valve on the piping outside the tunnel or similar space. Any such additional valve installed inside a machinery space must be capable of being operated from outside this space.

* * * * *

(2) If valves are installed on the inside of the tank, they may be made of cast iron and arranged for remote control only. Additional valves for local control must be located in the space where the system exits from the tank or adjacent tanks. Valves for local control outside the tanks must meet paragraph (d)(1) of this section.

(3) * * *

(i) Valve actuators must be capable of closing the valves under all conditions, except during physical interruption of the power system (for example, from cable breakage or tube rupture). Fluid power actuated valves, other than those opened against spring pressure, must be provided with an energy storage system which is protected, as far as practicable, from fire and mechanical damage. The energy storage system must be used for no other purpose and must have sufficient capacity to cycle all connected valves from the initial valve position to the opposite position and return. The cross connection of this system to an alternate power supply will be given special consideration by the Marine Safety Center.

(ii) The valve must have a local power actuator to both open and close the valve, unless local manual opening operation will not prevent remote closing of the valve.

* * * * *

(iv) The valve must be provided with a means of emergency manual operation to both open and close the valve regardless of the status of the power operating system. Such manual operation may interfere with the power operation, and if so, must be protected by means of covers, locking devices, or other suitable means. Instructions and warnings regarding the emergency

system must be conspicuously posted at the valve.

* * * * *

(m) * * *

(1) Comply with § 56.50–80; and
 (2) In a machinery space, meet the applicable requirements of §§ 56.50–60, 56.50–85, 56.50–90, and 58.01–55(f) of this subchapter. No arrangement need comply with § 56.50–90 (c)(1) and (c)(3) if the sounding pipe is fitted with an effective means of closure, such as a threaded cap or plug or other means acceptable to the Officer in Charge, Marine Inspection.

(n) Each arrangement for the storage, distribution, and use of any oil employed in a fluid power, control, or heating system must—

* * * * *

(2) Where means of ignition are present, meet the applicable requirements of §§ 56.50–85(a)(11), 56.50–90 (c) and (d), and 58.01–55(f) of this subchapter. Each pipe and its valves and fittings must be of steel or other approved material, except that the use of flexible piping or hose is permitted in accordance with §§ 56.35–10, 56.35–15, and 56.60–25(c).

■ 175. Revise § 56.50–65 to read as follows:

§ 56.50–65 Burner fuel-oil service systems.

(a) All discharge piping from the fuel oil service pumps to burners must be seamless steel with a thickness of at least Schedule 80. Short lengths of steel, or annealed copper nickel, nickel copper, or copper pipe and tubing may be used between the fuel oil burner front header manifold and the atomizer head to provide flexibility. All material used must meet the requirements of subpart 56.60. The use of non-metallic materials is prohibited. Flexible metallic tubing may be used when approved by the Marine Safety Center. Tubing fittings must be of the flared type except that flareless fittings of the nonbite type may be used when the tubing is steel, nickel copper or copper nickel.

(b)(1) All vessels having oil fired boilers must have at least two fuel service pumps, each of sufficient capacity to supply all the boilers at full power, and arranged so that one may be overhauled while the other is in service. If installed, fuel oil heaters must be so arranged that any heater may be overhauled while the other is in service. Suction and discharge strainers must be capable of being cleaned without interrupting the oil supply.

(2) All auxiliary boilers, except those furnishing steam for vital equipment and fire extinguishing purposes, may be equipped with a single fuel oil service

pump. Such pumps need not be fitted with discharge strainers.

(3) Strainers must be located so as to preclude the possibility of spraying oil on the burner or boiler casing, or be provided with spray shields. Coamings, drip pans, etc., must be fitted under fuel oil service pumps, heaters, etc., where necessary to prevent oil drainage to the bilge.

(4) Boilers burning fuel oils of low viscosity need not be equipped with fuel oil heaters.

(c) Piping between service pumps and burners must be located so as to be readily observable, and all bolted flange joints must be provided with a spray shield to deflect spray in case of a leak. Fuel pump or heater relief valves must discharge back to the settling tank or the suction side of the pump. The return line from the burners must be so arranged that the suction piping cannot be subjected to discharge pressure.

(d) If threaded-bonnet valves are employed, they must be of the union-bonnet type capable of being packed under pressure.

(e) Unions must not be used for pipe diameters of 1 inch and above.

(f) Boiler header valves of the quick closing type must be installed in the fuel supply lines as close to the boiler front header as practicable. The location is to be accessible to the operator or remotely controlled.

(g) Bushings and street ells are not permitted in fuel oil discharge piping.

(h) Each fuel-oil service pump must be equipped with controls as required by § 58.01–25 of this subchapter.

■ 176. Revise § 56.50–70 to read as follows:

§ 56.50–70 Gasoline fuel systems.

(a) *Material.* (1) Fuel supply piping to the engines must be of seamless drawn annealed copper pipe or tubing, nickel copper, or copper nickel pipe or tubing meeting the requirements of subpart 56.60.

(2) Thicknesses of tubing walls must not be less than the larger of that shown in table § 56.50–70(a) or that required by § 56.07–10(e) and 104.1.2 of ASME B31.1 (incorporated by reference; see § 56.01–2).

(3) Tubing fittings must be of nonferrous drawn or forged metal and of the flared type except that the flareless fittings of the nonbite type may be used when the tubing system is of nickel copper or copper nickel. Tubing must be cut square and flared by suitable tools. Tube ends must be annealed before flaring. Pipe fittings must be of nonferrous material. Pipe thread joints must be made tight with a suitable compound.

(4) Valves for fuel lines must be of nonferrous material of the union bonnet type with ground seats except that cocks may be used if they are the solid bottom type with tapered plugs and union bonnets.

TABLE § 56.50–70(a)—TUBING WALL THICKNESS

Outside diameter of tubing in inches	Thickness	
	B.W.G.	Inch
1/8, 3/16, 1/4	#21	0.032
5/16, 3/8	#20	.035
7/16, 1/2	#19	.042

(b) *Installation.* (1) All fuel pipes, pipe connections, and accessories must be readily accessible, protected against mechanical injury, and effectively secured against excessive movement and vibration by the use of soft nonferrous metal liners or straps. Where passing through steel decks or bulkheads, fuel lines must be protected by close fitting ferrules or stuffing boxes. Refer to § 56.30–25 for tubing joint installations.

(2) A short length of suitable metallic or nonmetallic flexible tubing or hose, or a loop of annealed copper tubing, must be installed in the fuel-supply line at or near the engine to prevent damage by vibration.

(i) If nonmetallic flexible hose is used, it must meet the requirements of § 56.60–25(b) for fuel service.

(ii) Flexible hose connections should maintain metallic contact (continuity) between the sections of the fuel-supply lines; however, if they do not, the fuel tank must be grounded.

(c) *Shutoff valves.* Shutoff valves of a suitable type must be installed in the fuel supply lines, one as close to the tank as practicable. Where fuel tanks are installed below the weather deck, arrangements must be provided for operating all shutoff valves at the tanks from outside the compartments in which they are located. The operating gear for the shutoff valves at the tanks must be accessible and suitably marked.

(d) *Strainers.* A suitable twin strainer must be fitted in the fuel supply line in the engine compartment. A drip pan must be fitted under the strainer.

(e) *Outlets and drains.* Outlets in fuel lines for drawing gasoline for any purpose are prohibited. However, openings fitted with threaded plug or cap can be used for cleaning purposes.

(f) *Fuel suction connections.* All fuel suction and return lines must enter the top of the fuel tanks and connections must be fitted into spuds. Such lines must extend nearly to the bottom of the tank.

(g) *Filling and sounding pipes.* Filling and sounding pipes must be so arranged that vapors or overflow when filling cannot escape to the inside of the vessel and will discharge overboard. Such pipes must terminate on the weather deck clear of any coamings and must be fitted with suitable shutoff valves. A corrosion-resistant flame screen of must be fitted in the throat of the filling pipe. Sounding pipes must be kept closed at all times except during sounding.

(h) *Vent pipes.* Each tank must be fitted with a vent, the cross-sectional area of which must not be less than that of the filling pipe. The vent pipes must terminate at least 2 feet above the weather deck and not less than 3 feet from any opening into living quarters or other below-deck space. The ends of vent pipes must terminate with U-bends and be fitted with flame screens or flame arresters. The flame screens must consist of a single screen of corrosion resistant wire of at least 30 by 30 mesh.

(i) *Gasoline tanks.* For requirements pertaining to independent gasoline fuel tanks see subpart 58.50 of this subchapter.

(j) *Fuel pump shutdown.* Each fuel pump must comply with § 58.01–25 of this subchapter.

■ 177. Amend § 56.50–75 as follows:

- a. Revise paragraph (a)(1);
- b. In paragraphs (a)(2) and (3), remove the word “shall” wherever it appears and add, in its place, the word “must”;
- c. Revise paragraph (b)(1);
- d. In paragraphs (b)(2)through (4), remove the word “shall” wherever it appears and add, in its place, the word “must”;
- e. Revise paragraph (b)(6); and
- f. In paragraph (b)(7), remove the word “shall” and add, in its place, the word “must”.

The revisions read as follows:

§ 56.50–75 Diesel fuel systems.

(a) * * *

(1) The diesel fuel system must comply with §§ 56.50–60, 56.50–85, and 56.50–90. The fuel supply piping to engines must be of seamless steel, annealed seamless copper or brass pipe or tubing, or of nickel copper or copper nickel alloy meeting the requirements of subpart 56.60 for materials and § 56.50–70(a)(2) for thickness. Fuel oil service pumps must comply with § 58.01–25 of this subchapter.

* * * * *

(b) * * *

(1) *Materials.* Fuel supply piping must be of copper, nickel copper, copper nickel or other materials having a minimum wall thickness of 0.035 inch.

* * * * *

(6) *Filling pipe.* Tank filling pipes on vessels less than 100 gross tons and tank barges must terminate on an open deck and must be fitted with suitable shutoff valves, deck plugs, or caps.

* * * * *

■ 178. Amend § 56.50–80 as follows:

- a. Revise paragraphs (a) and (b);
- b. In paragraph (c), remove the words “on steam driven machinery shall” and add, in its place, the word “must”;
- c. Revise paragraph (d);
- d. In paragraphs (e), (f) and (g), remove the word “shall” wherever it appears and add, in its place, the word “must”; and
- e. Revise paragraph (h).

The revisions read as follows:

§ 56.50–80 Lubricating-oil systems.

(a) The lubricating oil system must be designed to function satisfactorily when the vessel has a permanent 15° list and a permanent 5° trim. See § 58.01–40 of this subchapter for operational requirements for propulsion and vital machinery at vessel angles of inclination.

(b) When pressure or gravity-forced lubrication is employed for the main propelling machinery, an independent auxiliary lubricating pump must be provided.

* * * * *

(d) For internal combustion engine installations, the requirements of paragraphs (b) and (c) of this section do not apply to vessels in river and harbor service, nor to any vessel below 300 gross tons. For internal combustion engines, two separate means are to be provided for circulating coolant. One of those means must be independently driven and may consist of a connection from a pump of adequate size normally used for other purposes utilizing the required coolant. Oil filters must be provided on all internal combustion engine installations. On main propulsion engines fitted with full-flow type filters, the arrangement must be such that the filters may be cleaned without interrupting the oil supply except that such an arrangement is not required on vessels having more than one main propulsion engine.

* * * * *

(h) Sight-flow glasses may be used in lubricating-oil systems provided they can withstand exposure to a flame at a temperature of 927 °C (1700 °F) for one hour, without appreciable leakage.

* * * * *

■ 179. Amend § 56.50–85 as follows:

- a. In paragraphs (a)(1) and (2), remove the word “shall” wherever it appears and add, in its place, the word “must”;
- b. Revise paragraphs (a)(3) and (6);

■ c. In the introductory text to paragraph (a)(7), remove the word “shall” and add, in its place, the word “must”;

■ d. Revise paragraph (a)(7)(i);

■ e. Remove paragraph (a)(7)(ii) and redesignate paragraph (a)(7)(iii) as paragraph (a)(7)(ii);

■ f. In paragraph (a)(9), remove the word “shall” and add, in its place, the word “must”;

■ g. Revise paragraphs (a)(10) and (a)(11)(ii);

■ h. Remove paragraph (a)(12) and redesignate paragraph (a)(13) as paragraph (a)(12);

■ i. Revise newly redesignated paragraph (a)(12); and

■ j. Revise paragraph (b).

The revisions read as follows:

§ 56.50–85 Tank-vent piping.

(a) * * *

(3) Vent pipes for fuel oil tanks must, wherever possible, have a slope of no less than 30°.

* * * * *

(6) Vents extending above the freeboard deck or superstructure deck from fuel oil and other tanks must be at least Schedule 40 in wall thickness. Except for barges in inland service and for Great Lakes vessels, the height from the deck to any point where water may gain access through the vent to below deck must be at least 30 inches (760 mm) on the freeboard deck and 17½ inches (450 mm) on the superstructure deck. On Great Lakes vessels, the height from the deck to any point where water may gain access through the vent to below deck must be at least 30 inches (760 mm) on the freeboard deck, 24 inches (610 mm) on the raised quarterdeck, and 12 inches (305 mm) on other superstructure decks. Where the height of vents may interfere with the working of the vessel, a lower height may be approved by the Marine Safety Center provided the vent cap is properly protected from mechanical damage. For barges in inland service, the vents must extend at least six inches above the deck.

(7) * * *

(i) A ball check valve where the ball float, normally in the open position, will float up and close under the action of a submerging wave. The valve must be designed so that the effective clear discharge area through the valve with the float in the open position is not less than the inlet area of the vent pipe to which the valve is connected; or

* * * * *

(10) The diameter of each vent pipe must not be less than 1½ inches nominal pipe size for freshwater tanks,

2 inches nominal pipe size for water ballast tanks, and 2½ inches nominal pipe size for fuel oil tanks.

(11) * * *

(ii) Provision must be made to guard against liquids rising in the venting system to a height that would exceed the design head of a cargo tank or fuel-oil tank. It may be made by high-level alarms or overflow-control systems or other, equivalent means.

* * * * *

(12) Vents from freshwater or water ballast tanks must not be connected to a common header with vents from oil or oily ballast tanks.

(b) Unless permitted by the Marine Safety Center, tank vents must remain within the watertight subdivision boundaries in which the tanks they vent are located. All tank vents which penetrate watertight subdivision bulkheads must terminate above the weather deck.

■ 180. Amend § 56.50–90 as follows:

■ a. Revise paragraphs (a) and (b);

■ b. In the introductory text to paragraph (c), remove the third sentence;

■ c. In paragraph (c)(1), remove the text “In addition to the sounding pipe, the” and add, in its place, the word “The”;

■ d. In paragraph (c)(2), remove the words “The pipe terminates in a place remote from ignition hazards unless precautions” and add, in their place, the word “Precautions”;

■ e. Revise paragraph (c)(3);

■ f. In the introductory text to paragraph (d), remove the text “On each vessel constructed on or after June 9, 1995, other” and add, in its place, the word “Other”; and

■ g. Revise paragraph (e).

The revisions read as follows:

§ 56.50–90 Sounding devices.

(a) Each tank must be provided with a suitable means of determining liquid level. Except for a main cargo tank on a tank vessel, each integral hull tank and compartment must be fitted with a sounding pipe or other level indicating device acceptable to the Marine Safety Center.

(b) Where sounding pipes terminate below the freeboard deck on cargo vessels, they shall be fitted with gate valves. On passenger vessels, where sounding pipes terminate below the bulkhead deck, they must be fitted with gate valves.

(c) * * *

(3) The end of the pipe is fitted with a self-closing blanking device.

* * * * *

(e) The upper ends of sounding pipes must be closed by a screw cap or plug.

* * * * *

- 181. Amend § 56.50–95 as follows:
 - a. Revise paragraph (a)(1);
 - b. In paragraphs (a)(2) and (3), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - c. Revise paragraph (b)(2);
 - d. In paragraph (b)(3), remove the word “shall” and add, in its place, the word “must”;
 - e. Remove paragraph (b)(4);
 - f. Revise paragraph (d)(1);
 - g. In paragraphs (d)(2) and (e)(1), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - h. Revise paragraphs (e)(2) and (f);
 - i. In paragraph (g), remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - j. Revise paragraphs (h) and (i).

The revisions read as follows:

§ 56.50–95 Overboard discharges and shell connections.

(a)(1) All inlets and discharges led through the vessel’s side must be fitted with efficient and accessible means, located as close to the hull penetrations as is practicable.

* * * * *

(b) * * *

(2) Discharges led through the shell originating either from spaces below the freeboard deck or from within enclosed superstructures and equivalent deckhouses on the freeboard deck as defined in § 42.13–15(i) of subchapter E (Load Lines) of this chapter, must be fitted with efficient and accessible means for preventing water from passing inboard. Normally each separate discharge must have one automatic nonreturn valve with a positive means of closing it from a position above the freeboard deck. Where, however, the vertical upward distance from the summer load line to the inboard end of the discharge pipe through which flooding can take place exceeds 0.01L, the discharge may have two automatic nonreturn valves without positive means of closing, provided that the inboard valve is always accessible for examination under service conditions. Where that vertical distance exceeds 0.02L a single automatic nonreturn valve without positive means of closing is acceptable. In an installation where the two automatic nonreturn valves are used, the inboard valve must be above the tropical load line. The means for operating the positive action valve must be readily accessible and provided with an indicator showing whether the valve is open or closed. A notice must be posted at the operating station to the effect that the valve must not be closed except as required in an emergency.

* * * * *

(d)(1) Sea inlets and discharges, such as used in closed systems required for the operation of main and auxiliary machinery, as in pump connections or scoop injection heat exchanger connections, need not meet the requirements of paragraphs (b)(1) and (2) of this section but instead must be fitted with a shutoff valve located as near the shell plating as practicable, and may be locally controlled if the valve is located in a manned machinery space. These controls must be readily accessible above the floor plates. Manned machinery spaces include the main machinery space and are either attended by the crew or are automated in accordance with part 62 of this subchapter to be comparable to an attended space.

* * * * *

(e) * * *

(2) Seachests and other hull fittings must be as short as possible and located so as to minimize the possibility of being blocked or obstructed.

* * * * *

(f) Valves required by this section and piping system components outboard of such required valves must be of a steel, bronze, or ductile cast iron specification listed in table 1 to § 56.60–1. Lead or other heat sensitive materials having a melting point of 1,700 °F. or less must not be used in such service where the deterioration of the piping system in the event of fire would give rise to danger of flooding. Brittle materials such as cast iron must not be used in such service. Where nonmetallic materials are used in a piping system, and shell closures are required by this section, a positive closure metallic valve is required (see also § 56.60–25).

* * * * *

(h) Where deck drains, soil lines, and sanitary drains discharge through the shell in way of cargo tanks on tank vessels, the valves required by this section must be located outside the cargo tanks. These valves must meet the material requirements of paragraph (f) of this section. The piping led through such tanks must be fitted with expansion bends where required, and must be of steel pipe having a wall thickness of not less than Schedule 60, except that the use of suitable corrosion-resistant material of lesser thickness will be given special consideration by the Commandant. All pipe joints within the tanks must be welded. Soil lines and sanitary drains which pass through cargo tanks must be provided with nonreturn valves with positive means of closing or other suitable means for preventing the entrance of gases into living quarters.

(i) Sea valves must not be held open or closed with locks.

§ 56.50–96 [Amended]

- 182. Amend § 56.50–96 as follows:
 - a. In the introductory text to paragraph (a), remove the word “shall” and add, in its place, the word “must”; and
 - b. Reserve paragraph (b).

§ 56.50–97 [Amended]

- 183. In § 56.50–97, reserve paragraph (b).
- 184. Amend § 56.50–103 as follows:
 - a. Revise paragraph (b);
 - b. In paragraph (e), remove the word “shall” and add, in its place, the word “must”;
 - c. Revise paragraph (g); and
 - d. In paragraphs (h), (i) and (k), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revisions read as follows:

§ 56.50–103 Fixed oxygen-acetylene distribution piping.

* * * * *

(b) The distribution piping must include a means, located as close to the supply cylinders as possible, of regulating the discharge pressure from the supply cylinders.

* * * * *

(g) Pipe joints on the low-pressure side of the regulators must be welded.

* * * * *

- 185. Amend § 56.50–105 as follows:
 - a. Revise the introductory text to paragraph (a);
 - b. Revise paragraph (a)(1);
 - c. In paragraph (a)(2), remove the word “shall” and add, in its place, the word “must”;
 - d. In paragraph (a)(3):
 - i. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - ii. Remove the text “Table 56.85–10” and add, in its place, the text “table § 56.85–10(c)”;
 - e. In paragraph (a)(4), remove the word “shall” and add, in its place, the word “must”;
 - f. In paragraph (a)(5), remove the text “Commanding Officer, Marine Safety Center,” and add, in its place, the words “Marine Safety Center”;
 - g. Revise the introductory text to paragraph (b);
 - h. In paragraphs (b)(2), remove the word “shall” and add, in its place, the word “must”;
 - i. In paragraph (b)(3):
 - i. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - ii. Remove the text “Table 56.85–10” and add, in its place, the text “table § 56.85–10(c)”;

- j. In paragraph (b)(4), remove the word “shall” and add, in its place, the word “must”;
- k. Revise paragraph (b)(6);
- l. Redesignate table 56.50–105 as table 2 to § 56.50–105 and revise newly redesignated table 2 to § 56.50–105; and
- m. Designate the concluding note as note 1 to table 2 to § 56.50–105 and revise the newly designated note 1 to table 2 to § 56.50–105.

The revisions read as follows:

§ 56.50–105 Low-temperature piping.

(a) *Class I–L.* Piping systems designed to operate at temperatures below 0 °F. and pressures above 150 psig must be of Class I–L. Exceptions to this rule may be found in the individual requirements for specific commodities in subchapters D, I, and O of this chapter. The following requirements for Class I–L piping systems must be satisfied:

(1) *Materials.* All materials used in low temperature piping systems must be selected from among those specifications listed in table 2 to § 56.50–105 and must satisfy all of the requirements of the specifications, except that:

(i) The minimum service temperature as defined in § 54.25–10(a)(2) of this subchapter must not be colder than that shown in table 2 to § 56.50–105; and

(ii) The material must be tested for low temperature toughness per ASTM E23 (incorporated by reference, see § 56.01–2), Figure 4. The toughness testing requirements of subpart 54.05 of

this subchapter must be satisfied for each particular product form. Charpy V-notch tests must be conducted at temperatures not warmer than 10 °F. below the minimum service temperature of the design, except that for service temperatures of –320 °F. and below, the impact test may be conducted at the service temperature. The minimum average energy must not be less than that shown in table 2 to § 56.50–105. In the case of steels conforming to the specifications of table § 54.25–20(a) of this subchapter the minimum lateral expansion must not be less than that required in § 54.25–20 of this subchapter. The minimum energy permitted for a single specimen and the minimum subsize energies must be those obtained by multiplying the average energy shown in table 2 to § 56.50–105 by the applicable fraction shown in table 1 to § 56.50–105(a)(1)(ii).

TABLE 1 TO § 56.50–105(a)(1)(ii)—
CHARPY V-NOTCH ENERGY MULTIPLYING FACTORS

Charpy V-notch specimen size ¹	Factor for minimum energy, average of 3 specimens ¹	Factor for minimum energy single specimen ¹
10×10 mm	1	2/3
10×7.5 mm	5/6	5/9
10×5.0 mm	2/3	4/9
10×2.5 mm	1/2	1/3

¹ Straight line interpolation for intermediate values is permitted.

(iii) Steels differing in chemical composition, mechanical properties or heat treatments from those specified may be specially approved by the Marine Safety Center. Similarly, aluminum alloys and other materials not covered in table 2 to § 56.50–105 may be specifically approved by the Marine Safety Center.

* * * * *

(b) *Class II–L.* Piping systems designed to operate at temperatures below 0 °F. and pressures not higher than 150 psig must be of Class II–L. Exceptions to this rule may be found in the individual requirements for specific commodities in subchapter D (Tank Vessels) and subchapter I (Cargo and Miscellaneous Vessels), both of this chapter. The following requirements for Class II–L piping systems must be satisfied:

* * * * *

(6) All other requirements contained in this part for Class II piping are applicable to Class II–L systems, except that § 56.70–15(b)(3)(iv) does not apply.

TABLE 2 TO § 56.50–105—ACCEPTABLE MATERIALS AND TOUGHNESS TEST CRITERIA²

Product form	ASTM specification ³	Grade ⁴	Minimum service temperature	Minimum avg Charpy V notch energy
Pipe	A333/A333M and A334/A334M.	1	–30 °F	20 ft. lb.
Tube (carbon and low alloy steels)		3	–150 °F	25 ft. lb.
		4 (A333 only)	–100 °F	25 ft. lb.
		6	–30 °F	20 ft. lb.
Pipe (Austenitic stainless steel)	A312/A312M	7	–100 °F	25 ft. lb.
		8	–320 °F	Refer to § 54.25–20 of this subchapter.
		All grades	No limit	Austenitic stainless steel piping need be impact tested only when toughness tests are specified in subpart 54.25 of this subchapter for plating of the same alloy designation. When such toughness tests are required, the minimum average energy is 25 ft. lb.
Wrought welding fittings (carbon and low alloy steels).	A420/A420M	WPL1	–30 °F	20 ft. lb.
		WPL3	–150 °F	25 ft. lb.
Forged or rolled flanges, forged fittings, valves and pressure parts (carbon and low alloy steels).	A350/A350M ¹	WPL4	–100 °F	25 ft. lb.
		LF1	–30 °F	20 ft. lb.
		LF2	–30 °F	20 ft. lb.
		LF3	–150 °F	25 ft. lb.
		LF4	–100 °F	25 ft. lb.

TABLE 2 TO § 56.50–105—ACCEPTABLE MATERIALS AND TOUGHNESS TEST CRITERIA ²—Continued

Product form	ASTM specification ³	Grade ⁴	Minimum service temperature	Minimum avg Charpy V notch energy
Forged or rolled flanges, forged fittings, valves and pressure parts (high alloy steels).	F1155	Austenitic grades only (304, 304H, 304L, 310, 316, 316H, 316L, 321, 321H, 347, 347H, 348, 348H).	No limit	These products need be impact tested only when toughness tests are specified in subpart 54.25 of this subchapter for plating of the same alloy designation. When such toughness tests are required, the minimum average energy is 25 ft. lb.
Forged flanges, fittings, and valves (9% nickel).	A522/A522M	9% Ni	– 320 °F	Refer to § 54.25–20 of this subchapter.
Castings for valves and pressure parts (carbon and low alloy steels).	A352/A352M ¹	LCB	– 30 °F	20 ft. lb.
		LC1	– 50 °F	20 ft. lb.
		LC2	– 100 °F	25 ft. lb.
Castings for valves and pressure parts (high alloy steel).	F1155	LC3	– 150 °F	25 ft. lb.
		Austenitic grades CF3, CF3A, CF8, CF8A, CF3M, CF8M, CF8C, CK20 only.	No limit, except – 325 °F for grades CF8C and CK20.	No toughness testing required except for service temperatures colder than – 425 °F for grades CF3, CF3A, CF8, CF8A, CF3M, and CF8M. 25 ft. lb. average must be attained in these tests.
Bolting	F1155	L7, L9, L10, L43 ...	– 150 °F	20 ft. lb.
		B8D, B8T, B8F, B8M.	– 325 °F	No test required.
		2B8, B8C	No limit	No test required, except for service temperatures colder than – 425 °F. In such case the minimum average energy is 25 ft. lb.
Nuts, bolting	F1155	4	– 150 °F	20 ft. lb.
		8T, 8F	– 325 °F	No test required.
		8, 8C	No limit	Same requirement as comparable grades (B8, B8C) of bolting listed above.

¹ Quench and temper heat treatment may be permitted when specifically authorized by the Commandant. In those cases the minimum average Charpy V-notch energy must be specially designated by the Commandant.

² Other material specifications for product forms acceptable under part 54 for use at low temperatures may also be used for piping systems provided the applicable toughness requirements of this table 2 to § 56.50–105 are also met.

³ Any repair method must be acceptable to the Commandant (CG–ENG), and welding repairs as well as fabrication welding must be in accordance with *part 57 of this chapter*.

⁴ The acceptability of several alloys for low temperature service is not intended to suggest acceptable resistance to marine corrosion. The selection of alloys for any particular shipboard location must take corrosion resistance into account and be approved by the Marine Safety Center.

Note 1 to table 2 to § 56.50–105: The ASTM standards listed in table 2 to § 56.50–105 are incorporated by reference, see § 56.01–2.

§ 56.50–110 [Amended]

- 186. In § 56.50–110(b), remove the words “which is”.
- 187. Revise § 56.60–1 to read as follows:

§ 56.60–1 Acceptable materials and specifications (replaces 123 and Table 126.1 in ASME B31.1).

(a)(1) The material requirements in this subpart must be followed in lieu of those in 123 in ASME B31.1 (incorporated by reference; see § 56.01–2).

(2) Materials used in piping systems must be selected from the specifications that appear in table 1 to § 56.60–1 of this section or table § 56.60–2, ASTM F1155 (incorporated by reference; see § 56.01–

2), or they may be selected from the material specifications of Sections I or VIII of the ASME BPVC (both incorporated by reference; see § 56.01–2) if not prohibited by a regulation of this subchapter. Table 1 to § 56.60–1(a) contains only pipe, tubing, and fitting specifications. Determination of acceptability of plate, forgings, bolting, nuts, and castings may be made by reference to the ASME BPVC as previously described. Additionally, accepted materials for use as piping system components appear in table § 56.60–2. Materials conforming to specifications not described in this subparagraph must receive the specific approval of the Marine Safety Center. Materials listed in Table 126.1 of ASME B31.1 are not accepted unless specifically permitted by this paragraph.

(b) Components made in accordance with the commercial standards listed in Table 56.60–1(b) of this section and

made of materials complying with paragraph (a) this section may be used in piping systems within the limitations of the standards and within any further limitations specified in this subchapter.

Note 1 to § 56.60–1: Table 1 to § 56.60–1 replaces Table 126.1 in ASME B31.1 and sets forth specifications of pipes, tubing, and fittings intended for use in piping-systems. The first column lists acceptable standards from ASTM (all incorporated by reference; see § 56.01–2); the second lists those from ASME (all incorporated by reference; see § 56.01–2). The Coast Guard will consider use of alternative pipes, tubing, and fittings when it receives certification of their mechanical properties. Without this certification it will restrict use of such alternatives to piping-systems inside heat exchangers that ensure containment of the material inside pressure shells.

TABLE 1 TO § 56.60–1—ADOPTED SPECIFICATIONS AND STANDARDS

ASTM standards	ASME standards	Notes
Pipe, seamless:		
F1155 Carbon steel	B31.1.	
F1155 Ferritic alloy steel	B31.1.	
A376/A376M Austenitic alloys	B31.1	(1).
Pipe, seamless and welded:		
A53/A53M	B31.1	(2 3 4).
A312/A312M Austenitic steel (welded with no filler metal).	B31.1, B31.3	(1 4).
A333/A333M Low temperature steel pipe	Sec. VIII of the BPVC, B31.3	(5).
Pipe, welded:		
F1155 Electric-Fusion welded Arc-welded steel	See footnote 7	(7).
A135/A135M ERW pipe	B31.1	(3).
F1155 Electric-fusion welded arc-welded steel pipe	B31.1	(8).
A358/A358M Electric fusion welded pipe, high temperature, austenitic.	B31.1	(1 4 9).
Pipe, forged and bored:		
A358/A358M Ferritic alloy	B31.1.	
Tube, seamless:		
F1155 Seamless Cold-drawn Low Carbon steel heat exchanger and condenser tubes.	UCS23, Sec. VIII of the BPVC	(10).
F1155 Seamless Carbon steel boiler tubes	PG23.1, Sec. I of the BPVC	(10).
A210/A210M Medium carbon boiler tubes	PG23.1, Sec. I of the BPVC.	
F1155 Seamless Ferritic and Austenitic Alloy-Steel Boiler tubes.	PG23.1, Sec. I of the BPVC	(1).
Tube, seamless and welded:		
A268/A268M Seamless and ERW ferritic stainless tubing.	PG23.1, Sec. I of the BPVC	(4).
A334/A334M Seamless and welded carbon and alloy-steel tubes for low-temperature service.	UCS23, Sec. VIII of the BPVC	(4 5).
Tube, welded:		
F1155 ERW Carbon steel and carbon manganese boiler tubes.	PG23.1, Sec. I of the BPVC	(10 Grade A) (4).
F1155 ERW Carbon steel heat exchanger and condenser tubes.	UCS27, Sec. VIII of the BPVC.	
F1155 Welded austenitic boiler and heat exchanger tubes.	PG23.1, Sec. I of the BPVC	(1 4).
Wrought fittings (factory made):		
F1155 Carbon steel and alloy steel for moderate and high temperature service.	Conforms to applicable American National Standards (B16.11).	(11).
A403/A403M Austenitic alloys .....	.....do	(11).
A420/A420M Low temperature carbon and steel alloy ..	.....do	(11).
Castings, ¹² iron:		
A47/A47M Malleable iron	Conform to applicable American National Standards or refer to UCI–23 or UCD–23, Sec. VIII of the BPVC.	(13).
A126 Gray iron .....	.....do	(13).
A197/A197M Malleable iron .....	.....do	(13).
F1155 Ferritic Ductile iron	UCD–23, Sec. VIII of the BPVC	(13).
F1155 Ductile iron castings	See footnote 18	(18).

Nonferrous Materials ¹⁴

Pipe, seamless:		
B42 Copper	UNF23, Sec. VIII of the BPVC	(15).
B43 Red brass .....	.....do.	
B241/B241M Aluminum alloy .....	.....do.	
Pipe and tube, seamless:		
B161 Nickel .....	.....do.	
B165 Nickel-copper .....	.....do.	
B167 Ni-Cr-Fe .....	.....do.	
B315 Copper-silicon .....	.....do.	
Tube, seamless:		
B68/B68M Copper	See footnote 16	(15 16 17).
B75/B75M Copper	UNF23, Sec. VIII of the BPVC	(15).
F1155 Seamless Copper water tube	See footnote 16	(15 16).
B111/B111M Copper and copper alloy	UNF23, Sec. VIII of the BPVC.	
B210/B210M Aluminum alloy, drawn .....	.....do.	
B234 Aluminum alloy, drawn .....	.....do.	
B280 Copper tube for refrigeration service	See footnote 16	(15 16).
Welding fittings:		
B361 Wrought aluminum welding fittings	Must meet ASME Standards.	

Note 1 to table 1 to § 56.60–1: When using 104.1.2 in ASME B31.1 to compute wall thickness, the stress shown here must be applied as though taken from the stress tables. An additional factor of 0.8 may be required by § 56.07–10(c) and (e).

- ¹ For austenitic materials where two sets of stresses appear, use the lower values.
- ² Type F (Furnace welded, using open hearth, basic oxygen, or electric furnace only) limited to Class II applications with a maximum service temperature of 450 °F. Type E (ERW grade) limited to maximum service temperature of 650 °F, or less.
- ³ Electric resistance welded pipe or tubing of this specification may be used to a maximum design pressure of 350 psig.
- ⁴ Refer to limitations on use of welded grades given in § 56.60–2(b).
- ⁵ Use generally considered for Classes I–L and II–L applications. For Class I–L service only, the seamless grade is permitted. For other service refer to footnote 4 and to § 56.50–105.
- ⁶ Furnace lap or furnace butt grades only. Limited to Class II applications only where the maximum service temperature is 450 °F, or less.
- ⁷ Limited to Class II applications only where maximum service temperature is 300 °F or less for straight seam, and 200 °F or less for spiral seam.
- ⁸ Limited to Class II applications where the maximum service temperature is 300 °F or less for straight seam and 200 °F or less for spiral seam.
- ⁹ For Class I applications only the Class I Grade of the specification may be used.
- ¹⁰ When used in piping systems, a certificate must be furnished by the manufacturer certifying the mechanical properties at room temperature. Without this certification, use is limited to applications within heat exchangers.
- ¹¹ Hydrostatic testing of these fittings is not required but all fittings must be capable of withstanding a hydrostatic test of 1 1/2 times the design pressure.
- ¹² Other acceptable iron castings are in UCI–23 and UCD–23 of Section VIII of the ASME BPVC. (See also §§ 56.60–10 and 56.60–15.) Acceptable castings of materials other than cast iron may be found in Sections I or VIII of the ASME BPVC.
- ¹³ Acceptable when complying with ANSI standards. Ductile iron is acceptable for temperatures not exceeding 650 °F. For pressure temperature limitations refer to UCD–3 of Section VIII of the ASME BPVC. Other grades of cast iron are acceptable for temperatures not exceeding 450 °F. For pressure temperature limitations refer to UCI–3 of Section VIII of the ASME BPVC.
- ¹⁴ For limitations in use refer to §§ 56.10–5(c) and 56.60–20.
- ¹⁵ Copper pipe must not be used for hot oil systems except for short flexible connections at burners. Copper pipe must be annealed before installation in Class I piping systems. See also §§ 56.10–5(c) and 56.60–20.
- ¹⁶ The stress values must be taken from UNF23 of Section VIII of the ASME BPVC for B75 annealed and light drawn temper as appropriate.
- ¹⁷ B68 is acceptable if provided with a mill hydrostatic or eddy current test.
- ¹⁸ Limited to pipe fittings and valves. See 46 CFR 56.60–15(d) for additional information.

TABLE 2 TO § 56.60–1—ADOPTED STANDARDS APPLICABLE TO PIPING SYSTEMS
[Replaces Table 126.1]

American Society of Mechanical Engineers (ASME) International ¹

ASME B1.1	Unified Inch Screw Threads (UN and UNR Thread Form).
ASME B1.20.1	Pipe Threads, General Purpose (Inch).
ASME B1.20.3	Dryseal Pipe Threads (Inch).
ASME B16.1	Gray Iron Pipe Flanges and Flanged Fittings, Classes 25, 125, 250.
ASME B16.3	Malleable Iron Threaded Fittings, Classes 150 and 300.
ASME B16.4	Gray Iron Threaded Fittings, Classes 125 and 250.
ASME B16.5	Pipe Flanges and Flanged Fittings NPS 1/2 Through NPS 24 Metric/Inch Standard. ³
ASME B16.11	Forged Fittings, Socket-Welding and Threaded.
ASME B16.14	Ferrous Pipe Plugs, Bushings, and Locknuts with Pipe Threads.
ASME B16.15	Cast Copper Alloy Threaded Fittings, Classes 125 and 250.
ASME B16.20	Metallic Gaskets for Pipe Flanges, Ring-Joint, Spiral-Wound, and Jacketed.
ASME B16.21	Nonmetallic Flat Gaskets for Pipe Flanges.
ASME B16.23	Cast Copper Alloy Solder Joint Drainage Fittings: DWV. ⁴
ASME B16.25	Buttwelding Ends.
ASME B16.29	Wrought Copper and Wrought Copper Alloy Solder Joint Drainage Fittings-DWV. ⁴
ASME B16.34	Valves—Flanged, Threaded, and Welding End. ³
ASME B18.2.1	Square, Hex, Heavy Hex, and Askew Head Bolts and Hex, Heavy Hex, Hex Flange, Lobed Head, and Lag Screws (Inch Series).
ASME B18.2.2	Nuts for General Applications: Machine Screw Nuts, Hex, Square, Hex Flange, and Coupling Nuts (Inch Series).
ASME B31.1	Power Piping, ASME Code for Pressure Piping, B31.
ASME B31.3	Process Piping, ASME Code for Pressure Piping, B31.
ASME B36.10M	Welded and Seamless Wrought Steel Pipe.
ASME B36.19M	Stainless Steel Pipe.

ASTM International (ASTM) ¹

ASTM F1006	Standard Specification for Entrainment Separators for Use in Marine Piping Applications. ⁴
ASTM F1007	Standard Specification for Pipeline Expansion Joints of the Packed Slip Type for Marine Application.
ASTM F1020	Standard Specification for Line-Blind Valves for Marine Applications.
ASTM F1120	Standard Specification for Circular Metallic Bellows Type Expansion Joints for Piping Applications. ⁴
ASTM F1123	Standard Specification for Non-Metallic Expansion Joints.
ASTM F1139	Standard Specification for Steam Traps and Drains.
ASTM F1155	Standard Practice for Selection and Application of Piping System Materials
ASTM F1172	Standard Specification for Fuel Oil Meters of the Volumetric Positive Displacement Type.
ASTM F1173	Standard Specification for Thermosetting Resin Fiberglass Pipe and Fittings to be Used for Marine Applications.
ASTM F1199	Standard Specification for Cast (All Temperature and Pressures) and Welded Pipe Line Strainers (150 psig and 150 Degrees F Maximum).
ASTM F1200	Standard Specification for Fabricated (Welded) Pipe Line Strainers (Above 150 psig and 150 Degrees F).

TABLE 2 TO § 56.60-1—ADOPTED STANDARDS APPLICABLE TO PIPING SYSTEMS—Continued
[Replaces Table 126.1]

ASTM F1201	Standard Specification for Fluid Conditioner Fittings in Piping Applications above 0 Degrees F.
Expansion Joint Manufacturers Association Inc.¹	
	Standards of the Expansion Joint Manufacturers Association, 2015.
Fluid Controls Institute Inc. (incorporated by reference; see 46 CFR 56.01-2)	
FCI 69-1	Pressure Rating Standard for Steam Traps.
Manufacturers' Standardization Society of the Valve and Fittings Industry, Inc.^{1 4}	
MSS SP-6	Standard Finishes for Contact Faces of Pipe Flanges and Connecting-End Flanges of Valves and Fittings.
MSS SP-9	Spot Facing for Bronze, Iron and Steel Flanges.
MSS SP-25	Standard Marking System for Valves, Fittings, Flanges and Unions.
MSS SP-45	Bypass and Drain Connections.
MSS SP-51	Class 150LW Corrosion Resistant Flanges and Cast Flanged Fittings. ⁴
MSS SP-53	Quality Standard for Steel Castings and Forgings for Valves, Flanges and Fittings and Other Piping Components—Magnetic Particle Examination Method.
MSS SP-55	Quality Standard for Steel Castings for Valves, Flanges and Fittings and Other Piping Components—Visual Method for Evaluation of Surface Irregularities.
MSS SP-58	Pipe Hangers and Supports—Materials, Design Manufacture, Selection, Application, and Installation.
MSS SP-61	Pressure Testing of Valves.

¹ All standards incorporated by reference; see § 56.01-2.

² In addition, for bronze valves, adequacy of body shell thickness must be satisfactory to the Marine Safety Center. Refer to § 56.60-10 of this part for cast-iron valves.

³ Mill or manufacturer's certification is not required, except where a needed portion of the required marking is deleted because of size or is absent because of age of existing stocks.

⁴ Because this standard offers the option of several materials, some of which are not generally acceptable to the Coast Guard, compliance with the standard does not necessarily indicate compliance with these rules. The marking on the component or the manufacturer or mill certificate must indicate the specification or grade of the materials as necessary to fully identify the materials. The materials must comply with the requirements in this subchapter governing the particular application.

■ 188. Amend § 56.60-2 as follows:

■ a. In paragraph (a), remove the word "shall" and add, in its place, the word "must";

■ b. In paragraph (b), remove the text "Table 56.60-1(a)" and add, in its place, the text "table 1 to § 56.60-1";

■ c. In paragraph (c)(1)(ii):

■ i. remove the text "A 376" and add, in its place, the text "A376";

■ ii. remove the text "46 CFR" and add, in its place, the symbol "\$"; and

■ iii. remove the word "shall" and add, in its place, the word "must";

■ d. In paragraph (c)(2):

■ i. Remove the text "A-376" and add, in its place, the text "A376"; and

■ ii. Remove the word "shall" and add, in its place, the word "must"; and

■ e. Redesignate table 56.60-2(a) as table § 56.60-2; and

■ f. Revise newly redesignated table § 56.60-2.

The revision reads as follows:

§ 56.60-2 Limitations on materials.

* * * * *

TABLE § 56.60-2—ADOPTED SPECIFICATIONS NOT LISTED IN THE ASME BPVC

ASTM specifications	Source of allowable stress	Notes
Ferrous Materials¹		
Bar stock:		
A276 (Grades 304-A, 304L-A, 310-A, 316-A, 316L-A, 321-A, 347-A, and 348-A).	See footnote 4	(4).
A575 and A576 (Grades 1010-1030)	See footnote 2	(2 3).
Nonferrous Materials		
Bar stock:		
B16 (soft and half hard tempers)	See footnote 5	(5 6).
B21 (alloys A, B, and C)	See footnote 7	(7).
B124:		
Alloy 377	See footnotes 5 and 8	(5 8).
Alloy 464	See footnote 7	(7 9).
Alloy 655	See footnote 10	(10).
Alloy 642	See footnote 11	(6 11).
Alloy 630	See footnote 12	(6 12).
Alloy 485	See footnote 7	(7 9).
Forgings:		

TABLE § 56.60-2—ADOPTED SPECIFICATIONS NOT LISTED IN THE ASME BPVC—Continued

ASTM specifications	Source of allowable stress	Notes
B283 (forging brass)	See footnotes 5 and 8	(5 8).
Castings:		
B26	See footnotes 5, 13, and 14	(5 13 14).
B85	See footnotes 5, 13, and 14	(5 13 14).

Note 1 to Table 1 to 56.60-2: Table § 56.60-2 is a listing of adopted bar stock and nonferrous forging and casting specifications not listed in the ASME BPVC. Particular attention should be given to the supplementary testing requirements and service limitations contained in the footnotes. All ASTM standards referred to in table § 56.60-2 and its footnotes are incorporated by reference (see § 56.01-2).

- ¹ For limitations in use refer to § 56.60-5.
- ² Allowable stresses must be the same as those listed in UCS23 of Section VIII of the ASME BPVC (incorporated by reference; see § 56.01-2) for ASME SA-675 (incorporated by reference, see § 56.01-2) material of equivalent tensile strength.
- ³ Physical testing must be performed as for material manufactured to ASME SA-675, except that the bend test is not required.
- ⁴ Allowable stresses must be the same as those listed in UCS23 of Section VIII of the ASME BPVC for the corresponding SA-182 material.
- ⁵ Limited to air and hydraulic service with a maximum design temperature of 150 °F. The material must not be used for saltwater service or other fluids that may cause dezincification or stress corrosion cracking.
- ⁶ An ammonia vapor test, in accordance with ASTM B858 must be performed on a representative model of each finished product design.
- ⁷ Allowable stresses must be the same as those listed in UNF23 of Section VIII of the ASME BPVC for SB-171, naval brass.
- ⁸ An ammonia vapor test, in accordance with ASTM B858, must be performed on a representative model for each finished product design. Tension tests must be performed to determine tensile strength, yield strength, and elongation. Minimum values must be those listed in Table 3 of ASTM B283.
- ⁹ Physical testing, including mercurous nitrate test, must be performed as for material manufactured to ASTM B21.
- ¹⁰ Physical testing must be performed as for material manufactured to ASTM B96. Allowable stresses must be the same as those listed in UNF23 of Section VIII of the ASME BPVC for SB-96 and must be limited to a maximum allowable temperature of 212 °F.
- ¹¹ Physical testing must be performed as for material manufactured to ASTM B171, alloy D. Allowable stresses must be the same as those listed in UNF23 of Section VIII of the ASME BPVC for SB-171, aluminum bronze D.
- ¹² Physical testing must be performed as for material manufactured to ASTM B171, alloy E. Allowable stresses must be the same as those listed in UNF23 of Section VIII of the ASME BPVC for SB-171, aluminum bronze, alloy E.
- ¹³ Tension tests must be performed to determine tensile strength, yield strength, and elongation. Minimum values must be those listed in Table X-2 of ASTM B85.
- ¹⁴ Those alloys with a maximum copper content of 0.6 percent or less must be acceptable under this specification. Cast aluminum must not be welded or brazed.

§ 56.60-3 [Amended]

- 189. Amend § 56.60-3 as follows:
 - a. In paragraph (a), remove the words “salt water” and add, in their place, the word “saltwater”; and
 - b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”.
- 190. Amend § 56.60-5 as follows:
 - a. In paragraph (a), remove the text “775 °F (412 °C)” and add, in its place, the text “800 °F (427 °C)”;
 - b. Redesignate paragraph (d) as paragraph (c); and
 - c. Revise newly redesignated paragraph (c).
The revision reads as follows:

§ 56.60-5 Steel (High temperature applications).

- * * * * *
- (c) The design temperature of a piping system employing one or more of the materials listed in paragraphs (a) and (b) of this section must not exceed the lowest graphitization temperature specified for materials used.
- 191. Amend § 56.60-10 as follows:
 - a. Revise paragraph (a);
 - b. In paragraph (b), remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - c. Revise the first sentence of paragraph (c).
The revisions read as follows:

§ 56.60-10 Cast iron and malleable iron.

(a) The low ductility of cast iron and malleable iron should be recognized and

the use of these metals where shock loading may occur should be avoided. Cast iron and malleable iron components must not be used at temperatures above 450 °F. Cast iron and malleable iron fittings conforming to the specifications of table 1 to § 56.60-1 may be used at the pressure limits of the applicable standards at temperatures not exceeding 450 °F. Valves of either of these materials may be used if they conform to the standards for class 125 and class 250 flanges and flanged fittings in ASME B16.1 (incorporated by reference; see § 56.01-2).

(c) Malleable iron and cast iron valves and fittings, designed and marked for Class 300 refrigeration service, may be used for such service up to a pressure limitation of 300 psi. * * *

- 192. Amend § 56.60-15 as follows:
 - a. Revise paragraph (a) and the introductory text to paragraph (b); and
 - b. In paragraph (b)(2), remove the text “section VIII of the ASME Boiler and Pressure Vessel Code” and add, in its place, the text “Section VIII of the ASME BPVC”.

The revision reads as follows:

§ 56.60-15 Ductile iron.

(a) Ductile cast iron components made of material conforming to ASTM F1155 (incorporated by reference, see § 56.01-2) may be used within the service restrictions and pressure-temperature

limitations of UCD-3 of Section VIII of the ASME BPVC (incorporated by reference; see § 56.01-2).

(b) Ductile iron castings conforming to ASTM F1155 may be used in hydraulic systems at pressures in excess of 7500 kilopascals (1000 pounds psig), provided the following:

* * * * *

- 193. Amend § 56.60-20 as follows:
 - a. Designate the Note immediately following paragraph (a) as Note 1 to paragraph (a);
 - b. Revise paragraph (c); and
 - c. In paragraph (d), remove the text “Table 56.60-2(a)” and add, in its place, the text “table § 56.60-2”.

The revision reads as follows:

§ 56.60-20 Nonferrous materials.

* * * * *

(c) A suitable thread compound must be used in threaded joints in aluminum pipe to prevent seizing. Pipe in the annealed temper should not be threaded.

* * * * *

- 194. Amend § 56.60-25 as follows:
 - a. Remove the text “46 CFR” wherever it appears and add, in its place, the symbol “\$”;
 - b. Remove the subject heading from paragraph (b); and
 - c. Revise paragraphs (c) and (d).
The revisions read as follows:

§ 56.60-25 Nonmetallic materials.

* * * * *

(c) Plastic valves, fittings, and flanges must be designed, fabricated, tested, and installed to satisfy the requirements for plastic pipe contained in this section.

(d) Requests to use nonmetallic materials other than those specified in this section must be submitted to the Commandant for consideration.

■ 195. Revise § 56.65–1 to read as follows:

§ 56.65–1 General (modifies 127 through 135).

The requirements for fabrication, assembly and erection in subparts 56.70 through 56.90 must apply in lieu of 127 through 135 of ASME B31.1

(incorporated by reference; see § 56.01–2). Those paragraphs reproduced are so noted.

■ 196. Revise 56.70–1 to read as follows:

§ 56.70–1 General.

The following generally applies to all types of welding processes. Alternatives must be approved by the Marine Safety Center.

■ 197. Revise 56.70–5 to read as follows:

§ 56.70–5 Material.

(a) *Filler metal.* All filler metal, including consumable insert material, must comply with the requirements of Section IX of the ASME BPVC (incorporated by reference; see § 56.01–2) and 46 CFR 57.02–5.

(b) *Backing rings.* Backing rings must comply with section 127.2.2. of ASME B31.1.

■ 198. Amend § 56.70–10 as follows:

■ a. Revise the subject headings to paragraphs (a) and (a)(1);

■ b. In paragraph (a)(1)(ii), remove the text “46 CFR” and add, in its place, the symbol “\$”;

■ c. In paragraphs (a)(1)(iii) and (2), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ d. In paragraph (a)(3), remove the text “within existing commercial tolerances on diameters, wall thicknesses, and out of roundness”;

■ e. In paragraph (a)(4), remove the word “shall” and add, in its place, the word “must”; and

■ f. Revise paragraph (b).

The revisions read as follows:

§ 56.70–10 Preparation (modifies 127.3).

(a) *Butt welds—(1) End preparation.*

* * * * *

(b) *Fillet welds.* Piping components that are to be joined utilizing fillet welds must be prepared in accordance with applicable provisions and requirements of this section. For typical details, see Figures 127.4.4A and 127.4.4C of ASME B31.1 (incorporated

by reference; see § 56.01–2) and § 56.30–10(b). See § 56.30–5(d) for additional requirements.

■ 199. Amend § 56.70–15 as follows:

■ a. Revise the section heading and paragraph (a)(1);

■ b. Remove paragraph (a)(2) and redesignate paragraph (a)(3) as paragraph (a)(2);

■ c. Revise newly redesignated paragraph (a)(2) and paragraph (b)(2);

■ d. In the introductory text to paragraph (b)(3), remove the word “shall” and add, in its place, the word “must”;

■ e. Revise paragraph (b)(4);

■ f. In paragraph (b)(5), remove the text “46 CFR” and add, in its place, the symbol “\$”;

■ g. Revise the first sentence of paragraphs (b)(6)(i) and paragraph (b)(6)(ii);

■ h. In the introductory text to paragraph (b)(8), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ i. Revise paragraphs (b)(8)(ii) and (iii), and (c), the sixth sentence of paragraph (d)(3), paragraph (d)(4), the subject heading to paragraph (e), and paragraph (e)(1);

■ j. In paragraph (f)(1), remove the word “shall” and add, in its place, the word “must”;

■ k. Revise paragraph (g)(1);

■ l. In paragraph (g)(2), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ m. Redesignate figure 56.70–15(g) as figure § 56.70–15(g)(3);

■ n. In paragraphs (g)(4), (5), and (6), and (h), remove the word “shall” wherever it appears and add, in its place, the word “must”; and

■ o. Redesignate table 56.70–15 as table § 56.70–15.

The revisions read as follows:

§ 56.70–15 Procedure (modifies 127.4).

(a) * * * (1) Qualification of welders and welding procedures is required and must comply with the requirements of part 57 of this subchapter.

(2) Sections must be welded insofar as possible in the fabricating shop.

Welding must not be done in severe weather conditions. Prior to welding Class I piping or low temperature piping, the fabricator must request a marine inspector to visit his plant to examine his fabricating equipment and to witness the qualification tests required by part 57 of this subchapter. One test specimen must be prepared for each process and welding position to be employed in the fabrication.

(b) * * *

(2) Girth butt welds in Class I, I–L, and II–L piping systems must be double

welded butt joints or equivalent single welded butt joints for pipe diameters exceeding three-fourth inch nominal pipe size. The use of a single welded butt joint employing a backing ring (note restrictions in paragraph (b)(3)(iv) of this section) on the inside of the pipe is an acceptable equivalent for Class I and Class II–L applications, but not permitted for Class I–L applications. Single welded butt joints employing either an inert gas for first pass backup or a consumable insert ring may be considered the equivalent of a double welded butt joint for all classes of piping and is preferable for Class I–L and II–L systems where double butt welds cannot be used. A first pass inert gas backup is intended to mean that the inside of the pipe is purged with inert gas and that the root is welded with the inert gas metal arc (mig) or inert gas tungsten arc (tig) processes. For single welded joints, where possible, the inside of the joint must be examined visually to assure full penetration. Radiographic examination of at least 20 percent of single welded joints to check for penetration is required for all Class I and Class I–L systems regardless of size following the requirements of § 56.95–10. Ultrasonic testing may be utilized in lieu of radiographic examination if the procedures are approved.

* * * * *

(4) Tack welds that become part of the finished weld must be made by a qualified welder. Tack welds which have cracked must be removed.

* * * * *

(6) * * *

(i) The condition of finished welds must be suitable for radiographic and other nondestructive examinations when required by § 56.95–10. * * *

(ii) Reinforcements are permitted in accordance with table § 56.70–15.

* * * * *

(8) * * *

(ii) Any slag inclusion or porosity greater than specified as acceptable in PW–51 of Section I of the ASME BPVC (incorporated by reference; see § 56.01–2).

(iii) Undercuts in the external surfaces of butt welds more than 1/32-inch deep.

* * * * *

(c) *Longitudinal butt welds.* Longitudinal butt welds in piping components not made in accordance with the standards and specifications listed in § 56.60–1 must meet the requirements of paragraph 127.4.3 of ASME B31.1 (incorporated by reference; see § 56.01–2).

(d) * * *

(3) * * * The fillet weld must be deposited in a minimum of two passes, unless specifically approved otherwise.
* * *

(4) Sleeve and socket type joints may be used in Class II piping systems without restriction as to size of pipe or tubing joined. The fillet welds must be deposited in a minimum of two passes, unless specifically approved otherwise. Requirements for joints employing socket weld and slip-on flanges are in § 56.30–10.

(e) *Seal welds.* (1) Where seal welding of threaded joints is performed, threads must be entirely covered by the seal weld.

* * * * *

(g) * * *

(1) Figures 127.4.8A, B, and C of ASME B31.1 show typical details of branch connections with and without added reinforcement. See also figure § 56.70–15(g)(3) for additional pipe connections.

* * * * *

■ 200. Revise § 56.70–20 to read as follows:

§ 56.70–20 Qualification, general.

(a) Qualification of welding procedures and welders is required, and must comply with the requirements of Section IX of the ASME BPVC (incorporated by reference; see § 56.01–2) as modified by part 57 of this subchapter.

(b) Each butt-welded joint of Class I of Class I–L piping must be marked with the welder’s identification symbol. Dies must not be used to mark the pipe where the pressure exceeds 600 pounds psi or the temperature exceeds 750 °F. or in Class I–L systems.

■ 201. Amend § 56.75–5 as follows:

■ a. Revise the section heading;

■ b. In paragraph (a), remove the words “meet and”; and

■ c. Revise paragraph (b).

The revision reads as follows:

§ 56.75–5 Filler metal (modifies 128.2).

* * * * *

(b) The brazing material used must have a shearing strength of at least 10,000 psig. The maximum allowable working pressure for brazing piping must be determined by this part.

* * * * *

■ 202. Revise § 56.75–10 to read as follows:

§ 56.75–10 Joint clearance.

The clearance between surfaces to be joined must be no larger than is necessary to allow complete capillary distribution of the brazing alloy or solder.

§ 56.75–15 [Amended]

■ 203. Amend § 56.75–15 as follows:

■ a. In the section heading, remove the word “Heating” and add, in its place, the text “Heating.”; and

■ b. In paragraph (a), remove the word “shall” and add, in its place, the word “must”.

■ 204. Amend § 56.75–20 as follows:

■ a. Revise paragraph (a); and

■ b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 56.75–20 Brazing qualification.

(a) The qualification of the performance of brazers and brazing operators must be in accordance with the requirements of Part C, Section IX of the ASME Code (incorporated by reference; see § 56.01–2) and part 57 of this subchapter.

* * * * *

§ 56.75–25 [Amended]

■ 205. Amend § 56.75–25 as follows:

■ a. In paragraph (b), remove the second sentence; and

■ b. In paragraph (c), remove the word “shall” and add, in its place, the word “must”.

■ 206. Amend § 56.75–30 as follows:

■ a. In paragraph (a)(1), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. Revise paragraph (b)(1); and

■ c. In paragraphs (b)(2) and (c)(1) and (2), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 56.75–30 Pipe joining details.

* * * * *

(b) * * * (1) Copper-alloy brazing may be employed to join pipe, valves, and fittings. Circumferential joints may be either of the butt or socket type. Where butt joints are employed, the included angle must be not less than 90° where the wall thickness is three-sixteenths of an inch or greater. The annular clearance of socket joints must be held to small clearances.

* * * * *

■ 207. Revise § 56.80–5 to read as follows:

§ 56.80–5 Bending (modifies 129).

Pipe may be bent by any hot or cold method and to any radius that will result in a bend surface free of cracks, as determined by a method of inspection specified in the design, and substantially free of buckles. Such bends must meet the design requirements of 102.4.5 and 104.2.1 of ASME B31.1 (incorporated by reference; see § 56.01–2). This does not prohibit the use of bends designed as creased or corrugated. If doubt exists as to the wall thickness being adequate, Class I piping having diameters exceeding 4 inches must be nondestructively examined by the use of ultrasonics or other acceptable method. The nondestructive method must be employed where the design temperature exceeds 750 °F.

§ 56.80–15 [Amended]

■ 208. Amend § 56.80–15 as follows:

■ a. In paragraph (b), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. In paragraph (d), remove the text “46 CFR” and add, in its place, the symbol “\$”; and

■ c. In paragraph (f), remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 209. Revise § 56.85–10 to read as follows:

§ 56.85–10 Preheating.

(a) The minimum preheat temperatures listed in table § 56.85–10(c) for P-number materials groupings are mandatory minimum pre-heat temperatures. Preheat is required for Class I, I–L, I–N, II–N and II–L piping when the ambient temperature is below 50 °F. Table 131.4.1 of ASME B31.1 (incorporated by reference; see § 56.01–2) is considered equivalent to table § 56.85–10(c).

(b) During the welding of dissimilar materials, the minimum preheat temperature may not be lower than either the highest temperature listed in table § 56.85–10(c) for any of the materials to be welded or the temperature established in the qualified welding procedure.

(c) The preheat temperature must be checked by other suitable methods to ensure that the required preheat temperature is obtained before, and uniformly maintained during the welding.

TABLE § 56.85–10(c)—PREHEAT AND POSTHEAT TREATMENT OF WELDS

ASME Sec IX (incorporated by reference; see § 56.01–2) Nos.	Preheat required			Postheat treatment requirement, other than for dissimilar metal welds		
	Minimum wall (inch)	Minimum temperature (°F)	Minimum wall and other (inch)	Temperature (°F) (inch)	Time cycle	
					Hour per inch of wall	Minimum time within range (hour)
P–1	All	50 (for 0.30% C maximum or less).	Over ¾ in	1,100 to 1,200 (minimum) (max- imum).	1	1
P–1	All	175 (for over 0.30% C) and wall thick- ness over 1 in.	.....do	.....do	1	1
P–3	All walls	175	Over ½ in	1,200 to 1,350 (minimum) (max- imum).	1	1
P–4	Up to ¾ in inclu- sive.	300	Over ½ in or over 4 in. NPS or.	1,330 to 1,400 (minimum) (max- imum).	1	1
	Over ¾ in	400	Over 0.15% C max- imum.	.....do	.....do	.....do
P–5 (less than 5% Cr.).	Up to ¾ in inclu- sive.	300	Over ½ in or over 4 in. nom. size or.	1,300 to 1,425 (minimum) (max- imum).	1	1
	Over ¾ in	400	Over 0.15% C max- imum.	.....do	.....do	.....do
P–5 (5% Cr and higher).	Up to ¾ inclusive	300	All walls	.....do	1	2
	Over ¾ in	400	Over 0.15% C max- imum.	.....do	.....do	.....do
P–6	All walls	300	All walls	1,400 to 1,500 (minimum) (max- imum).	1	2
P–8	.....do	None required	.....do	None required	.....do	.....do

Note 1 to table § 56.85–10(c): Wall thickness of a butt weld is defined as the thicker of the two abutting ends after end preparation including I.D. machining.

Note 2 to table § 56.85–10(c): The thickness of socket, fillet, and seal welds is defined as the throat thicknesses for pressure and non-pres-
sure retaining welds.

Note 3 to table § 56.85–10(c): For P–1, the 0.30% C. max applies to specified ladle analysis.

Note 4 to table § 56.85–10(c): For P–7, P–9A, P–9B, P–10C and other materials not listed the Preheat and Postheat Treatment is to be in ac-
cordance with the qualified procedure.

(d)(1) Preheat temperatures must be checked by use of temperature indicating crayons, thermocouple pyrometers, or other suitable method.

(2) For inert gas tungsten arc root pass welding, a lower preheat than specified in table § 56.85–10(c) may be used in accordance with the qualified procedure.

(3) Heating rate for furnace, gas, electric resistance, and other surface heating methods must not exceed:

(i) 600 °F per hour for thicknesses 2 inches and under.

(ii) 600 °F per hour divided by ½ the thickness in inches for thickness over 2 inches.

(4) Heating route for induction heating must not exceed:

(i) 600 °F per hour for thickness less than 1½ inches (60 and 400 cycles).

(ii) 500 °F per hour when using 60 cycles and 400 °F per hour when using 400 cycles for thicknesses 1½ inches and over.

(5) When local heating is used, the weld must be allowed to cool slowly

from the postheat treatment temperature. When furnace cooling is used, the pipe sections must be cooled in the furnace to 1000 °F and may then be cooled further in still air.

(6) Welding on P–3, P–4, and P–5 with 3% Cr max. may be interrupted only if—

(i) At least ⅜ inch thickness of weld is deposited or 25 percent of welding groove is filled, whichever is greater;

(ii) The weld is allowed to cool slowly to room temperature; and

(iii) The required preheat is resumed before welding is continued.

(7) Welding on P–6 is subject to a 600 °F maximum interpass temperature.

(8) When attaching welding carbon steel non-pressure parts to steel pressure parts and the throat thickness of the fillet or partial or full penetration weld is ½ in. or less, postheat treatment of the fillet weld is not required for Class I and II piping if preheat to a minimum temperature of 175 °F is applied when the thickness of the pressure part exceeds ¾ in.

(9) The maximum postheat treatment temperature listed in table § 56.85–10(c) for each P number is a recommended maximum temperature.

(10) Postheat treatment temperatures must be checked by use of thermocouple pyrometers or other suitable means.

(11) When postheat treatment by annealing or normalizing is used, the postheat treatment temperatures must be in accordance with the qualified welding procedure.

(12) (i) Local postheat treatment of butt welded joints must be performed on a circumferential band of the pipe. The minimum width of this band, centered on the weld, must be the width of the weld plus 2 inches.

(ii) Local postheat treatment of welded branch connections must be performed by heating a circumferential band of the pipe to which the branch is welded. The width of the heated band must extend at least 1 inch beyond the weld joining the branch.

(13) For Class I–L and II–L piping systems, relief from postweld heat treatment may not be dependent upon wall thickness. See also §§ 56.50–105(a)(3) and 56.50–105(b)(3).

■ 210. Amend § 56.85–15 as follows:

■ a. In paragraph (a):

■ i. Remove the words “as is often the case when making branch connections” and add, in their place, the text “(such as branch connections)”; and

■ ii. Remove the text “Table 56.85–10” and add, in its place, the text “table § 56.85–10(c)”; and

■ b. In the introductory text to paragraph (b):

■ i. Remove the word “shall” and add, in its place, the word “must”; and

■ ii. Remove the text “Table 56.85–10” and add, in its place, the text “table § 56.85–10(c)”; and

■ c. In paragraph (b)(1), remove the words “High pressure salt” and add, in its place, the word “Salt”; and

■ d. In paragraph (c):

■ i. Remove the word “shall” and add, in its place, the word “must”; and

■ ii. Remove the text “Table 56.85–10” and add, in its place, the text “table § 56.85–10(c)”; and

■ e. Revise paragraph (d).

The revision reads as follows:

§ 56.85–15 Postheat treatment.

* * * * *

(d) Heating a fabricated assembly as a complete unit is usually desirable; however, the size or shape of the unit or the adverse effect of a desired treatment on one or more components are involved may dictate alternative procedures.

* * * * *

■ 211. Revise § 56.90–1 to read as follows:

§ 56.90–1 General.

The assembly of the various piping components, whether done in a shop or as field erection, must be done so that the completely erected piping conforms with the requirements of the regulations in this subchapter.

■ 212. Amend § 56.90–5 as follows:

■ a. Revise paragraph (a); and

■ b. In paragraph (c), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 56.90–5 Bolting procedure.

(a) All flanged joints must be fitted up so that the gasket contact faces bear uniformly on the gasket and then must be made up with relatively uniform bolt stress.

* * * * *

■ 213. Revise § 56.90–10 to read as follows:

§ 56.90–10 Threaded piping (modifies 135.5).

(a) Any compound used in threaded joints must be suitable for the service conditions and must not react unfavorably with either the service fluid or the piping materials.

(b) Threaded joints which are to be seal welded must be made up without any thread compound.

■ 214. Amend § 56.95–1 as follows:

■ a. In paragraph (a):

■ i. Remove the word “shall”; and

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “\$”; and

■ b. Revise paragraph (b).

The revision reads as follows:

§ 56.95–1 General (replaces 136).

* * * * *

(b) Prior to initial operation, a piping installation must be inspected to assure compliance with the engineering design, and with the material, fabrication, assembly and test requirements of ASME B31.1, as modified by this subchapter. This inspection is the responsibility of the owner or operator and may be performed with an engineering organization employed by the owner, together with the marine inspector.

§ 56.95–5 [Amended]

■ 215. In § 56.95–5, remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 216. Revise § 56.95–10 to read as follows:

§ 56.95–10 Type and extent of examination required.

(a) *General.* The types and extent of nondestructive examinations required for piping must be in accordance with this section and Table 136.4 of ASME B31.1 (incorporated by reference; see § 56.01–2). In addition, a visual examination must be made.

(1) 100 percent radiography is required for all Class I, I–L, and II–L piping with wall thickness equal to or greater than 10 mm (.393 in.).

Note 1 to paragraph (a)(1): Throughout this section, where for some reason, such as joint configuration, radiography is not applicable, another approved examination may be utilized.

(2) Nondestructive examination is required for all Class II piping equal to or greater than 18 inches nominal diameter regardless of wall thickness. Any test method acceptable to the Officer in Charge, Marine Inspection may be used.

(3) Nondestructive examinations of other piping systems are required only when deemed necessary by the Officer in Charge, Marine Inspection (OCMI).

(b) *Visual examination.* Visual examination consists of observation by the marine inspector either before, during, or after manufacture, fabrication, assembly or test. All welds, pipe and piping components must comply with the limitations on imperfections specified in the product specification or with the limitations on imperfections specified in § 56.70–15(b)(7) and (8), and (c), as applicable.

(c) *Nondestructive types of examinations—(1) 100 Percent radiography.* Where 100 percent radiography is required, each weld in the piping must be completely radiographed. If a butt weld is examined by radiography, for either random or 100 percent radiography, the method used must be as follows:

(i) X-ray or gamma ray method of radiography may be used. The selection of the method must be dependent upon its adaptability to the work being radiographed. The procedure to be followed must be as indicated in PW–51 of Section I of the ASME BPVC (incorporated by reference; see § 56.01–2).

(ii) If a piping component or a weld other than a butt weld is radiographed, the method used must be in accordance with UW–51 of Section VIII of the ASME BPVC (incorporated by reference; see § 56.01–2).

(2) *Random radiography.* Where random radiography is required, one or more welds may be completely or partially radiographed. Random radiography is desirable in field welding, where conditions such as position, temperatures, and cleanliness are not as controlled as in shop welding. It may be employed whenever an Officer in Charge, Marine Inspection questions a pipe weld not otherwise required to be tested. The standards of acceptance are the same as for 100 percent radiography.

(3) *Ultrasonic.* Where 100 percent ultrasonic testing is specified, the entire surface of the weld being inspected must be covered using careful methods to be sure that a true representation of the actual conditions is obtained. The procedures to be used must be submitted to the Commandant for approval.

(4) *Liquid penetrant.* Where liquid penetrant examination is required, the entire surface of the weld being examined must be covered. The examination must be performed in accordance with appendix VIII to Section VIII of the ASME BPVC. The following standards of acceptance must be met:

(i) All linear discontinuities and aligned penetrant indications revealed by the test must be removed. Aligned

penetrant indications are those in which the average of the center-to-center distances between any one indication and the two adjacent indications in any straight line is less than three-sixteenths inch. All other discontinuities revealed on the surface need not be removed unless the discontinuities are also revealed by radiography, in which case the pertinent radiographic specification applies.

(ii) [Reserved]

(5) *Magnetic particle*. Where magnetic particle testing is required, the entire surface of the weld being examined must be covered. The testing must be performed in accordance with Appendix VI to Section VIII of the ASME BPVC. The following standards of acceptance are required for welds. All linear discontinuities and aligned indications revealed by the test must be removed. Aligned indications are those in which the average of the center-to-center distances between any one indication and the two adjacent indications in any straight line is less than three-sixteenths inch. All other revealed discontinuities need not be removed unless the discontinuities are also revealed by radiography, in which case the requirements of paragraph (c)(1) of this section must be met.

■ 217. Amend § 56.97–1 as follows:

■ a. In paragraph (a), remove the text “46 CFR” and add, in its place, the symbol “\$”;

■ b. Revise the introductory text of paragraph (b);

■ c. Redesignate footnote 1 to paragraph (b)(2)(i) as Note 1 to paragraph (b)(2)(i);

■ d. Revise paragraph (b)(2)(ii);

■ e. Designate the Note as Note 1 to paragraph (b)(3); and

■ f. Remove paragraph (b)(4).

The revisions read as follows:

§ 56.97–1 General (replaces 137).

* * * * *

(b) *Leak tightness*. It is mandatory that the piping constructed demonstrates leak tightness. Except where otherwise permitted, this requirement must be met by a hydrostatic leak test prior to initial operations. Where a hydrostatic test is not practicable, a pneumatic test (§ 56.97–35) or initial service leak test (§ 56.97–38) may be substituted if approved by the Commandant.

* * * * *

(2) * * *

(ii) Piping systems are to be used in services where traces of water cannot be tolerated and, whenever possible, the piping subassemblies or system have been previously hydrostatically tested to the pressure required in § 56.97–30(e).

* * * * *

§ 56.97–5 [Amended]

■ 218. In § 56.97–5(b), remove the text “Table 56.60–1(b)” and add, in its place, the text “table 2 to § 56.60–1”.

■ 219. Amend § 56.97–25 as follows:

■ a. Revise the section heading; and

■ b. Revise paragraphs (b), (c), and (d).

The revisions read as follows:

§ 56.97–25 Preparation for testing (modifies 137.2).

* * * * *

(b) *Addition of temporary supports*. Piping systems designed for vapor or gas may be provided with additional temporary supports, if necessary.

(c) *Restraint or isolation of expansion joints*. Expansion joints must be provided with temporary restraint, if required for the additional pressure load under test.

(d) *Isolation of equipment not subjected to pressure test*. Equipment that is not to be subjected to the pressure test must be isolated by a blank flange or equivalent means.

* * * * *

§ 56.97–35 [Amended]

■ 220. Amend § 56.97–35 as follows:

■ a. In the section heading, remove the word “replaces” and add, in its place, the word “modifies”;

■ b. In paragraph (b)(1), add the words “nor toxic” after the word “flammable”; and

■ c. In paragraph (b)(2), remove the text “upon review of the metallurgical aspects of the piping materials with respect to its brittle fracture properties”.

■ 221. Amend § 56.97–38 by revising the section heading and paragraph (a) to read as follows:

§ 56.97–38 Initial service leak test (modifies 137.7).

(a) An initial service leak test and inspection is acceptable when other types of test are not practical or when leak tightness is conveniently demonstrable due to the nature of the service. One example is piping where shut-off valves are not available for isolating a line. Others may be systems for service water, condensate, plant and instrument air, etc., where checking out of pumps and compressors afford ample opportunity for leak tightness inspection prior to full-scale operation.

* * * * *

§ 56.97–40 [Amended]

■ 222. Amend § 56.97–40 as follows:

■ a. In the introductory text to paragraph (a) and paragraph (a)(1), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. In paragraph (a)(2), remove the text “, but not less than 500 pounds per square inch”;

■ c. Remove paragraph (a)(3) and redesignate paragraphs (a)(4) through (10) as paragraphs (a)(3) through (9);

■ e. In newly redesignated paragraph (a)(6), remove the text “, but not less than 150 pounds per square inch”;

■ f. In paragraph (c), remove the word “shall” and add, in its place, the word “must”.

PART 57—WELDING AND BRAZING

■ 223. The authority citation for part 57 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

■ 224. Amend § 57.01–1 by revising paragraph (a) to read as follows:

§ 57.01–1 Qualifications and production tests.

(a) (*Replaces QW 100 and QB 100.*) The regulations in this part apply to the qualification of welding procedures, welders, and brazers, and to production tests for all types of manual and machine arc and gas welding and brazing processes.

* * * * *

■ 225. Revise § 57.02–1 to read as follows:

§ 57.02–1 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and make the material available to the public. All approved material is on file at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, phone (202) 372–1375, email typeapproval@uscg.mil. The material is also available from the sources listed elsewhere in this section or 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: www.archives.gov/federal-register/fr/ibr-locations.html.

(b) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue, New York, NY 10016–5990, 800–843–2763, www.asme.org.

(1) ASME Boiler and Pressure Vessel Code, Section IX, Welding, Brazing, and Fusing Qualifications (2019), (“Section

IX of the ASME BPVC’); IBR approved for §§ 57.02–2, 57.02–3, 57.02–4, 57.03–1, 57.04–1, 57.05–1, 57.06–1, 57.06–4.

(2) [Reserved]

■ 226. Revise § 57.02–2 to read as follows:

§ 57.02–2 Adoption of Section IX of the ASME BPVC.

(a) The qualifications for all types of welders and brazers, the qualification of welding procedures, and the production tests for all types of manual and machine arc and gas welding and brazing processes used in fabricating power boilers, heating boilers, pressure vessels and piping must be in

accordance with Section IX of the ASME BPVC (incorporated by reference; see § 57.02–1), as limited, modified, or replaced by specific requirements in this part. For general information table § 57.02–2(a) lists the various paragraphs in Section IX of the ASME BPVC which are limited, modified, or replaced by regulations in this part.

TABLE § 57.02–2(a)—LIMITATIONS AND MODIFICATIONS TO THE ADOPTION OF SECTION IX OF THE ASME BPVC

Paragraphs in Section IX of the ASME BPVC, and disposition	Unit of this part
QW–100 replaced by	57.01–1(a).
QW–103 replaced by	57.02–3(a).
QW–201 modified by	57.03–1(a).
QW–202 modified by	57.04–1.
QW–202.1 modified by	57.03–1(b).
QW–210 modified by	57.04–1.
QW–211 modified by	57.02–4.
QW–253 modified by	57.03–1(g).
QW–254 modified by	57.03–1(g).
QW–255 modified by	57.03–1(g).
QW–305 modified by	57.01–1(b).
QW–451 modified by	57.03–1(b) and 57.04–1.
QB–100 replaced by	57.01–1(a).
QB–103 replaced by	57.02–3(a).
QB–201 modified by	57.03–1(a).
QB–202 modified by	57.04–1.
QB–305 modified by	57.01–1(b).

(b) References to the ASME Code, like paragraph QW–131.1 indicate:

Q=Section IX, Welding and Brazing Qualifications, ASME BPVC.
 W=Part containing requirements for welding procedure, welder, and welding operator qualifications.
 131=Major division within the part.
 131.1=Specific subparagraph within the part.

(c) When a paragraph or a section of the regulations in this part relates to material in Section IX of the ASME BPVC, the relationship with the code will be shown immediately following the heading of the section or at the beginning of the paragraph as follows:

- (1) (Modifies Q___.) This indicates that the material in Q___ is generally applicable but is being altered, amplified or augmented.
- (2) (Replaces Q___.) This indicates that Q___ does not apply.
- (3) (Reproduces Q___.) This indicates that Q___ is being identically reproduced for convenience, not for emphasis.

§ 57.02–3 [Amended]

■ 227. Amend § 57.02–3 as follows:
 ■ a. In paragraph (a), remove the text “, provided the fabricator’s tests have been certified by an authorized Code inspector as defined in paragraphs PG–91, N–612, HG–515.2, or UG–91 of the ASME Code; and

- b. Reserve paragraph (b).
- 228. Amend § 57.02–4 as follows:
 ■ a. Revise paragraph (a); and
 ■ b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 57.02–4 Fabricator’s responsibility.

(a) (Replaces QW 103 and QB 103). Each manufacturer or contractor is responsible for the welding and brazing done by his organization and must conduct tests required in this part to qualify the welding and brazing procedures used and the performance of welders and brazers who apply these procedures. The manufacturer must bear the expense of conducting the tests. Each manufacturer must maintain a record of the test results obtained in welding and brazing procedure and welder and brazer performance qualifications. These required records, together with identification data, must be maintained by the manufacturer or contractor on the recommended forms illustrated in Section IX of the ASME BPVC (incorporated by reference; see § 57.02–1), or on any other form acceptable to the Officer in Charge, Marine Inspection. Upon request, duplicate forms must be furnished by the manufacturer or contractor to the marine inspector.

* * * * *

- 229. Amend § 57.03–1 as follows:
 ■ a. Revise the last sentence of paragraph (a)(1);
 ■ b. In paragraph (a)(2), remove the text “section IX of the ASME Code” and add, in its place, the text “Section IX of the ASME BPVC”;
 ■ c. In paragraph (b)(1), remove the word “Code” and add, in its place, the text “BPVC”;
 ■ d. In paragraph (b)(4), remove the text “table 57.03–1(b)” and add, in its place, the text “table § 57.03–1(b)”; and
 ■ e. Redesignate table 57.03–1(b) as table § 57.03–1(b).

The revision reads as follows:

§ 57.03–1 General requirements.

(a) * * *
 (1) * * * Suggested forms showing the information which is required in the welding or brazing procedure specification are in Form QW 482 and Form QB 482 of Section IX of the ASME BPVC (incorporated by reference; see § 57.02–1).

* * * * *

■ 230. Revise § 57.04–1 to read as follows:

§ 57.04–1 Test specimen requirements and definition of ranges (modifies QW 202, QW 210, QW 451, and QB 202).

The type and number of specimens that must be tested to qualify an automatic, semiautomatic, or manual procedure specification must be in

accordance with QW 202, QW 210, or QB 202 of Section IX of the ASME BPVC (incorporated by reference; see § 57.02–1) as applicable, except as supplemented by §§ 57.03–1(b) and 57.03–1(d).

§ 57.05–1 [Amended]

- 231. Amend § 57.05–1 as follows:
 - a. In paragraph (a), remove the text “section IX of the ASME Code” and add, in its place, the text “Section IX of the ASME BPVC (incorporated by reference; see § 57.02–1)”; and
 - b. Reserve paragraph (b).

§ 57.05–2 [Amended]

- 232. In § 57.05–2, reserve paragraph (b).

§ 57.05–3 [Amended]

- 233. Amend § 57.05–3 as follows:
 - a. Remove the text “Figure 57.05–3(a) and (b)” and add, in its place, the text “figures 1 and 2 to § 57.05–3”;
 - b. Remove the word “shall” and add, in its place, the word “must”; and
 - c. Redesignate figure 57.05–3(a) as figure 1 to § 57.05–3 and figure 57.05–3(b) as figure 2 to 57.05–3.

§ 57.05–5 [Amended]

- 234. In § 57.05–5, remove the word “shall” wherever it appears and add, in its place, the word “must”.
 - 235. Amend § 57.06–1 as follows:
 - a. In paragraphs (a) and (b), remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - b. Revise paragraph (c).
- The revision reads as follows:

§ 57.06–1 Production test plate requirements.

* * * * *

(c) Test plates are not required for heating boilers or Class III pressure vessels. Test plates are not required for main power boilers or pressure vessels constructed of P–1 material as listed in QW/QB 422 of Section IX of the ASME BPVC (incorporated by reference; see § 57.02–1) whose welded joints are fully radiographed as required by part 52 or 54 of this subchapter as applicable except when toughness tests are required in accordance with § 57.06–5. When toughness tests are required all prescribed production tests must be performed.

§ 57.06–2 [Amended]

- 236. In § 57.06–2, remove the word “shall” wherever it appears and add, in its place, the word “must”.
- 237. Amend § 57.06–3 as follows:
 - a. In paragraph (a):
 - i. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and

- ii. Remove the text “Figure 57.06–3” and add, in its place “figure § 57.06–3(d)”;
 - b. In paragraph (b), remove the word “shall” and add, in its place, the word “must”;
 - c. Revise paragraph (d);
 - d. Redesignate figure 57.06–3 as figure § 57.06–3(d); and
 - e. In paragraph (e), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 57.06–3 Method of performing production testing.

* * * * *

(d) In the case of vessels having no longitudinal welded joints, at least one set of test plates must be welded for each vessel, using the circumferential joint process, procedure and technique, except that the provisions of § 57.06–2(a) also apply for Classes I and I–L vessels, and that the provisions of § 57.06–2(a) and (c) also apply for Classes II and II–L vessels.

- * * * * *
- 238. Amend § 57.06–4 as follows:
 - a. In paragraph (a), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - b. Revise paragraph (b);
 - c. In paragraph (c), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - d. In paragraph (d):
 - i. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - ii. Remove the text “Figures 57.06–4(d)(1) and 57.06–4(d)(2)” and add, in its place, “figures 1 and 2 to § 57.06–4(d)”;
 - e. Redesignate figure 57.06–4(d)(1) as figure 1 to § 57.06–4(d) and figure 57.06–4(d)(2) as figure 2 to § 57.06–4(d);
 - f. In paragraphs (e) and the introductory text to (f), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - g. In paragraph (f)(1):
 - i. Remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - ii. Remove the text “Figure 57.06–4(f)(1)(i)” and add, in its place, the text “figure 3 to § 57.06–4(f)”; and
 - iii. Remove the text “Figure 57.06–4(f)(1)(ii)” and add, in its place, the text “figure 4 to § 57.06–4(f)”; and
 - h. In paragraph (f)(2):
 - i. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - ii. Remove the text “Figure 57.06–4(f)(2)” and add, in its place, “figure 5 to § 57.06–4(f)”; and
 - i. Redesignate Figure 57.06–4(f)(1)(i) as Figure 3 to § 57.06–4(f)(2), Figure

- 57.06–4(f)(1)(ii) as Figure 4 to § 57.06–4(f)(2), and Figure 57.06–4(f)(2) as Figure 5 to § 57.06–4(f)(2);
- j. In paragraph (g):
 - i. Remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - ii. Remove the text “Figure 57.06–4(g)” and add, in its place, the text “figure 6 to § 57.06–4(g)”; and
 - iii. Remove the text “Figure 57.06–4(f)(1)(ii)” and add, in its place, the text “figure 4 to § 57.06–4(f)”; and
 - k. Revise paragraph (h); and
 - l. In paragraph (i), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revisions read as follows:

§ 57.06–4 Production testing specimen requirements.

* * * * *

(b) The test plates must be so supported that the warping due to welding does not throw the finished test plate out of line by an angle of over 5°.

* * * * *

(h) The guided-bend specimen must be bent with the side of the weld in tension, its width must be equal to the full thickness of the plate and its thickness, after machining, must be 0.350 inch to 0.380 inch to permit bending in a jig having the contour of the standard jig as shown in Figure QW 466.1, QW 466.2, or QW 466.3 of Section IX of the ASME BPVC (incorporated by reference; see § 57.02–1). The specimen must withstand being bent cold to the full capacity of the jig without developing any crack exceeding one-eighth inch in any direction. Where the plate thickness exceeds two inches, the specimen must be cut in two so that each portion does not exceed 2 inches in width. Each such portion must be tested and must meet the requirements.

* * * * *

§ 57.06–5 [Amended]

- 239. In § 57.06–5, remove the word “shall” wherever it appears and add, in its place, the word “must”.

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

- 240. The authority citation for part 58 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 58.01–5 [Amended]

- 241. In § 58.01–5:
 - a. Remove the word “Steel” and add, in its place, the word “Marine”; and
 - b. Remove the text “46 CFR” and add, in its place, the symbol “\$”.

§ 58.01–10 [Amended]

■ 242. In § 58.01–10 (b), remove the text “D 93” and add, in its place, the text “D93”.

■ 243. Revise § 58.01–20 to read as follows:

§ 58.01–20 Machinery guards.

Gears, couplings, flywheels and all rotating machinery capable of injuring personnel must be provided with adequate covers or guards.

§ 58.01–30 [Amended]

■ 244. In § 58.01–30, remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 245. Revise § 58.01–50 to read as follows:

§ 58.01–50 Machinery space, noise.

Each machinery space must be designed to minimize the exposure of personnel to noise in accordance with IMO Resolution MSC.337(91) (incorporated by reference, see § 58.03–1).

§ 58.01–55 [Amended]

■ 246. Amend § 58.01–55 as follows:

■ a. Redesignate paragraphs (e)(i) and (ii) as (e)(1) and (2); and

■ b. In newly redesignated paragraph (e)(1), remove the words “of this subchapter”.

■ 247. Revise § 58.03–1 to read as follows:

§ 58.03–1 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, phone (202) 372–1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(a) *American Boat and Yacht Council (ABYC)*, 613 Third Street, Suite 10, Annapolis, MD 21403, (410) 990–4466, www.abycinc.org.

(1) P–1–14, Installation of Exhaust Systems for Propulsion and Auxiliary Engines, July 2009 (reaffirmed July 2014) (“ABYC P–1”); IBR approved for § 58.10–5.

(2) [Reserved]

(b) *American Bureau of Shipping (ABS)*, 1701 City Plaza Drive, Spring, TX 77389, 281–877–5800, www.eagle.org.

(1) Rules for Building and Classing Marine Vessels, Part 4 Vessel Systems and Machinery, 2020 (“ABS Marine Vessel Rules”); IBR approved for §§ 58.01–5, 58.05–1, 58.10–15, 58.20–5, 58.25–5.

(2) [Reserved]

(c) *American Petroleum Institute (API)*, 200 Massachusetts Avenue NW, Washington, DC 20001–5571, 202–682–8000, www.api.org.

(1) API RP 14C, Analysis, Design, Installation and Testing of Safety Systems for Offshore Production Facilities, 8th Edition (“API RP 14C”); IBR approved for § 58.60–9.

(2) API STD 53, Well Control Equipment Systems for Drilling Wells, 5th Edition, December 2018 (“API STD 53”); IBR approved for § 58.60–7.

(d) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue, New York, NY 10016–5990, 800–843–2763, www.asme.org.

(1) ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (2019) (“Section I of the ASME BPVC”); IBR approved for § 58.30–15.

(2) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, Rules for Construction of Pressure Vessels (2019) (“Section VIII of the ASME BPVC”); IBR approved for § 58.30–15.

(3) ASME B31.3, Process Piping, January 31, 2017 (“ASME B31.3”); IBR approved for § 58.60–7.

(4) ASME B31.5–2016, Refrigeration Piping and Heat Transfer Components, June 29, 2016 (“ASME B31.5”); IBR approved for §§ 58.20–5, 58.20–20.

(e) *ASTM International*, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, 877–909–2786, www.astm.org.

(1) ASTM A193/A193M–19, Standard Specification for Alloy-Steel and Stainless Steel Bolting Materials for High-Temperature Service or High Pressure Service and Other Special Purpose Applications, November 1, 2019 (“ASTM A193”); IBR approved for § 58.30–15.

(2) ASTM B96/B96M–16, Standard Specification for Copper-Silicon Alloy Plate, Sheet, Strip, and Rolled Bar for General Purposes and Pressure Vessels, April 1, 2016 (“ASTM B96”); IBR approved for § 58.50–5.

(3) ASTM B122/B122M–16, Standard Specification for Copper-Nickel-Tin

Alloy, Copper-Nickel-Zinc Alloy (Nickel Silver), and Copper-Nickel Alloy Plate, Sheet, Strip, and Rolled Bar, April 1, 2016 (“ASTM B122”); IBR approved for § 58.50–5.

(4) ASTM B127–19, Standard Specification for Nickel-Copper Alloy (UNS NO4400) Plate, Sheet, and Strip, November 1, 2019 (“ASTM B127”); IBR approved for §§ 58.50–5, 58.50–10.

(5) ASTM B152/B152M–19, Standard Specification for Copper Sheet, Strip, Plate, and Rolled Bar, October 1, 2019 (“ASTM B152”); IBR approved for § 58.50–5.

(6) ASTM B209–14, Standard Specification for Aluminum and Aluminum-Alloy Sheet and Plate, November 1, 2014 (“ASTM B209”); IBR approved for § 58.50–5, 58.50–10.

(7) ASTM D92–18, Standard Test Method for Flash and Fire Points by Cleveland Open Cup Tester, July 1, 2018 (“ASTM D92”); IBR approved for § 58.30–10.

(8) ASTM D93–19, Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, November 1, 2019 (“ASTM D93”); 58.01–10.

(9) ASTM D323–15a, Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), June 1, 2015 (“ASTM D323”); IBR approved for § 58.16–5.

(f) *International Maritime Organization (IMO)*, Publications Section, 4 Albert Embankment, London SE1 7SR, United Kingdom, www.imo.org/.

(1) A.467(XII), Guidelines for Acceptance of Non-Duplicated Rudder Actuators for Tankers, Chemical Tankers and Gas Carriers of 10,000 Tons Gross Tonnage and Above But Less Than 100,000 Tonnes Deadweight, 1981 (“IMO A.467(XII)”); IBR approved for § 58.25–60.

(2) Resolution MSC.337(91), Code on Noise Levels on Board Ships, 2012 (“IMO Resolution MSC.337(91)”); IBR approved for § 58.01–50.

(3) The International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS); IBR approved for § 58.25–10.

(g) *National Fire Protection Association (NFPA)*, 1 Batterymarch Park, Quincy, MA 02169, 617–770–3000, www.nfpa.org.

(1) NFPA 302, Fire Protection Standard for Pleasure and Commercial Motor Craft, 2020 (“NFPA 302”); IBR approved for § 58.10–5.

(2) [Reserved]

(h) *SAE International (SAE)*, 400 Commonwealth Drive, Warrendale, PA 15096, 724–776–4841, www.sae.org.

(1) SAE J429 MAY2014, Mechanical and Material Requirements for

Externally Threaded Fasteners May 1, 2014 (“SAE J429”); IBR approved for § 58.30–15.

(2) SAE J1928 JUN2018, Devices Providing Backfire Flame Control for Gasoline Engines in Marine Applications, June 1, 2018 (“SAE J1928”); IBR approved for § 58.10–5.

■ 248. Amend § 58.05–1 as follows:

■ a. In paragraph (a):

■ i. Remove the word “Steel” and add, in its place, the word “Marine”; and

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “§”; and

■ b. Revise paragraph (b).

The revision reads as follows:

§ 58.05–1 Material, design and construction.

* * * * *

(b) When main and auxiliary machinery is to be installed without classification society review, the builder must submit to the cognizant Officer in Charge, Marine Inspection, such drawings and particulars of the installation as are required by the ABS Marine Vessel Rules for similar installations on classed vessels.

§ 58.05–5 [Amended]

■ 249. Amend § 58.05–5 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and

■ b. Reserve paragraph (b).

§ 58.10–5 [Amended]

■ 250. Amend § 58.10–5 as follows:

■ a. In paragraphs (a) and (b)(1), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. Designate the note following paragraph (b)(1) as note 1 to paragraph (b)(1);

■ c. In paragraph (b)(3)(i):

■ i. Remove the text “J–1928” wherever it appears and add, in its place, the text “J1928”;

■ ii. Remove the text “or UL 1111 (incorporated by reference; see 46 CFR 58.03–1)”;

■ iii. Remove the text “46 CFR” and add, in its place, the symbol “§”;

■ d. In paragraph (c), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ e. In the introductory text to paragraph (d)(1):

■ i. Remove the text “part 1, section 23” and add, in its place, the text “Chapter 6”; and

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “§”;

■ f. In paragraph (d)(1)(i), remove the word “shall” and add, in its place, the word “must”; and

■ g. Reserve paragraph (d)(2).

§ 58.10–10 [Amended]

■ 251. In § 58.10–10(a), remove the word “shall”.

■ 252. Amend § 58.10–15 as follows:

■ a. Revise paragraph (a); and

■ b. In paragraphs (b), (c)(1) through (3), (e), the introductory text of paragraphs (f)(1) and (2), paragraph (f)(3), the introductory text of paragraph (g), and paragraph (h), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 58.10–15 Gas turbine installations.

(a) *Standards.* The design, construction, workmanship and tests of gas turbines and their associated machinery shall be at least equivalent to the standards of the ABS Marine Vessel Rules (incorporated by reference, see § 58.03–1).

* * * * *

■ 253. Revise § 58.16–1(c) to read as follows:

§ 58.16–1 Scope.

* * * * *

(c) Except as provided by § 58.16–7(b), all component parts of the system, except cylinders, appliances, and low-pressure tubing, must be designed to withstand a pressure of 500 pounds per square inch without failure.

■ 254. Revise § 58.16–5 to read as follows:

§ 58.16–5 Definition.

For the purpose of this subpart the term “liquefied petroleum gas” means any liquefied flammable gas which is composed predominantly of hydrocarbons or mixtures of hydrocarbons, such as propane, propylene, butane, butylene, or butadiene, and which has a Reid vapor pressure exceeding 40 pounds per square inch absolute at 100 °F as determined by ASTM D323 (incorporated by reference, see § 58.03–1).

■ 255. Revise § 58.16–7(b) to read as follows:

§ 58.16–7 Use of liquefied petroleum gas.

* * * * *

(b) Cooking equipment using liquefied petroleum gas on vessels of less than 100 gross tons that carry passengers for hire must meet the requirements of 46 CFR 25.45–2 or 46 CFR part 184, as applicable.

* * * * *

■ 256. Revise § 58.16–10 to read as follows:

§ 58.16–10 Approvals.

(a) *Gas appliances.*

(1) All gas-consuming appliances used for cooking and heating must be

tested, listed and labeled by an acceptable laboratory, such as:

(i) The American Gas Association Testing Laboratories.

(ii) Underwriters’ Laboratories, Inc.

(2) Continuous-burning pilot flames are prohibited for use on gas appliances when installed below the weather deck.

(3) Printed instructions for proper installation, operation, and maintenance of each gas-consuming appliance must be furnished by the manufacturer.

(b) *Cylinders.*

(1) Cylinders in which liquefied petroleum gas is stored and handled must be constructed, tested, marked, maintained, and retested in accordance with 49 CFR part 178.

(2) All liquefied petroleum gas cylinders in service must bear a test date marking indicating that they have been retested in accordance with the regulations of the Department of Transportation.

(3) Regardless of the date of the previous test, a cylinder must be rejected for further service when it leaks; when it is weakened appreciably by corrosion, denting, bulging or other evidence of rough usage; when it has lost more than 5 percent of its tare weight; or when it has been involved in a fire.

(c) *Safety-relief devices.* All required safety-relief devices must be accepted as to type, size, pressure setting, and location by the Commandant (CG–ENG) as being in accordance with 49 CFR part 178.

(d) *Valves, regulators, and vaporizers.* All component parts of the system, other than cylinders and low-pressure distribution tubing between regulators and appliances, must be tested and approved by and bear the label of the Underwriters Laboratories, Inc., or other recognized testing laboratory.

(e) *Plan approval.* Drawings in triplicate, showing the location and installation of all piping, gas-consuming appliances, cylinders, and other component parts of the system must be submitted for approval.

§ 58.16–15 [Amended]

■ 257. In § 58.16–15, remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 258. Amend § 58.16–16 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and

■ b. Revise paragraphs (b) and (c).

The revision reads as follows:

§ 58.16–16 Reducing regulators.

* * * * *

(b) The low-pressure side of all regulators must be protected against

excessive pressure by means of a suitable relief valve which must be integral with the regulator. The relief valve must be set to start to discharge at a pressure not less than two times and not more than three times the delivery pressure.

(c) All reducing regulators must be fitted with a pressure gage located on the high-pressure side of the regulator.

■ 259. Amend § 58.16–17 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”;

■ b. Revise paragraph (b); and

■ c. In paragraph (c), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 58.16–17 Piping and fittings.

* * * * *

(b) All high-pressure tubing between the cylinders and the regulators must have a minimum wall thickness of 0.049 inch. All low-pressure tubing between the regulator and appliances must have a minimum wall thickness of 0.032 inch.

* * * * *

■ 260. Amend § 58.16–18 as follows:

■ a. In paragraph (a)(1), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. Revise paragraph (a)(2); and

■ c. In paragraphs (a)(3) through (5), (b)(2), (c), and (d), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 58.16–18 Installation.

(a) * * *

(2) Cylinders, regulating and safety devices must be securely fastened and supported within the metal enclosure. The cylinders and high-pressure equipment must be so mounted as to be readily accessible and capable of easy removal for refilling and inspection. The stowage of high-pressure equipment in the housing must be such that the cylinder valves can be readily operated and the pressure gage dial is easily visible. Where possible cylinders must be mounted in an upright position.

* * * * *

§ 58.16–19 [Amended]

■ 261. In § 58.16–19, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 58.16–20 [Amended]

■ 262. In § 58.16–20, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 58.16–25 [Amended]

■ 263. Amend § 58.16–25 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and

■ b. Reserve paragraph (b).

■ 264. Amend § 58.16–30 as follows:

■ a. In paragraphs (a) through (g), remove the word “shall” and add, in its place, the word “must”; and

■ b. Revise paragraph (k).

The revision reads as follows:

§ 58.16–30 Operating instructions.

* * * * *

(k) Report any presence of gas odor.

■ 265. Revise § 58.16–35 as follows:

■ a. Revise paragraph (a); and

■ b. In paragraphs (b) and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 58.16–35 Markings.

(a) The outside of the cylinder enclosure housing liquefied petroleum gas cylinders, valves and regulators must be marked as follows:

Liquefied Petroleum Gas
Keep Open Fires Away.

* * * * *

§ 58.20–1 [Amended]

■ 266. In § 58.20–1(b), remove the word “shall” and add, in its place, the word “do”.

■ 267. Amend § 58.20–5 by revising paragraph (a) to read as follows:

§ 58.20–5 Design.

(a) Refrigeration machinery may be accepted for installation provided the design, material, and fabrication comply with the applicable requirements of the ABS Marine Vessel Rules (incorporated by reference, see § 58.03–1). The minimum pressures for design of all components must be those listed for piping in Table 501.2.4 of ASME B31.5 (incorporated by reference; see § 58.03–1). In no case may pressure components be designed for a pressure less than that for which the safety devices of the system are set. Pressure vessels must be designed in accordance with part 54 of this subchapter.

* * * * *

■ 268. Amend § 58.20–10 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and

■ b. Revise paragraph (b).

The revision reads as follows:

§ 58.20–10 Pressure relieving devices.

* * * * *

(b) Relief valves fitted on the high-pressure side may discharge to the low-pressure side before relieving to atmosphere. When relieving to atmosphere, a relief valve must be fitted

in the atmospheric discharge connection from the receivers and condensers. The relief valve from the receivers may relieve to the condenser, which in turn may relieve either to the low side or to atmosphere. It must be set to relieve at a pressure not greater than the maximum allowable working pressure. A rupture disk may be fitted in series with the relief valve, provided the bursting pressure of the rupture disk is not in excess of the relief valve set pressure. Where a rupture disk is fitted on the downstream side of the relief valve, the relief valve must be of the type not affected by back pressure.

■ 269. Amend § 58.20–15 as follows:

■ a. Revise the first sentence of paragraph (a); and

■ b. In paragraphs (b) and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 58.20–15 Installation of refrigerating machinery.

(a) Where refrigerating machines are installed in which anhydrous ammonia is used as a refrigerant, such machines must be located in a well-ventilated, isolated compartment, preferably on the deck, but in no case is it permissible to install such machines in the engine room space unless the arrangement is such as to eliminate any hazard from gas escaping to the engine room. * * *

* * * * *

■ 270. Amend § 58.20–20 as follows:

■ a. In paragraph (a), remove the word “shall” wherever it appears and add, in its place, the word “must”;

■ b. Revise paragraph (b); and

■ c. In paragraph (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 58.20–20 Refrigeration piping.

* * * * *

(b) Piping systems must be designed in accordance with ASME B31.5 (incorporated by reference; see § 58.03–1). Piping used for cargo reliquefaction systems must also comply with the applicable requirements found in low temperature piping, § 56.50–105 of this subchapter.

* * * * *

■ 271. Amend § 58.20–25 as follows:

■ a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and

■ b. Revise paragraph (b).

The revision reads as follows:

§ 58.20–25 Tests.

* * * * *

(b) No pneumatic tests in refrigeration systems aboard ships must be made at

pressures exceeding the design pressure of the part of the system being tested. Pneumatic tests may be made with the refrigerant in the system or if the refrigerant has been removed, oil-pumped dry nitrogen or bone-dry carbon dioxide with a detectable amount of the refrigerant added, should be used as a testing medium. (Carbon dioxide should not be used to leak test an ammonia system.) In no case should air, oxygen, any flammable gas or any flammable mixture of gases be used for testing.

■ 272. Amend § 58.25–5 as follows:

■ a. In paragraph (a):

■ i. Revise the definition for “Auxiliary steering gear”;

■ ii. Add a definition for “Control system”;

■ iii. In the definition for “Power actuating system”, redesignate paragraphs (1) through (3) as paragraphs (i) through (iii); and

■ iv. In the definition for “Steering-gear power”, revise the definition heading and introductory text and redesignate paragraphs (1) through (3) as paragraphs (i) through (iii); and

■ b. In paragraph (d):

■ i. Remove the word “Steel” and add, in its place, the word “Marine”; and

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “§”.

The revisions and addition read as follows:

§ 58.25–5 General.

(a) * * *

Auxiliary steering gear means the equipment, other than any part of the main steering gear, necessary to steer the vessel in case of failure of the main steering gear, not including a tiller, quadrant, or other component serving the same purpose.

Control system means the equipment by which orders for rudder movement are transmitted from the pilothouse to the steering-gear power units. A control system for steering gear includes, but is not limited to, one or more—

(i) Transmitters;

(ii) Receivers;

(iii) Feedback devices;

(iv) Hydraulic servo-control pumps, with associated motors and motor controllers;

(v) Differential units, hunting gear, and similar devices;

(vi) All gearing, piping, shafting, cables, circuitry, and ancillary devices for controlling the output of power units; and

(vii) Means of bringing steering-gear power units into operation.

* * * * *

Steering-gear power unit means:

* * * * *

■ 273. Amend § 58.25–10 as follows:

■ a. Redesignate paragraphs (a) through (f) as paragraphs (b) through (g);

■ b. Add new paragraph (a);

■ c. Revise newly redesignated paragraph (b);

■ d. In newly redesignated paragraph (c)(3) remove the text “(b)(2)” and add, in its place, the text “(c)(2)”;

■ e. In newly redesignated paragraph (d)(3), remove the text “(c)(2)” and add, in its place, the text “(d)(2)”;

■ f. In newly redesignated paragraphs (f)(1) and (2), remove the text “(b)(2)” and add, in its place, the text “(c)(2)”;

■ g. In newly redesignated paragraph (f)(4), remove the text “(e)(3)” and add, in its place, the text “(f)(3)”;

■ h. Designate the note as note 1 to paragraph (f)(4); and

■ i. In newly redesignated paragraph (g), remove the text “(e)” and add, in its place, the text “(f)”.

The addition and revision read as follows:

§ 58.25–10 Main and auxiliary steering gear.

(a) Vessels accepted by a recognized classification society as meeting class Rules for steering gear, and SOLAS Chapter II–1, Regulations 29 and 30 (incorporated by reference; see § 58.03–1) are considered to meet the requirements of this Subpart.

(b) Power-operated main and auxiliary steering gear must be separate and independent systems. Other arrangements of steering gear will be acceptable if the Commanding Officer, Marine Safety Center, determines that they are equivalent to the requirements of, this subpart.

* * * * *

§ 58.25–20 [Amended]

■ 274. Amend § 58.25–20 as follows:

■ a. In paragraph (a), remove the text “of this part”;

■ b. In paragraph (b), remove the text “in accordance with § 56.07–10(b) of this subchapter”; and

■ c. In paragraph (c)(2), remove the text “that complies with § 56.50–90 of this subchapter”.

§ 58.25–25 [Amended]

■ 275. Amend § 58.25–25 as follows:

■ a. Remove paragraph (a);

■ b. Redesignate paragraphs (b) through (d) as paragraphs (a) through (c);

■ c. Remove paragraph (e) and the Note following paragraph (e); and

■ d. Redesignate paragraph (f) as paragraph (d).

§ 58.25–40 [Amended]

■ 276. Remove the note immediately following paragraph (a)(3).

■ 277. Revise § 58.25–60 to read as follows:

§ 58.25–60 Non-duplicated hydraulic rudder actuators.

Non-duplicated hydraulic rudder actuators may be installed in the steering gear control systems on vessels of less than 100,000 deadweight tons. These actuators must meet IMO A.467(XII) (incorporated by reference, see § 58.03–1) and be acceptable to the Commanding Officer, Marine Safety Center.

§ 58.25–65 [Amended]

■ 278. In § 58.25–65, amend the introductory text to paragraph (a), by inserting the word “main” between the word “vessel’s” and the word “service”.

§ 58.25–70 [Amended]

■ 279. Amend § 58.25–70(h)(1) by removing the text “; and” and add, in its place, the text “.”.

■ 280. Revise § 58.25–75 to read as follows:

§ 58.25–75 Materials.

Materials used for the mechanical or hydraulic transmission of power to the rudder stock must have an elongation of at least 15% in 5 centimeters (2 inches).

§ 58.25–85 [Amended]

■ 281. Amend § 58.25–85 as follows:

■ a. In paragraph (c)(1), remove the text “not more than 45 seconds”;

■ b. In paragraph (c)(2)(ii), remove the second and third sentences;

■ c. In paragraph (d)(2), remove the text “not more than 45 seconds”; and

■ d. Remove paragraph (g) and the note immediately following paragraph (g).

■ 282. Amend § 58.30–1 as follows:

■ a. Revise the introductory text to paragraph (a) and paragraph (a)(4);

■ b. In paragraph (a)(5), remove the words “main or”; and

■ c. In paragraph (a)(10), remove the second sentence.

The revisions read as follows:

§ 58.30–1 Scope.

(a) This subpart contains requirements for fluid power transmission and control systems and appurtenances. Except as otherwise provided for in this section, these requirements are applicable to fluid power and control systems where installed for the following equipment:

* * * * *

(4) Automatic propulsion boiler control systems.

* * * * *

§ 58.30–5 [Amended]

■ 283. Amend § 58.30–5 as follows:

■ a. In paragraph (a), remove the words “and should also consider the rate of

pressure rise caused by hydraulic shock”; and

■ b. In paragraphs (b) and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 284. Amend § 58.30–10 as follows:

■ a. In paragraph (b):

■ i. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and

■ ii. Remove the text “D 92” and add, in its place, the text “D92”;

■ b. In paragraphs (c) and (d), remove the word “shall” wherever it appears and add, in its place, the word “must”; and

■ c. Revise paragraph (e).

The revision reads as follows:

§ 58.30–10 Hydraulic fluid.

* * * * *

(e) The recommendations of the system component manufacturers must be considered in the selection and use of hydraulic fluid.

■ 285. Amend § 58.30–15 as follows:

■ a. Revise paragraph (b);

■ b. In paragraph (c):

■ i. Remove the word “shall” and add, in its place, the word “must”;

■ ii. Remove the text “46 CFR 58.03–1” wherever it appears and add, in its place, the text “§ 58.03–1”; and

■ iii. Remove the text “A 193” and add, in its place, the text “A193”;

■ c. Revise paragraph (d); and

■ d. In paragraphs (e) and (f), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revisions read as follows:

§ 58.30–15 Pipe, tubing, valves, fittings, pumps, and motors.

* * * * *

(b) Materials used in the manufacture of tubing, pipes, valves, flanges, and fittings must be selected from those specifications that appear in table 1 to § 56.60–1 or table 56.60–2; or they may be selected from the material specifications of Section I or Section VIII of the ASME BPVC (both incorporated by reference; see § 58.03–1). Materials designated by other specifications must be evaluated on the basis of physical and chemical properties. To assure these properties, the specifications must specify and require such physical and chemical testing as considered necessary by the Commandant. All tubing and pipe materials must be suitable for handling the hydraulic fluid used and must be of such chemical and physical properties as to remain ductile at the lowest operating temperature.

* * * * *

(d) The maximum allowable working pressure and minimum thickness must

be calculated as required by § 56.07–10(e) of this subchapter.

* * * * *

§ 58.30–20 [Amended]

■ 286. In § 58.30–20, remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 287. Amend § 58.30–25 as follows:

■ a. Revise the last sentence of paragraph (a); and

■ b. In paragraphs (b) and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 58.30–25 Accumulators.

(a) * * * Accumulators must meet the applicable requirements in part 54 of this subchapter.

* * * * *

§ 58.30–30 [Amended]

■ 288. In § 58.30–30, amend paragraphs (d) and (e) by removing the word “shall” wherever it appears and add, in its place, the word “must”.

■ 289. Amend § 58.30–35 as follows:

■ a. In paragraphs (a), (b), and (c), remove the word “shall” wherever it appears and add, in its place, the word “must”; and

■ b. Revise paragraph (d).

The revision reads as follows:

§ 58.30–35 Testing.

* * * * *

(d) Fluid power and control systems must be purged with an inert gas or with the working fluid and all trapped air bled from the system prior to any shipboard testing.

* * * * *

§ 58.30–40 [Amended]

■ 290. Amend § 58.30–40 as follows:

■ a. Remove paragraph (a)(5) and redesignate paragraph (a)(6) as (a)(5); and

■ b. Reserve paragraph (b).

§ 58.30–50 [Amended]

■ 291. In § 58.30–50, reserve paragraph (b).

■ 292. Amend § 58.50–1 as follows:

■ a. Revise paragraph (b); and

■ b. In paragraph (c), remove the word “shall” and add, in its place, the word “must”.

The revision reads as follows:

§ 58.50–1 General requirements.

* * * * *

(b) Passenger vessels exceeding 100 gross tons constructed on or after July 1, 1935, and all emergency systems converted on or after July 1, 1935, must use fuel which has a flashpoint exceeding 110 °F. for internal

combustion engine units. Such vessels must carry a sufficient quantity of fuel to supply the emergency electrical system. Refer to § 112.05–5 of subchapter J (Electrical Engineering), of this chapter.

* * * * *

■ 293. Amend § 58.50–5 as follows:

■ a. In paragraph (a)(2), remove the text “Table 1 to § 58.50–5(a)” and add, in its place, the text “table 1 to § 58.50–5(a)(4)”;

■ b. Redesignate table 1 to § 58.50–5(a) as table 1 to § 58.50–5(a)(4);

■ c. In newly redesignated table 1 to § 58.50–5(a)(4):

■ i. Remove the text “46 CFR” and add, in its place, the symbol “\$”;

■ ii. Remove the text “B 209” and add, in its place, the text “B209”;

■ iii. Remove the text “B 127” and add, in its place, the text “B127”;

■ iv. Remove the text “B 122 and add, in its place, the text “B122”;

■ v. Remove the text “B 152” and add, in its place, the text “B152”; and

■ vi. Remove the text “B 96” and add, in its place, the text “B96”;

■ d. Revise paragraph (a)(6); and

■ e. In § 58.50–5, remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 58.50–5 Gasoline fuel tanks.

(a) * * *

(6) Fittings. Nozzles, flanges, or other fittings for pipe connections must be welded or brazed to the tank. The tank openings in way of pipe connections must be properly reinforced where necessary. Where fuel level gages are used, the flange to which gage fittings are attached must be welded or brazed to the tank. Tubular gage glasses or trycocks must not be fitted to the tanks.

* * * * *

§ 58.50–10 [Amended]

■ 294. Amend § 58.50–10 as follows:

■ a. In paragraph (a)(2), remove the text “Table 1 to § 58.50–10(a)” and add, in its place, the text “table 1 to § 58.50–10(a)(3)”;

■ b. Redesignate table 1 to § 58.50–10(a) as table 1 to § 58.50–10(a)(3);

■ c. In newly redesignated table 1 to § 58.50–10(a)(3):

■ i. Remove the text “46 CFR” and add, in its place, the symbol “\$”;

■ ii. Remove the text “B 209” and add, in its place, the text “B209”; and

■ iii. Remove the text “B 127” and add, in its place, the text “B127”; and

■ d. In § 58.50–10, remove the word “shall” wherever it appears and add, in its place, the word “must”.

■ 295. Revise § 58.50–15(a) to read as follows:

§ 58.50–15 Alternate material for construction of independent fuel tanks.

(a) Materials other than those specifically listed in table 1 to 58.50–5(a)(4) and in table 1 to 58.50–10(a)(3) may be used for fuel tank construction only if the tank design meets material and testing requirements approved by the Commandant (CG–ENG). Approved testing may be accomplished by any acceptable laboratory, or may be done by the fabricator if witnessed by a marine inspector.

* * * * *

■ 296. Revise § 58.60–7 to read as follows:

§ 58.60–7 Industrial systems: Piping.

The piping for industrial systems under this subpart must meet ASME B31.3 (incorporated by reference, see § 58.03–1), except that blow out preventor control systems must also meet API STD 53 (incorporated by reference, see § 58.03–1).

PART 59—REPAIRS TO BOILERS, PRESSURE VESSELS AND APPURTENANCES

■ 297. The authority citation for part 59 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 227; Department of Homeland Security Delegation No. 0170.1.

■ 298. Revise § 59.01–2 to read as follows:

§ 59.01–2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, phone (202) 372–1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(b) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue,

New York, NY 10016–5990, 800–843–2763, www.asme.org.

(1) ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers, 2019 (“Section I of the ASME BPVC”); IBR approved for § 59.10–5.

(2) ASME Boiler and Pressure Vessel Code, Section VII, Recommended Guidelines for the Care of Power Boilers, 2019 (“Section VII of the ASME BPVC”); IBR approved for § 59.01–5.

(3) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, Rules for Construction of Pressure Vessels (2019), (“Section VIII of the ASME BPVC”); IBR approved for §§ 59.10–5, 59.10–10.

(4) ASME Boiler and Pressure Vessel Code, Section IX, Welding, Brazing, and Fusing Qualifications (2019), (“Section IX of the ASME BPVC”); IBR approved for § 59.10–5.

§ 59.01–5 [Amended]

■ 299. Amend § 59.01–5 as follows:

■ a. In paragraphs (a), (b), (c), and (d), remove the word “shall” wherever it appears and add, in its place, the word “must”; and

■ b. In paragraph (e):

■ i. Remove the words “Boiler and Pressure Vessel Code” and add, in their place, the text “BPVC”; and

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “§”.

■ 300. Amend § 59.10–1 by revising paragraphs (b), (c), and (d) to read as follows:

§ 59.10–1 Scope.

* * * * *

(b) No repairs by welding must be made except temporary emergency repairs without prior approval of the Officer in Charge, Marine Inspection. Emergency repairs must be replaced with permanent repairs meeting the requirements of this subchapter when the vessel returns to a port in which an Officer in Charge, Marine Inspection, is located.

(c) Repair welding of power boilers, not meeting the requirements of subpart 52.05 of this subchapter, is prohibited.

* * * * *

(d) Only welded repairs as specified in this subchapter are permitted on boilers and pressure vessels. The welding repairs allowed by this subpart apply only to boilers and pressure vessels fabricated of carbon steel. Welding repairs to boilers and pressure vessels fabricated of alloy steel will be given special consideration by the Commandant. Such other method of repairs by means of welding not covered in this subchapter must be referred to the Commandant.

■ 301. Amend § 59.10–5 as follows:

■ a. In paragraph (d), remove the text “plain, circular, or Adamson ring or similar type”;

■ b. In paragraph (f), remove the words “and is approved by the Commandant”;

■ c. In paragraph (g), remove the words “if the repair is approved”;

■ d. Revise paragraphs (h), (i), (j), and (k); and

■ e. In paragraph (l), remove the word “shall” and add, in its place, the word “must”.

The revisions read as follows:

§ 59.10–5 Cracks.

* * * * *

(h) All cracks permitted to be repaired under this subpart must be excavated to sound metal by grinding, flame or arc gouging or chipping out the defective metal to form a clean welding groove. Either a V groove or U groove wherein complete penetration of the weld metal is secured may be used. After excavation is completed and prior to welding, the excavated area must be examined by magnetic particle, dye penetrant, or other acceptable test method. When the reverse side of the weld is accessible the root of the weld must be chipped or ground out to insure a clean surface of the originally deposited metal and the resultant groove welded to obtain a sound weld having complete penetration. When the weld cannot be back chipped because the reverse side is inaccessible, a backing strip or other approved means of assuring full penetration must be employed.

(i) During welding of cracks a preheat must be maintained by controlled temperatures. The degree of preheat must be determined by the rules listed in accordance with the materials P-number groupings of PW–38, Section I of the ASME BPVC, appendix R, Section VIII of the ASME BPVC, and Appendix D, Section IX of the ASME BPVC (all incorporated by reference; see § 59.01–2). For thicknesses exceeding three-fourths inch, suitable U grooves should be employed. A welding sequence must be used so as to equalize welding stresses.

(j) Postweld heat treatment of repaired cracks must be performed in accordance with the rules specified in PW–39, Section I of the ASME BPVC and UW–40, Section VIII of the ASME BPVC for boilers and pressure vessels respectively.

(k) Welded repairs of cracks must be nondestructively tested in accordance with the rules specified in PW–40, Section I of the ASME BPVC, and UW–51, Section VIII of the ASME BPVC for

boilers and pressure vessels respectively.

* * * * *

- 302. Amend § 59.10–10 as follows:
 - a. In paragraphs (a)(1), (2), and (3), remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - b. Revise paragraphs (d), (e), and (f).
The revisions read as follows:

§ 59.10–10 Corroded surfaces.

* * * * *

(d) Where stayed sheets have corroded to a depth not exceeding 40 percent of their original thickness, they may be reinforced or built up by welding. Where the staybolts are fitted with riveted heads, the staybolts in the reinforced area must be renewed, but where the staybolts are fitted with nuts, the nuts may be removed and after reinforcing has been applied, collars may be welded around the staybolts in lieu of the nuts. Such reinforced areas must not exceed 400 square inches nor more than 30 inches in one direction. Two such areas in any one plate may be reinforced: Provided, that the distance between the reinforced surfaces is not less than 30 inches.

(e) When the corroded portion of a staybolted surface exceeds 400 square inches, it is permissible to make repairs by cutting out the defective portion and replacing it with a new plate, the edges of the new plate to be welded in position. In such cases, new staybolts must be fitted, and where welding is performed through a line of staybolts, welded collars must be used to attach the staybolts.

(f) Eroded seams of welded pressure vessels may be repaired by rewelding the wasted portion. The wasted section of the seam must be excavated sufficiently by grinding, flame or arc gouging or chipping to ensure proper weld penetration. Rewelded seams must be nondestructively tested in accordance with Section VIII of the ASME BPVC (incorporated by reference, see § 59.01–2).

§ 59.10–15 [Amended]

- 303. In § 59.10–15, remove the word “shall” wherever it appears and add, in its place, the word “must”.
- 304. Amend § 59.10–20 as follows:
 - a. Revise the first two sentences of paragraph (a); and
 - b. Remove the last sentence of paragraph (b).

The revision reads as follows:

§ 59.10–20 Patches in shells and tube sheets.

(a) Unreinforced openings in the shells or drums of boilers or pressure

vessels may be closed by the use of a patch or plate inside the drum or shell and sealed against leakage by welding. Such plates must have a diameter of at least 2 inches larger than the diameter of the hole and must have a thickness equal to the thickness of the plate to which it is attached. * * *

* * * * *

§ 59.10–25 [Amended]

- 305. In § 59.10–25, remove the word “shall” wherever it appears and add, in its place, the word “must”.
- 306. Revise § 59.10–30 to read as follows:

§ 59.10–30 Seal welding.

Where leaks occur in riveted joints or connections, they must be carefully investigated to determine the cause. Such leaks may be made tight by seal welding the edge, if accepted by the Officer in Charge, Marine Inspection.

- 307. Amend § 59.10–35 as follows:
 - a. Revise paragraph (a); and
 - b. In paragraphs (b), (c), and (d), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 59.10–35 Wrapper plates and back heads.

* * * * *

(a) Wrapper plates or back heads must be cut between two rows of staybolts or on a line of staybolts where the thickness is approximately the same as the original construction. If welding is employed on a line of staybolts, the staybolts must be fitted with a welded collar.

* * * * *

- 308. Amend § 59.15–1 as follows:
 - a. In the introductory text to paragraph (a), remove the word “shall” and add, in its place, the word “must”;
 - b. Revise paragraphs (a)(1) and (2);
 - c. Remove the last sentence of paragraph (b);
 - d. In paragraph (c), remove the text “and the length of the distorted area is not more than three corrugations, or, if the maximum distortion does not exceed three-fourths inch for a length greater than three corrugations of distorted area”;
 - e. In paragraph (d), remove the word “shall” and add, in its place, the word “must”;
 - f. Revise paragraph (e); and
 - g. Redesignate figure 59.15–1 as figure § 59.15–1.

The revisions read as follows:

§ 59.15–1 Furnace repairs.

(a) * * *

(1) The furnace must be forced back to a true circular shape, and the Officer

in Charge, Marine Inspection, may require strongbacks or other acceptable means of support to hold the furnace; or,

(2) The furnace must be adequately stayed as determined by the Officer in Charge, Marine Inspection.

* * * * *

(e) Furnace crowns which have become distorted, not in excess of the limitations provided in paragraph (c) of this section, may be repaired by forcing back the distorted section to as nearly a true circle as possible and reinforcing the same by means of a ring, arc- or gas-welded to the distorted corrugation as shown in figure § 59.15–1, the welding to be done by welders and welding processors qualified in accordance with part 57 of this subchapter.

* * * * *

§ 59.15–5 [Amended]

- 309. In § 59.15–5(b), remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 59.15–10 [Amended]

- 310. Amend § 59.15–10 as follows:
 - a. In paragraph (a), remove the words “shall be the duty of the chief engineer in charge” and add, in their place, the words “is the duty of the chief engineer”; and
 - b. In paragraph (c), remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 59.20–1 [Amended]

- 311. In § 59.20–1, remove the word “shall” and add, in its place, the word “must”.

PART 61—PERIODIC TESTS AND INSPECTIONS

- 312. The authority citation for part 61 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3307, 3703; sec. 617, Pub. L. 111–281, 124 Stat. 2905; E.O. 12234, 45 FR 58801, 3 CFR 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 61.01–1 [Amended]

- 313. In § 61.01–1, remove the word “shall” wherever it appears and add, in its place, the word “must”.
- 314. Revise § 61.03–1 to read as follows:

§ 61.03–1 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and

the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG-ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593-7509, phone (202) 372-1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(b) *ASTM International*, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, 877-909-2786, www.astm.org.

(1) ASTM D665-19, Standard Test Method for Rust-Preventing Characteristics of Inhibited Mineral Oil in the Presence of Water (“ASTM D665”); IBR approved for § 61.20-17.

(2) [Reserved]

§ 61.05-1 [Amended]

- 315. In § 61.05-1, remove the text “part 52” and add, in its place, the text “part 52 of this subchapter.”
- 316. Amend § 61.05-5 as follows:
 - a. Revise paragraph (a); and
 - b. In paragraph (b), remove the word “shall” wherever it appears and add, in its place, the word “must”.

The revision reads as follows:

§ 61.05-5 Preparation of boilers for inspection and test.

(a) For internal inspection, manhole and handhold plates, and washout plugs must be removed as required by the marine inspector and the furnace and combustion chambers must be thoroughly cooled and cleaned.

* * * * *

- 317. Amend § 61.05-10 as follows:
 - a. Revise paragraph (a);
 - b. In paragraphs (b), (c), (d), and (e), remove the word “shall” wherever it appears and add, in its place, the word “must”;
 - c. Revise paragraphs (f) and (g); and
 - d. Redesignate table 61.05-10 as table § 61.05-10.

The revisions read as follows:

§ 61.05-10 Boilers in service.

(a) Each boiler, including superheater, reheater, economizer, auxiliary boiler, low-pressure heating boiler, and unfired steam boiler, must be available for examination by the marine inspector at intervals specified by table § 61.05-10, and more often if necessary, to

determine that the complete unit is in a safe and satisfactory condition.

* * * * *

(f) The marine inspector may require any boiler to be drilled or gaged to determine actual thickness any time its safety is in doubt. At the first inspection for certification after a firetube or flue boiler has been installed for 10 years, it must be gaged to determine the extent of deterioration. Thickness will be measured at or near the waterline, at the bottom and at such other places deemed necessary by the marine inspector. Examination may be by drilling or a nondestructive means acceptable to the marine inspector. Prior to the use of a nondestructive method of examination, the user must demonstrate to the marine inspector that results having an accuracy within plus or minus 5 percent are consistently obtainable.

(g) If the thickness is found to be less than the original thickness upon which the maximum allowable working pressure (MAWP) was based, the MAWP must be recalculated. The thickness of the thinnest measured portion must be used in this calculation. Either the design formulas given in this subchapter or the ones in effect when the boiler was contracted for or built may normally be used in this recalculation. In no case will an increase in the pressure allowed be made.

* * * * *

§ 61.05-15 [Amended]

- 318. Amend § 61.05-15 as follows:
 - a. Remove the word “shall” wherever it appears and add, in its place, the word “must”; and
 - b. Remove the text “Table 61.05-10” wherever it appears and add, in its place, the text “table § 61.05-10”.

§ 61.05-20 [Amended]

- 319. In § 61.05-20, remove the word “shall” and add, in its place, the word “must”.
- 320. Amend § 61.10-5 as follows:
 - a. Revise paragraph (g); and
 - b. In paragraph (h)(3), remove the text “(Mobile Offshore Drilling Units),” and add, in its place, the text “(Mobile Offshore Drilling Units), all of this chapter,”.

The revision reads as follows:

§ 61.10-5 Pressure vessels in service.

* * * * *

(g) *Bulk storage tanks.* (1) Each bulk storage tank containing refrigerated liquefied CO₂ for use aboard a vessel as a fire-extinguishing agent must be subjected to a hydrostatic test of 1.5 times the maximum allowable working pressure in the 10th year of the

installation and at 10-year intervals thereafter. After the test, the tank should be drained and an internal examination made. Parts of the jacket and lagging designated by the marine inspector must be removed at the time of the test so the marine inspector may determine the condition of the tank.

(2) In lieu of the requirements contained in paragraph (g)(1) of this section, in the 10th year of installation and at 10-year intervals thereafter, each bulk storage tank containing refrigerated liquefied CO₂ for use aboard a vessel as a fire-extinguishing agent which contains a manhole or means to enter, may undergo an internal examination by a marine inspector. Bulk storage tanks which have been satisfactorily examined internally by a marine inspector and in which no defects have been found which impair the safety of the pressure vessel will not require a hydrostatic test. When a defect is found during the internal examination that, in the judgment of the marine inspector, may affect the safety of the pressure vessel, the pressure vessel must be hydrostatically tested at a pressure of 1.5 times the maximum allowable working pressure, unless alternative means, acceptable to the Officer In Charge, Marine Inspection, are used to ensure the safe operation of the pressure vessel.

* * * * *

§ 61.15-1 [Amended]

- 321. In § 61.15-1, remove the word “shall” and add, in its place, the word “must”.

§ 61.15-5 [Amended]

- 322. In § 61.15-5, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 61.15-10 [Amended]

- 323. In § 61.15-10(a), remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 61.15-15 [Amended]

- 324. Amend § 61.15-15 as follows:
 - a. In paragraph (a), remove the word “shall” and add, in its place, the word “must”; and
 - b. Reserve paragraph (b).

§ 61.20-1 [Amended]

- 325. In § 61.20-1(b), remove the word “shall” and add, in its place, the word “must”.

§ 61.20-3 [Amended]

- 326. In § 61.20-3, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 61.20–5 [Amended]

■ 327. In § 61.20–5, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 61.20–17 [Amended]

■ 328. Amend § 61.20–17 as follows:
 ■ a. In paragraph (a), remove the text “D 665” and add, in its place, the text “D665”; and
 ■ b. In paragraph (b), remove the text “5 year” and add, in its place, the text “5-year”.

§ 61.20–23 [Amended]

■ 329. In § 61.10–23(c), remove the word “shall” and add, in its place, the word “must”.

§ 61.30–5 [Amended]

■ 330. In § 61.30–5, remove the word “shall” wherever it appears and add, in its place, the word “must”.

§ 61.30–20 [Amended]

■ 331. In § 61.30–20, redesignate the note following § 61.30–20 as note 1 to § 61.30–20.

§ 61.35–3 [Amended]

■ 332. In § 61.35–3, reserve paragraph (b).

§ 61.40–1 [Amended]

■ 333. In § 61.40–1(b), remove the word “shall” wherever it appears and add, in its place, the word “must”.

PART 62—VITAL SYSTEM AUTOMATION

■ 334. The authority citation for part 62 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 8105; sec. 617, Pub. L. 111–281, 124 Stat. 2905; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 62.01–3 [Amended]

■ 335. In § 62.01–3, reserve paragraph (b).

§ 62.01–5 [Amended]

■ 336. In § 62.01–5(d), remove the text “paragraph 62.50–20(a)(3)(ii)” and add, in its place, the text “paragraph (a)(3)(ii)”.

■ 337. Revise § 62.05–1 to read as follows:

§ 62.05–1 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the

public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509, phone (202) 372–1375, email typesapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(b) *American Bureau of Shipping (ABS)*, 1701 City Plaza Drive, Spring, TX 77389; 1–281–877–6000; www.eagle.org.

(1) Rules for Building and Classing Marine Vessels, Part 4 Vessel Systems and Machinery (2020) (“ABS Marine Vessel Rules”); IBR approved for §§ 62.25–30, 62.35–5, 62.35–35, 62.35–40, 62.35–50, 62.50–30.

(2) [Reserved]

§ 62.10–1 [Amended]

■ 338. Amend § 62.10–1 as follows:

■ a. Redesignate the introductory text of paragraph (a) as the introductory text of § 62.10–1;

■ b. In the definition of “Failsafe”, remove the text “Table 62.10–1(a)” and add, in its place, the text “table 1 to § 62.10–1”;

■ c. Redesignate table 62.10–1(a) as table 1 to § 62.10–1;

■ d. In newly redesignated table 1 to § 62.10–1, remove the text “56.50–60(d)” and add, in its place, “56.50–60(d) of this subchapter”;

■ e. In the definition of “Vital system or equipment”, remove the text “58.01–35” and add, in its place, “58.01–35 of this subchapter”.

§ 62.15–1 [Amended]

■ 339. In § 62.15–1, reserve paragraph (b).

§ 62.20–1 [Amended]

■ 340. In § 62.20–1, reserve paragraph (b).

§ 62.20–5 [Amended]

■ 341. In § 62.20–5(a), remove the word “shall” and add, in its place, the word “must”.

§ 62.25–15 [Amended]

■ 342. Amend § 62.25–15 as follows:

■ a. In paragraph (a):

■ i. Add the word “and” between the word “safety” and the word “trip”; and

■ ii. Remove the text “Table 62.35–50” and add, in its place, the text “table § 62.35–50”; and

■ b. Designate the note immediately following paragraph (a) as note 1 to paragraph (a).

§ 62.25–20 [Amended]

■ 343. Amend § 62.25–20 as follows:

■ a. Designate the note immediately following paragraph (b)(1) as note 1 to paragraph (b)(1);

■ b. Designate the note immediately following paragraph (b)(3) as note 2 to paragraph (b)(3);

■ c. In newly designated note 2 to paragraph (b)(3), remove the text “Table 62.35–50 and subparts 58.01, 56.50, and 112.45” and add, in its place, the text “table § 62.35–50 and subparts 58.01, 56.50, and 112.45 of this chapter”;

■ d. In paragraph (b)(5), remove the text “Table 62.35–50” and add, in its place, the text “table § 62.35–50”;

■ e. In paragraph (d)(1)(ii), remove the text “Halon 1301/”; and

■ f. Designate the note immediately following paragraph (d)(4) as note 3 to paragraph (d)(4).

■ 344. Revise § 62.25–25(d) to read as follows:

§ 62.25–25 Programmable systems and devices.

* * * * *

(d) All required manuals, records, and instructions for automatic or remote control or monitoring systems shall be readily available aboard the vessel.

■ 345. Revise § 62.25–30 to read as follows:

§ 62.25–30 Environmental design standards.

(a) All automation must be suitable for the marine environment and must be designed and constructed to operate indefinitely under the following conditions:

(1) Ship motion and vibration described in Table 1 of section 4–9–9 of the ABS Marine Vessel Rules

(incorporated by reference; see § 62.05–1); note that inclination requirements for fire and flooding safety systems are described in 46 CFR 112.05–5(c).

(2) Ambient air temperatures described in Table 1 of part 4–9–9/3 of the ABS Marine Vessel Rules.

(3) Electrical voltage and frequency tolerances described in Table 1 of part 4–9–9 of the ABS Marine Vessel Rules.

(4) Relative humidity of 0 to 95% at 45 °C.

(5) Hydraulic and pneumatic pressure variations described in Table 1 of part 4–9–9 of the ABS Marine Vessel Rules.

Note 1 to paragraph (A):

Considerations should include normal dynamic conditions that might exceed these values, such as switching, valve closure, power supply transfer, starting, and shutdown.

(b) Low voltage electronics must be designed with due consideration for static discharge, electromagnetic interference, voltage transients, fungal growth, and contact corrosion.

§ 62.35-1 [Amended]

- 346. In § 62.35-1(a), remove the text “Table 62.35-50” and add, in its place, the text “table § 62.35-50”.
- 347. Amend § 62.35-5 as follows:
 - a. Designate the note immediately following paragraph (a) as note 1 to paragraph (a);
 - b. Revise paragraph (c)(2);
 - c. Remove the last sentence of paragraph (c)(3); and
 - d. In paragraph (d):
 - i. Remove the text “4-9-2/5.11 of the ABS Steel” and add, in its place, the text “4-9-2/13.11 of the ABS Marine”; and
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “§”.

The revision reads as follow:

§ 62.35-5 Remote propulsion-control systems.

* * * * *

(c) * * *

(2) On vessels propelled by steam turbines, the navigation bridge primary control system must include safety alarms for high and low boiler water levels and low steam pressure.

* * * * *

§ 62.35-10 [Amended]

- 348. In § 62.35-10(b), remove the text “to the extent required for the associated equipment by § 56.50-50 and § 56.50-95 of this chapter”.

§ 62.35-15 [Amended]

- 349. Amend § 62.35-15 as follows:
 - a. In paragraph (a)(2), remove the words “low pressure” and add, in their place, the text “low-pressure”; and
 - b. Reserve paragraph (b).

§ 62.35-20 [Amended]

- 350. In § 62.35-20, remove the note immediately following paragraph (d)(1).
- 351. Revise § 62.35-35 to read as follows:

§ 62.35-35 Starting systems for internal-combustion engines.

The starting systems for propulsion engines and for prime movers of ships’

service generators required to start automatically must meet sections 4-6-5/9.5 and 4-8-2/11.11 of the ABS Marine Vessel Rules (incorporated by reference; see § 62.05-1).

§ 62.35-40 [Amended]

- 352. Amend § 62.35-40 as follows:
 - a. In paragraph (b)(2), remove the text “CG-521” and add, in its place, the text “(CG-ENG)” and
 - b. In paragraph (c):
 - i. Remove the word “Steel” and add, in its place, the word “Marine”; and
 - ii. Remove the text “46 CFR” and add, in its place, the symbol “§”.
- 353. Revise § 62.35-50 to read as follows:

§ 62.35-50 Tabulated monitoring and safety control requirements for specific systems.

The minimum instrumentation, alarms, and safety controls required for specific types of systems are listed in table § 62.35-50. The provisions in this section pertain to table 62.35-50.

TABLE § 62.35-50—MINIMUM SYSTEM MONITORING AND SAFETY CONTROL REQUIREMENTS FOR SPECIFIC SYSTEMS
[Note 1]

System	Service	Instrumentation	Alarm	Safety control	See also paragraph
Main (Propulsion) boiler	(1)	(1)	(1) .....	.....	(a).
	Burner seating .....	.....	Failure	Burner auto trip	(b).
	Trial for ignition	Status	Failure .....	.....do	(b).
Main (Propulsion steam) turbine.	Low fire interlock	Status.	.....	Manual trip	(b).
	Program control interlock ...	Status.	.....	.....	(c), (d).
	(2)	(2)	(2) .....	.....	(c), (d).
Main propulsion, diesel	(1)	(1)	(1)	Manual trip	(c), (d).
	Main propulsion, remote control.	.....	Failure .....	.....do	(c), (d).
	Auto safety trip override.	.....	Activated .....	.....	(a).
Main propulsion, electric	Starting power	Pressure (voltage)	Low	Limit	(c).
	Location in control	Status	Override .....	.....	(3).
	Shaft speed/direction/pitch	(3)	(3)	(3)	(4)
Main propulsion, shafting	Clutch fluid	Pressure	Low.	.....	(f).
	(4)	(4)	(4) .....	.....	(f).
	Stern tube oil tank level .....	.....	Low.	.....	(f).
Main propulsion, controllable pitch propeller.	Line shaft bearing .....	.....	High.	.....	(f).
	Hydraulic oil	Temperature	Forced lubrication Pressure	.....	(f).
	.....	Pressure	Low.	.....	(f).
Generators	Ship service	Temperature	High, Low .....	.....	(f).
	.....	.....	High .....	.....	(f).
	Emergency	(5)	(5) .....	.....	(5).
Auxiliary boiler	Turbogenerator	(6)	(6)	(6)	(5).
	.....	(5)	(5)	Manual trip.	(5).
	Diesel	(5)	(5)	(5)	(d).
Gas turbine .....	.....	(5)	(5)	Manual trip.	(d).
	.....	Run	Trip .....	.....	(k).
	Engines and turbines	(7)	(7)	(7)	(d).
Fuel oil	Jacking/turning gear	Engaged .....	.....	.....	(g).
	(8)	(8)	(8) .....	.....	(g).
	Remote/auto fill level .....	.....	High	Auto trip or overflow arrangement.	(g).
Bilge	Hi. press. leakage level .....	.....	High.	.....	(g).
	Pump remote control	Run.	.....	.....	(g).
	Pump auto control	Run	Excessive operations.	.....	(g).
Machinery space Class 3 (power-operated) watertight doors.	Level .....	.....	High/location.	.....	(g).
	.....	Open/closed.	.....	.....	(g).
	.....	.....	.....	.....	(g).

TABLE § 62.35–50—MINIMUM SYSTEM MONITORING AND SAFETY CONTROL REQUIREMENTS FOR SPECIFIC SYSTEMS—
Continued
[Note 1]

System	Service	Instrumentation	Alarm	Safety control	See also paragraph
Fire detection	Machinery spaces .....	.....	Space on fire .....	.....	(h).
Fire main .....	.....	Pressure	Low.	.....	(i).
Personnel	Deadman .....	.....	Fail to acknowledge .....	.....	(j).
General, control and alarm systems.	Power supply	Available (pressure)	Failure (low).	.....
	System function .....	.....	Failure .....	.....
	Console air conditioning .....	.....	Failure.	.....
	Built in test equipment	Active.	.....	.....
	Sequential interlock	Activated.	.....	Auto trip/limit	(j).
	Safety control .....	.....	Activated .....	.....
Redundant auxiliary, system, power supply.	.....	Status	Auto transfer.	.....

¹ See the ABS Marine Vessel Rules (incorporated by reference; see § 62.05–1) Part 4–9–6, tables 1A, 1B, and 5A.

² See ABS Marine Vessel Rules Part 4–9–6, table 2.

³ See § 113.37 of this chapter.

⁴ See ABS Marine Vessel Rules Part 4–9–6, tables 4A and 4B and subparts 111.33 and 111.35 of this chapter.

⁵ See ABS Marine Vessel Rules Part 4–9–6, table 6.

⁶ See subparts 112.45 and 112.50 of this chapter.

⁷ See ABS Marine Vessel Rules Part 4–9–6, Tables 6 for auxiliary gas turbines and 3 for propulsion gas turbines; and 46 CFR 58.10–15(f).

⁸ See ABS Marine Vessel Rules Part 4–9–6, tables 5A and 6.

(a) Safety limit controls must be provided in navigating bridge primary propulsion control systems. See § 62.35–5(c).

(b) Safety trip controls and alarms must be provided for all main boilers, regardless of mode of operation. See § 62.35–20(a).

(c) Loss of forced lubrication safety trip controls must be provided for main propulsion turbines and main propulsion diesel engines.

(d) Override of overspeed and loss of forced lubrication pressure safety trip controls must not be provided for main propulsion or generator steam or gas turbines, or diesel engines. See § 62.35–5(e)(2).

(e) Transfer interlocks must be provided for main propulsion systems capable of remote and local control.

(f) Semiconductor controlled rectifiers must have current limit controls.

(g) Interlocks must be provided to prevent the starting of engines or turbines while the jacking or turning gear, if installed, is engaged. See § 62.25–5(a).

(h) Main and remote control stations, including the navigational bridge, must provide visual and audible alarms in the event of a fire in the main machinery space.

(i) Minimally attended and periodically unattended machinery plants must be provided with a personnel alarm that annunciates on the bridge if not acknowledged by the watch engineer. See § 62.50–20(b)(1).

(j) All automatic controls and alarms must be failsafe to the least critical consequence for the particular system. See § 62.30–1.

(k) The operating or tripped status of vital auxiliary boilers must be indicated at the ECC. See part 63.

§ 62.50–1 [Amended]

■ 354. Amend § 62.50–1 as follows:

■ a. Designate the note immediately following paragraph (b)(5) as note 1 to paragraph (b)(5); and

■ b. In paragraph (c), by removing the words “immediately replaced or repaired” and add, in its place, the text “replaced or repaired.”.

§ 62.50–20 [Amended]

■ 355. Amend § 62.50–20 as follows:

■ a. Designate the note preceding paragraph (a) as note 1 to § 62.50–20;

■ b. Designate the note immediately following paragraph (a)(4) as note 2 to paragraph (a)(4);

■ c. Remove the note immediately following paragraph (c);

■ d. In paragraph (e)(2), remove the words “of this chapter” and add, in their place, the words “of this subchapter”;

■ e. In paragraph (e)(3), remove the words “are required” and add, in their place, the words “are installed”;

■ f. In paragraph (e)(4):

■ i. Remove the words “of this chapter” and add, in their place, the words “of this subchapter”; and

■ ii. Remove the text “56.50–50(f)” and add, in its place, the text “56.50–50(f) of this subchapter”;

■ g. In paragraph (g)(2), remove the text “§ 111.12–11(g) and § 111.30–1” and add, in its place, the text “§§ 111.12–11(g) and 111.30–1 of this subchapter”; and

■ h. In paragraph (h)(3), remove the last sentence.

■ 356. Amend § 62.50–30 as follows:

■ a. Designate the note preceding paragraph (a) as note 1 to § 62.50–30

■ b. In paragraph (a), remove the words “of this part”;

■ c. In paragraph (c):

■ i. Remove the word “Steel” and add, in its place, the word “Marine”; and

■ ii. Remove the text “46 CFR” and add, in its place, the symbol “§”;

■ d. In paragraph (d), remove the words “and continuously”;

■ e. Revise the introductory text to paragraph (h);

■ f. In paragraph (h)(4), remove the text “56.50–60(d)” and add, in its place, the text “56.50–60(d) of this subchapter”;

■ g. In paragraph (i), remove the words “high pressure” and add, in their place, the text “high-pressure”; and

■ h. In paragraph (k), remove the word “Steel” and add, in its place, the word “Marine”.

The revision reads as follows:

§ 62.50–30 Additional requirements for periodically unattended machinery plants.

* * * * *

(h) *Fire control station.* A control station for fire protection of the machinery spaces must be provided outside the machinery spaces. At least one access to this station must be independent of category A machinery spaces, and any boundary shared with these spaces must have an A–60 fire classification as defined in § 72.05 of this chapter. The number of control and monitoring cables and piping for the station that adjoin or penetrate the boundaries of a category A machinery space, uptakes, or casings must be minimized. The fire control station must include—

* * * * *

PART 63—AUTOMATIC AUXILIARY BOILERS

■ 357. The authority citation for part 63 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 358. Amend § 63.01–3 as follows:

■ a. In paragraph (a)(1), remove the text “Table 54.01–5(A) of this chapter” and add, in its place, the text “table 1 to § 54.01–5 of this chapter”; and

■ b. Revise paragraph (b).

The revision reads as follows:

§ 63.01–3 Scope and applicability.

* * * * *

(b) Automatic boilers having heat input ratings of 12,500,000 Btu/hr. (3.66 megawatts) and above must meet the requirements of part 52 of this chapter. Their control systems must meet the requirements of part 62 of this chapter.

■ 359. Revise § 63.05–1 to read as follows:

§ 63.05–1 Incorporation by reference.

Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG), Attn: Office of Design and Engineering Standards, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7509 phone (202) 372–1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(a) *American National Standards Institute (ANSI)*, 1899 L Street NW, 11th Floor, Washington, DC, 202–293–8020, www.ansi.org.

(1) ANSI Z21.22–2015 Relief valves for hot water systems, 2nd Edition, January 1, 2015 (“ANSI Z21.22”); IBR approved for § 63.25–3.

(2) [Reserved]

(b) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue, New York, NY 10016–5990, 800–843–2763, www.asme.org.

(1) ASME CSD–1–2018, Controls and Safety Devices for Automatically Fired Boilers, October 12, 2018 (2018) (“ASME CSD–1”); IBR approved for §§ 63.10–1, 63.15–1, 63.20–1.

(2) [Reserved]

(c) *ASTM International (ASTM)*, 100 Barr Harbor Drive, West Conshohocken, PA 19428–2959, www.astm.org.

(1) ASTM F1323–2014, Standard Specification for Shipboard Incinerators, November 1, 2014 (2001) (“ASTM F1323”); IBR approved for § 63.25–9.

(2) [Reserved]

(d) *International Maritime Organization (IMO)*, Publications Section, 4 Albert Embankment, London, SE1 7SR United Kingdom, www.imo.org.

(1) Resolution MEPC.76(40), Standard Specification for Shipboard Incinerators (Sep. 25, 1997) (“IMO MEPC.76(40)”); IBR approved for § 63.25–9.

(2) Resolution MEPC.244(66), 2014 Standard Specification for Shipboard Incinerators (Apr. 14, 2014) (“IMO MEPC.244(66)”); IBR approved for § 63.25–9.

(3) The International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), Annexes I, II, III, and V (1978) (“IMO MARPOL 73/78”); IBR approved for § 63.25–9.

(e) *International Organization for Standardization (ISO)*, Case postale 56, CH–1211 Geneva 20, Switzerland, www.iso.org.

(1) ISO 9096:2017(E), Stationary source emissions—Manual determination of mass concentration of particulate matter, 3rd Edition, September 1, 2017 (“ISO 9096”); IBR approved for § 63.25–9.

(2) ISO 10396, Stationary source emissions—Sampling for the automated determination of gas emission concentrations for permanently-installed monitoring systems, Second edition, Feb. 1, 2007 (“ISO 10396”); IBR approved for § 63.25–9.

(3) ISO 13617:2019(E), Ships and Marine Technology—Shipboard Incinerators—Requirements, 3rd Edition, Aug. 1, 2019 (“ISO 13617”); IBR approved for § 63.25–9.

(f) *Underwriters’ Laboratories, Inc.* (UL), 12 Laboratory Drive, Research Triangle Park, NC 27709–3995, www.ul.com.

(1) UL 174, UL Standard for Safety Household Electric Storage Tank Water Heaters, 11th Edition, April 29, 2004 (“UL 174”); IBR approved for § 63.25–3.

(2) UL 296, UL Standard for Safety Oil Burners, 11th Edition, February 24, 2017 (“UL 296”); IBR approved for § 63.15–5.

(3) UL 343, UL Standard for Safety Pumps for Oil-Burning Appliances, 9th Edition, Dec. 17, 2008 (“UL 343”); IBR approved for § 63.15–3.

(4) UL 1453, UL Standard for Safety Electric Booster and Commercial

Storage Tank Water Heaters, 6th Edition, March 29, 2016 (“UL 1453”); IBR approved for § 63.25–3.

■ 360. Amend § 63.10–1 as follows:

■ a. Revise the introductory text to § 63.10–1; and

■ b. In paragraph (b)(1), remove the text “46 CFR” and add, in its place, the symbol “\$”.

The revision reads as follows:

§ 63.10–1 Test procedures and certification report.

Two copies of the items listed below must be provided, if submitted in printed format, to the Commanding Officer, Marine Safety Center, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Washington, DC 20593.

Alternatively, one copy may be transmitted by email to the Commanding Officer (MSC), at msc@uscg.mil. Information for submitting documents electronically can be found at www.uscg.mil/HQ/MSC.

* * * * *

§ 63.15–1 [Amended]

■ 361. Amend § 63.15–1 as follows:

■ a. In paragraph (a), remove the text “§ 54.01–5, Table 54.01–5(A) of this chapter” and add, in its place, the text “table 1 to § 54.01–5 of this subchapter”; and

■ b. In paragraph (b), remove the text “46 CFR” and add, in its place, the symbol “\$”.

§ 63.15–3 [Amended]

■ 362. Amend § 63.15–3 as follows:

■ a. Designate the note immediately following paragraph (b) as note 1 to paragraph (b);

■ b. In paragraph (c), remove the words “of this chapter” wherever they appear and add, in their place, the words “of this subchapter”;

■ c. In paragraph (d), remove the text “§ 56.04–2, Table 56.04–2 of this chapter” and add, in its place, the text “table § 56.04–2 of this subchapter”; and

■ d. In paragraph (e), remove the text “46 CFR” and add, in its place, the symbol “\$”.

§ 63.15–7 [Amended]

■ 363. In § 63.15–7(d), remove the text “46 CFR 62.35–50, Table 62.35–50” and add, in its place, the text “table § 62.25–50 of this subchapter”.

§ 63.25–3 [Amended]

■ 364. Amend § 63.25–3 as follows:

■ a. In paragraph (a):

■ i. Remove the text “ANSI/AGA” and add, in its place, the text “ANSI”; and

■ ii. Remove the text “46 CFR 63.05–1” wherever it appears and add, in its place, the text “§ 63.05–1”;

- b. In paragraphs (b) and (h), remove the words “of this chapter” wherever they appear and add, in their place, the words “of this subchapter”; and
- c. In paragraph (j), remove the text “46 CFR part 52 or part 53” and add, in its place, the text “part 52 or part 53 of this subchapter”.

§ 63.25–7 [Amended]

- 365. Amend § 63.25–7(a) as follows:
 - a. Remove the words “of this chapter” wherever they appear and add, in their place, the words “of this subchapter”; and
 - b. Remove the text “§ 54.01–5, Table 54.01–5(A)” and add, in its place, the text “table 1 to § 54.01–5”.
- 366. Amend § 63.25–9 as follows:
 - a. Revise paragraph (a), the introductory text to paragraph (b), and paragraph (b)(3);
 - b. In paragraphs (c)(1) and (f)(6) and (7), and remove the text “46 CFR” wherever it appears and add, in its place, the symbol “§”; and
 - c. Add paragraph (g).

The revisions and addition read as follows:

§ 63.25–9 Incinerators.

(a) *General.* (1) Incinerators installed on or after March 26, 1998, must meet the requirements of IMO MEPC.76(40) (incorporated by reference; see § 63.05–1). Incinerators in compliance with ISO 13617 (incorporated by reference; see § 63.05–1), are considered to meet IMO MEPC.76(40). Incinerators in compliance with both ASTM F1323 (incorporated by reference; see § 63.05–1) and Annexes A1–A3 of IMO MEPC.76(40) are considered to meet IMO MEPC.76(40).

(2) An application for type approval of shipboard incinerators must be sent to the Commanding Officer, Marine Safety Center, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Washington, DC 20593, or it may be transmitted by email to the Commanding Officer (MSC), at msc@uscg.mil.

(b) *Testing.* Before type approval is granted, the manufacturer must submit evidence that tests have been conducted by an independent third party acceptable to the Commandant (CG–ENG). Testing may be conducted at the manufacturer’s facility. The independent third party must:

* * * * *

(3) Have documented proof of the qualifications to perform the inspections and tests required by this section; and

* * * * *

(g) Incinerators designed and tested to meet the requirements of IMO MEPC.244(66) (incorporated by reference; see § 63.05–1) are considered equivalent to the requirements of this section and may receive U.S. Coast Guard type approval.

PART 64—MARINE PORTABLE TANKS AND CARGO HANDLING SYSTEMS

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

Authority: 46 U.S.C. 3306, 3703; 49 U.S.C. App. 1804; Department of Homeland Security Delegation No. 0170.1.

■ 368. Revise § 64.2 to read as follows:

§ 64.2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish a document in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–DCO–D), Attn: Deputy for Operations Policy and Capabilities, U.S. Coast Guard Stop 7318, 2703 Martin Luther King Jr. Avenue SE, Washington, DC 20593–7318, phone (202) 372–1375, email typeapproval@uscg.mil, and is available from the sources listed elsewhere in this section. It is also available for inspection 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 www.archives.gov/federal-register/cfr/ibr-locations.html.

(b) *American Society of Mechanical Engineers (ASME)*, Two Park Avenue, New York, NY 10016–5990, 800–843–2763, www.asme.org.

(1) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, Pressure Vessels, 1989, with Addenda issued December 31, 1989 (“Section VIII of the ASME BPVC”); IBR approved for §§ 64.5, 64.11, 64.13, 64.21, 64.25, 64.31.

(2) [Reserved]

§ 64.5 [Amended]

■ 369. In § 64.5(d), remove the text “the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC (incorporated by reference; see § 64.2)”.

§ 64.11 [Amended]

■ 370. In § 64.11(a), remove the text “the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC (incorporated by reference; see § 64.2)”.

§ 64.13 [Amended]

■ 371. Amend § 64.13 as follows:

■ a. In paragraph (a), remove the text “section VIII of the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC (incorporated by reference; see § 64.2)”;

■ b. In footnote 1 to paragraph (b), remove the text “the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC”.

§ 64.21 [Amended]

■ 372. In § 64.21, remove the text “section VIII of the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC (incorporated by reference; see § 64.2)”.

§ 64.25 [Amended]

■ 373. In § 64.25(b), remove the text “the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC (incorporated by reference; see § 64.2)”.

§ 64.31 [Amended]

■ 374. In § 64.31, remove the text “section VIII of the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC (incorporated by reference; see § 64.2)”.

§ 64.63 [Amended]

■ 375. Amend § 64.63 as follows:

■ a. In paragraph (a):

■ i. Remove the text “Table 1” and add, in their place, the text “table 1 to § 64.63”; and

■ ii. Remove the text “section VIII of the ASME Code” and add, in its place, the text “Section VIII of the ASME BPVC (incorporated by reference; see § 64.2)”;

■ b. Redesignate table 1 as table 1 to § 64.63z.

Dated: July 13, 2021.

J.W. Mauger,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2021–15664 Filed 10–18–21; 8:45 am]

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