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# Contents

## Federal Register

Vol. 86, No. 137

Wednesday, July 21, 2021

### Agriculture Department

See Food and Nutrition Service

### Centers for Medicare & Medicaid Services

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38485–38488

### Children and Families Administration

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Early Head Start Family and Child Experiences Survey 2022, 38490–38491  
 National Human Trafficking Hotline Performance Indicators, 38489–38490  
 National Survey of Early Care and Education COVID–19 Follow-up, 38488–38489

### Civil Rights Commission

#### NOTICES

Meetings:  
 New Jersey Advisory Committee, 38445

### Coast Guard

#### NOTICES

Port Access Route Study: Northern New York Bight; Correction, 38495

### Commerce Department

See Industry and Security Bureau  
 See National Oceanic and Atmospheric Administration

### Consumer Product Safety Commission

#### NOTICES

Complaint:  
 Amazon.Com, Inc., 38450–38471

### Education Department

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Impact Evaluation of Teacher Residency Programs, 38471

### Employee Benefits Security Administration

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Participant Assistance Program Customer Survey, 38500–38501  
 Meetings:  
 Advisory Council on Employee Welfare and Pension Benefit Plans, 38501

### Energy Department

See Federal Energy Regulatory Commission

### Environmental Protection Agency

#### PROPOSED RULES

Air Quality State Implementation Plans; Approvals and Promulgations:  
 Louisiana; Regional Haze Five-Year Progress Report State Implementation Plan, 38433–38444

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production Area Sources, 38479–38480  
 Certain New Chemicals:  
 Receipt and Status Information for June 2021, 38475–38479

### Federal Aviation Administration

#### RULES

Airworthiness Directives:  
 General Electric Company Turbofan Engines, 38407–38409  
 International Aero Engines AG Turbofan Engines, 38410–38413

#### PROPOSED RULES

Airspace Designations and Reporting Points:  
 Bangor, ME, 38419–38420

### Federal Communications Commission

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38480–38484  
 Deletion of Items From July 13, 2021 Open Meeting, 38482  
 Meetings:  
 Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States, 38482

### Federal Election Commission

#### NOTICES

Meetings; Sunshine Act, 38484

### Federal Energy Regulatory Commission

#### NOTICES

Application:  
 Freeport LNG Development, LP; FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; FLNG Liquefaction 3, LLC, 38474–38475  
 Combined Filings, 38471–38474

### Federal Maritime Commission

#### NOTICES

Agreements Filed, 38485  
 Performance Review Board, 38485

### Federal Retirement Thrift Investment Board

#### NOTICES

Meetings:  
 Board, 38485

### Food and Nutrition Service

#### NOTICES

Child and Adult Care Food Program:  
 National Average Payment Rates, Day Care Home Food Service Payment Rates, and Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes for the Period July 1, 2021 Through June 30, 2022, 38445

**Health and Human Services Department**

See Centers for Medicare & Medicaid Services  
 See Children and Families Administration  
 See Health Resources and Services Administration  
 See National Institutes of Health  
 See Substance Abuse and Mental Health Services Administration

**NOTICES**

Meetings:

National Clinical Care Commission, 38492

**Health Resources and Services Administration****NOTICES**

National Practitioner Data Bank:

Change in User Fees, 38491–38492

**Homeland Security Department**

See Coast Guard

**Housing and Urban Development Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Application for Displacement/Relocation/Temporary Relocation Assistance for Persons, 38495–38496  
 Homeless Assistance Programs—Annual Performance Report and System Performance Report, 38499–38500  
 Waivers and Alternative Requirements for the Pilot Recovery Housing Program, 38496–38498

**Industry and Security Bureau****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Chemical Weapons Convention Provisions of the Export Administration Regulations, 38445–38446  
 Statement by Ultimate Consignee and Purchaser, 38446–38447

**Internal Revenue Service****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals; Correction, 38530

**Labor Department**

See Employee Benefits Security Administration  
 See Mine Safety and Health Administration

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Shipyard Employment Standards, 38501–38502

**Mine Safety and Health Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Mine Mapping and Records of Opening, Closing, and Reopening of Mines, 38504–38505  
 Ventilation Plans, Tests, and Examinations in Underground Coal Mines, 38502–38504

**National Endowment for the Arts****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 2021 Final Descriptive Report Update, 38505–38506

**National Foundation on the Arts and the Humanities**

See National Endowment for the Arts

**National Highway Traffic Safety Administration****NOTICES**

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard:  
 BMW of North America, LLC, 38526–38528

**National Institutes of Health****NOTICES**

Meetings:

Center for Scientific Review, 38492–38493  
 Eunice Kennedy Shriver National Institute of Child Health and Human Development, 38493–38494  
 National Eye Institute, 38494  
 National Institute of Mental Health, 38493  
 National Institute on Aging, 38492, 38494

**National Oceanic and Atmospheric Administration****RULES**

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:  
 Reef Fish Fishery of the Gulf of Mexico; Framework Action, 38416–38418  
 Fisheries of the Exclusive Economic Zone Off Alaska:  
 Sablefish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area, 38418  
 Pacific Halibut Fisheries; Catch Sharing Plan; Inseason Action, 38415–38416

**NOTICES**

Taking and Importing Marine Mammals:  
 Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, 38447–38450

**Nuclear Regulatory Commission****NOTICES**

Guidance:

Implementation of Aging Management Requirements for Spent Fuel Storage Renewals, 38506–38507

**Postal Service****RULES**

Mail Screening Regulations, 38413–38415

**Presidential Documents****PROCLAMATIONS**

Special Observances:

Captive Nations Week (Proc. 10233), 38533–38536

**Railroad Retirement Board****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38507–38509

**Securities and Exchange Commission****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38509–38510, 38514–38515, 38518–38525

Application:

Uncommon Investment Funds Trust and Uncommon Investment Advisors, LLC, 38510–38514

Self-Regulatory Organizations; Proposed Rule Changes:

Cboe Exchange, Inc., 38515–38518  
 ICE Clear Europe Ltd., 38521–38522

**Small Business Administration****NOTICES**

Disaster Declaration:

Illinois, 38525–38526

Major Disaster Declaration:  
Michigan, 38525

**Substance Abuse and Mental Health Services  
Administration**

**NOTICES**

Meetings:  
Center for Substance Abuse Prevention, 38494–38495

**Transportation Department**

*See* Federal Aviation Administration

*See* National Highway Traffic Safety Administration

**PROPOSED RULES**

Refunding Fees for Delayed Checked Bags and Ancillary  
Services That Are Not Provided, 38420–38433

**NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Compliance Labeling of Retroreflective Materials for  
Heavy Trailer Conspicuity, 38528–38529

**Treasury Department**

*See* Internal Revenue Service

**NOTICES**

Government Securities:  
Call for Large Position Reports, 38530

**Unified Carrier Registration Plan**

**NOTICES**

Meetings; Sunshine Act, 38530–38531

**Veterans Affairs Department**

**NOTICES**

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals:  
Application for Service-Disabled Veterans Insurance,  
38531  
Privacy Act; Matching Program, 38531–38532

**Reader Aids**

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

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**CFR PARTS AFFECTED IN THIS ISSUE**

---

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

**3 CFR**

**Proclamations:**

10233.....38535

**14 CFR**

39 (2 documents) .....38407,  
38410

**Proposed Rules:**

71.....38419

259.....38420

260.....38420

**39 CFR**

233.....38413

**40 CFR**

**Proposed Rules:**

52.....38433

**50 CFR**

300.....38415

622.....38416

679.....38418

# Rules and Regulations

Federal Register

Vol. 86, No. 137

Wednesday, July 21, 2021

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2021-0102; Project Identifier AD-2020-01270-E; Amendment 39-21621; AD 2021-13-16]

RIN 2120-AA64

#### Airworthiness Directives; General Electric Company Turbofan Engines

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain General Electric Company (GE) GENx-2B67, GENx-2B67/P, and GENx-2B67B model turbofan engines. This AD was prompted by a report of a crack in the lower fuel manifold causing fuel leakage. This AD requires an ultrasonic inspection (USI) or a fluorescent penetrant inspection (FPI) of the lower fuel manifold. Depending on the results of the USI or FPI, this AD requires replacement of the lower fuel manifold with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective August 25, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 25, 2021.

**ADDRESSES:** For service information identified in this final rule, contact General Electric Company, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552-3272; email: [aviation.fleetsupport@ae.ge.com](mailto:aviation.fleetsupport@ae.ge.com); website: [www.ge.com](http://www.ge.com). You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-

7759. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0102.

#### Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0102; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Alexei Marqueen, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7178; fax: (781) 238-7199; email: [Alexei.T.Marqueen@faa.gov](mailto:Alexei.T.Marqueen@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain GE GENx-2B67, GENx-2B67/P, and GENx-2B67B model turbofan engines. The NPRM published in the **Federal Register** on February 26, 2021 (86 FR 11670). The NPRM was prompted by a report that a GENx-2B model turbofan engine installed on a Boeing Model 747-8 airplane was removed from service due to confirmed fuel leakage from a lower fuel manifold in May 2019. The operator observed fuel leakage during a routine borescope inspection of the high-pressure turbine and later confirmed, by ultrasonic inspection, a crack at brazed block #4 in the pilot secondary fuel circuit tube on the lower fuel manifold. The FAA received two similar reports, in March 2020 and May 2020, of a fuel leak from the lower fuel manifold at brazed block #4. The manufacturer has identified the root cause of this cracking as low-cycle fatigue due to the abrupt transition created by the brazed support block pad and its inability to slide due to thermal loads as intended. In the NPRM, the FAA proposed to require an USI or an FPI of the lower fuel manifold. Depending on the results of the USI or

FPI, the NPRM proposed to require replacement of the lower fuel manifold with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

#### Discussion of Final Airworthiness Directive

##### Comments

The FAA received comments from five commenters. The commenters were Air Line Pilots Association, International (ALPA); Boeing Commercial Airplanes (Boeing); Cathay Pacific Airways Limited (Cathay); GE; and United Parcel Service (UPS). The following presents the comments received on the NPRM and the FAA's response to each comment.

#### Request for Confirmation That Alternate Ultrasonic Probes Are Approved

UPS requested confirmation of whether the alternate probes listed in Appendix—A, paragraph 4.1.1. of GE GENx-2B Service Bulletin (SB) 73-0089 R01, dated January 11, 2021 (SB 73-0089 R01), are approved alternate ultrasonic probes to inspect the lower fuel manifold. UPS reasoned that Appendix—A, paragraph 4.1.1. of SB 73-0089 R01 indicates that ultrasonic probes part number (P/N) 00-010012 and P/N 00-010013 are approved alternates for ultrasonic probes P/N 389-085-151 and P/N 389-085-161, respectively. However, the inspection procedure, figures, and record log in SB 73-0089 R01 only list ultrasonic probe P/N 389-085-151 and P/N 389-085-161.

The FAA confirms that alternate ultrasonic probes, P/N 00-010012 and P/N 00-010013, are approved alternates, and this AD does not prohibit their use.

#### Request for Allowance of Alternative Probe Application Tool

UPS requested that the FAA allow alternative, locally manufactured probe application tools to aid in the installation of the ultrasonic probes on the lower fuel manifold. UPS reasoned that during the installation of the ultrasonic probes on the lower fuel manifold using probe application tool P/N SGP-156, which is included with the GE Aircraft Engines Inspection Kit P/N GE-FQAP-677, maintenance noted that in certain locations, modifying the GE probe application tool provides

easier installation of the ultrasonic probes. UPS commented that all locally manufactured probe application tools would be removed before the USI, similar to using probe application tool P/N SGP-156.

This AD does not address requests for specific tool modifications. However, the FAA will consider requests for alternative methods of compliance requests in accordance with paragraph (k) of this AD that include a request for the modifications to the probe application tool.

**Request for Add Credit for Previous Action**

Cathay requested that this AD provide credit for previous performance of inspections of the fuel manifold before the effective date of this AD in accordance with both GE GENx-2B SB 73-0089 R01, dated January 11, 2021, and R00, dated May 8, 2020.

The FAA agrees. The instructions for accomplishing the on-wing USI and FPI have not changed between R00, dated May 8, 2020, and R01, dated January 11, 2021, of GE GENx-2B SB 73-0089. The

FAA added a Credit for Previous Actions paragraph to this AD.

**Support for the AD**

ALPA, Boeing, and GE expressed support for the AD as written.

**Conclusion**

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

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

The FAA reviewed GE GENx-2B SB 73-0089 R01, dated January 11, 2021. The service information specifies procedures for performing an initial on-wing visual inspection, a USI, or an FPI of the top main fuel manifold and the lower fuel manifold. The service information also specifies procedures

for performing repetitive in-shop visual inspection and FPI for GENx-2B model turbofan engines. The service information also provides instructions for replacing the top main fuel manifold and lower fuel manifold if a crack is found that exceeds the manufacturer's criteria or if a leak is detected during inspection. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in

**ADDRESSES.**

**Interim Action**

The FAA considers this AD to be an interim action. The design approval holder is currently developing a modification to address the unsafe condition identified in this AD. Once this modification is developed, the FAA might consider additional rulemaking.

**Costs of Compliance**

The FAA estimates that this AD affects 156 engines installed on airplanes of U.S. registry.

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

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
FPI or USI of the lower fuel manifold .....	16 work-hours × \$85 per hour = \$1,360 .....	\$0	\$1,360	\$212,160

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

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

aircraft that might need this replacement:

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Replace the lower fuel manifold .....	2 work-hours × \$85 per hour = \$170 .....	\$47,730	\$47,900

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

**Authority for This Rulemaking**

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

The FAA is issuing this rulemaking under the authority described in

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

**Regulatory Findings**

This AD will not have federalism implications under Executive Order 13132. This AD will not have a

substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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



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

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

**The Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**2021–13–16 General Electric Company:**  
Amendment 39–21621; Docket No. FAA–2021–0102; Project Identifier AD–2020–01270–E.

**(a) Effective Date**

This airworthiness directive (AD) is effective August 25, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to General Electric Company (GE) GENx–2B67, GENx–2B67/P, and GENx–2B67B model turbofan engines with lower fuel manifold, part number (P/N) 2619M58G01, installed.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 7310, Engine Fuel Distribution.

**(e) Unsafe Condition**

This AD was prompted by a report of a crack in the lower fuel manifold. The FAA is issuing this AD to detect cracking of the lower fuel manifold. The unsafe condition, if not addressed, could result in failure of the fuel manifold, engine fire, and damage to the airplane.

**(f) Compliance**

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

**(g) Required Actions**

(1) Within the compliance time specified in Table 1 to paragraph (g)(1) of this AD, perform either an ultrasonic inspection (USI), an on-wing spot fluorescent penetrant inspection (FPI), or an in-shop FPI of the lower fuel manifold, P/N 2619M58G01, in accordance with paragraph (g)(1)(i), (ii), or (iii) of this AD, as applicable.

**TABLE 1 TO PARAGRAPH (g)(1)—COMPLIANCE TIME**

Lower fuel manifold cycles since new (CSN)	Compliance time
Less than 1,700 CSN .....	After the lower fuel manifold has accumulated 1,700 CSN, but before it exceeds 2,200 CSN.
1,700 CSN or more .....	Within 500 engine flight cycles (FCs) after the effective date of this AD.

(i) Perform a USI of the lower fuel manifold at the locations adjacent to the five support block pads to detect cracks in accordance with paragraph 4. Appendix—A of GENx–2B Service Bulletin (SB) 73–0089 R01, dated January 11, 2021.

(ii) Perform an on-wing spot FPI of the lower fuel manifold at the five brazed block joints to detect cracks. Guidance on performing the spot FPI can be found in paragraph 3.B.(6)(a) of GENx–2B SB 73–0089 R01, dated January 11, 2021.

(iii) Perform an in-shop FPI of the lower fuel manifold at the five brazed block joints to detect cracks. Guidance on performing the FPI can be found in paragraph 3.C.(4) of GENx–2B SB 73–0089 R01, dated January 11, 2021.

(2) If a crack or rejectable indication is found during the USI, on-wing spot FPI, or in-shop FPI required by paragraphs (g)(1)(i), (ii), and (iii) of this AD, before further flight, remove the lower fuel manifold from service and replace it with a part eligible for installation.

**(h) Definition**

For the purpose of this AD, a part eligible for installation is:

(1) Any serviceable lower fuel manifold, P/N 2619M58G01, with less than 1,700 CSN, or

(2) Any lower fuel manifold, P/N 2619M58G01, with 1,700 CSN or more that has been inspected in accordance with paragraph (g)(1)(i), (ii), or (iii) of this AD and a crack or rejectable indication was not found, or

(3) Any approved lower fuel manifold with a part number other than P/N 2619M58G01.

**(i) No Reporting Requirements**

The reporting requirements specified in paragraph 4. Appendix—A of GE GENx–2B SB 73–0089 R01, dated January 11, 2021, are not required by this AD.

**(j) Credit for Previous Actions**

You may take credit for the actions required by paragraph (g)(1) of this AD if you performed these actions before the effective date of this AD using GE GENx–2B SB 73–0089 R00, dated May 8, 2020.

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

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. You may email your request to: [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-AMOC@faa.gov).

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

**(l) Related Information**

For more information about this AD, contact Alexei Marqueen, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238–7178; fax: (781) 238–7199; email: [Alexei.T.Marqueen@faa.gov](mailto:Alexei.T.Marqueen@faa.gov).

**(m) Material Incorporated by Reference**

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

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

(i) GE GENx–2B Service Bulletin 73–0089 R01, dated January 11, 2021.

(ii) [Reserved]

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

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

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

Issued on June 17, 2021.

**Lance T. Gant,**

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

[FR Doc. 2021–15397 Filed 7–20–21; 8:45 am]

**BILLING CODE 4910–13–P**

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

[Docket No. FAA-2021-0544; Project Identifier AD-2021-00642-E; Amendment 39-21646; AD 2021-14-19]

RIN 2120-AA64

**Airworthiness Directives; International Aero Engines AG Turbofan Engines**

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

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain International Aero Engines AG (IAE) V2500 model turbofan engines. This AD was prompted by a review of investigative findings from an event involving an uncontained failure of a high-pressure turbine (HPT) 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. This AD requires performance of an ultrasonic inspection (USI) of the HPT 1st-stage disk and HPT 2nd-stage disk and, depending on the results of the inspections, replacement of the HPT 1st-stage disk or HPT 2nd-stage disk with a part eligible for installation. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective August 5, 2021.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of August 5, 2021.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of July 13, 2021 (86 FR 30380, June 8, 2021).

The FAA must receive comments on this AD by September 7, 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 International

Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: (800) 565-0140; email: [help24@pw.utc.com](mailto:help24@pw.utc.com); website: <http://fleetcare.pw.utc.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (781) 238-7759. It is also available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0544.

**Examining the AD Docket**

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0544; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The street address for the Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Alberto Hernandez, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7329; fax: (781) 238-7199; email: [Alberto.J.Hernandez@faa.gov](mailto:Alberto.J.Hernandez@faa.gov).

**SUPPLEMENTARY INFORMATION:****Background**

On March 18, 2020, an Airbus Model A321-231 airplane, powered by IAE V2533-A5 model turbofan engines, experienced an uncontained HPT 1st-stage disk failure that resulted in an aborted takeoff. The uncontained failure of the HPT 1st-stage disk resulted in high-energy debris penetrating the engine cowling. The FAA published Emergency AD 2020-07-51 on March 21, 2020 (followed by publication in the **Federal Register** on April 13, 2020, as a Final Rule, Request for Comments (85 FR 20402)) and AD 2021-01-03 on January 6, 2021 (86 FR 458) to remove from service HPT 1st-stage and HPT 2nd-stage disks identified as having the highest risk of failure.

Based on the root cause analysis performed since that event, the manufacturer identified a population of HPT 1st-stage disks and HPT 2nd-stage disks that require inspection and possible removal from service. In response, the FAA published AD 2021-11-15 on June 8, 2021 (86 FR 30380) to require performance of a USI on affected HPT 1st-stage disks and HPT 2nd-stage disks and, depending on the results of the USI, removal of the affected HPT disks from service. Compliance time for performance of the USI in AD 2021-11-

15 is based on the specific IAE V2500 model turbofan engine on which the HPT 1st-stage or 2nd-stage disk is installed and is required to be performed at the next engine shop visit or between 3,200-6,700 flight cycles (FCs), depending on the model turbofan engine, after the effective date of the AD, whichever occurs first.

Based on the review of investigative findings from this March 2020 event, the manufacturer identified a high-risk subpopulation of parts that require urgent inspection. The FAA, therefore, published Emergency AD 2021-11-51 on May 21, 2021 (followed by publication in the **Federal Register** on July 2, 2021, as a Final Rule, Request for Comments (86 FR 35217)) requiring performance of a USI within 10 FCs on the highest-risk HPT 1st-stage disks and HPT 2nd-stage disks and, depending on the results of the USI, removal of the affected HPT disks from service. The FAA is now publishing this AD to require performance of a USI on the remaining high-risk subpopulation of affected HPT 1st-stage disks and HPT 2nd-stage disks and, depending on the results of the USI, removal of the affected HPT disks from service. Compliance time is between 100 and 620 FCs after the effective date of this AD and is based on the specific V2500 IAE turbofan engine model on which the affected disks are, or have been, installed.

This condition, if not addressed, could result in uncontained HPT disk failure, damage to the engine, damage to the airplane, and loss of the airplane. The FAA is issuing this AD to address the unsafe condition on these products.

**FAA's Determination**

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

**Related Service Information Under 14 CFR Part 51**

The FAA reviewed Pratt & Whitney (P&W) Special Instruction (SI) No. 112F-21, dated May 24, 2021. The SI identifies the affected HPT 1st-stage disks and HPT 2nd-stage disks installed on IAE V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-A5, V2528-D5, V2530-A5, and V2533-A5 model turbofan engines.

The FAA reviewed P&W SI No. 114F-21, dated May 24, 2021. The SI identifies the affected HPT 2nd-stage disks installed on IAE V2531-E5 model turbofan engines.

The FAA reviewed IAE NMSB No. V2500-ENG-72-0713, Revision 1, dated

January 26, 2021. The NMSB specifies procedures for a USI of the HPT 1st-stage disk and HPT 2nd-stage disk.

The FAA reviewed IAE NMSB No. V2500-E5-72-0015, dated December 15, 2020. The NMSB specifies procedures for a USI of the HPT 1st-stage disk and HPT 2nd-stage disk.

The Director of the Federal Register approved IAE NMSB V2500-ENG-72-0713, Revision 1, dated January 26, 2021 and IAE NMSB V2500-E5-72-0015, dated December 15, 2020, for incorporation by reference as of July 13, 2021 (86 FR 30380, June 8, 2021). This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

**AD Requirements**

This AD requires the performance of a USI of the HPT 1st-stage disk and HPT 2nd-stage disk and, depending on the results of the inspections, replacement of the HPT 1st-stage disk or HPT 2nd-stage disk with a part eligible for installation.

**Justification for Immediate Adoption and Determination of the Effective Date**

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

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies foregoing notice and comment prior to adoption of this rule.

On March 18, 2020, an Airbus Model A321-231 airplane, powered by IAE V2533-A5 model turbofan engines, experienced an uncontained HPT 1st-stage disk failure that resulted in an aborted takeoff. The uncontained failure of the HPT 1st-stage disk resulted in high-energy debris penetrating the engine cowling. Based on a review of investigative findings performed since that event, the manufacturer has identified a high-risk population of affected HPT 1st-stage and HPT 2nd-stage disks that are affected by the same unsafe condition and require USI and, depending on the results of the USI, removal from service.

The FAA considers the risk of an uncontained HPT disk failure to be an urgent safety issue. USI of the HPT 1st-stage and 2nd-stage disks must be accomplished between 100 FCs and 620 FCs after the effective date of this AD to prevent additional HPT disk failures and maintain an acceptable level of safety. This unsafe condition, caused by an uncontained HPT 1st-stage disk and HPT 2nd-stage disk failure, may result in damage to the engine, damage to the airplane, and loss of the airplane.

Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b)(3)(B). In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forego notice and comment.

**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-2021-0544 and Project Identifier AD-2021-00642-E” 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 Alberto Hernandez, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803. 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 FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

**Costs of Compliance**

The FAA estimates that this AD affects 112 engines installed on airplanes of U.S. registry.

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

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Ultrasonic inspection (includes actions necessary to disassemble the engine).	204 work-hours × \$85 per hour = \$17,340 ....	\$0	\$17,340	\$1,942,080

The FAA estimates the following costs to do any necessary replacement

that would be required based on the results of the inspection. The agency has

no way of determining the number of

aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the HPT 1st-stage disk or HPT 2nd-stage disk.	0 work-hours × \$85 per hour = \$0 .....	\$300,000	\$300,000

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

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

- (1) Is not a “significant regulatory action” under Executive Order 12866, 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:

**2021–14–19 International Aero Engines**

**AG:** Amendment 39–21646; Docket No. FAA–2021–0544; Project Identifier AD–2021–00642–E.

**(a) Effective Date**

This airworthiness directive (AD) is effective August 5, 2021.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to International Aero Engines AG (IAE) V2522–A5, V2524–A5, V2525–D5, V2527–A5, V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, V2531–E5, and V2533–A5 model turbofan engines with an installed:

- (1) High-pressure turbine (HPT) 1st-stage disk, part number (P/N) 2A5001, with a serial number (S/N) listed in Accomplishment Instructions, Table 1, of Pratt & Whitney (P&W) Special Instruction (SI) No. 112F–21, dated May 24, 2021 (P&W SI No. 112F–21); or

- (2) HPT 2nd-stage disk, P/N 2A4802, with an S/N listed in Accomplishment Instructions, Table 2, of P&W SI No. 112F–21, or S/N listed in Accomplishment Instructions, Table 1, P&W SI No. 114F–21, dated May 24, 2021 (P&W SI No. 114F–21).

**(d) Subject**

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

**(e) Unsafe Condition**

This AD was prompted by a review of investigative findings from an event involving an uncontained failure of a HPT 1st-stage disk that resulted in high-energy debris penetrating the engine cowling. The FAA is issuing this AD to prevent failure of the HPT 1st-stage disk and HPT 2nd-stage disk. The unsafe condition, if not addressed, could result in uncontained HPT disk failure, damage to the engine, damage to the airplane, and loss of the airplane.

**(f) Compliance**

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

**(g) Required Actions**

- (1) For an HPT 1st-stage disk, P/N 2A5001, with an S/N listed in Accomplishment Instructions, Table 1, of P&W SI No. 112F–21, that has been installed at any time in an IAE V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, or V2533–A5 model turbofan engine during operation, within 100 flight cycles (FCs) after the effective date of this AD, perform an ultrasonic inspection (USI) of the HPT 1st-stage disk using the Accomplishment Instructions, paragraph 6, of IAE NMSB V2500–ENG–72–0713, Revision 1.

- (2) For an HPT 1st-stage disk, P/N 2A5001, with an S/N listed in Accomplishment Instructions, Table 1, of P&W SI No. 112F–21, that has only been installed in an IAE V2522–A5, V2524–A5, V2525–D5, or V2527–A5 model turbofan engine during operation, within 220 FCs after the effective date of this AD, perform a USI of the HPT 1st-stage disk using the Accomplishment Instructions, paragraph 6, of IAE NMSB V2500–ENG–72–0713, Revision 1.

- (3) For an HPT 2nd-stage disk, P/N 2A4802, with an S/N listed in Accomplishment Instructions, Table 2, of P&W SI No. 112F–21, that has been installed at any time in an IAE V2527E–A5, V2527M–A5, V2528–D5, V2530–A5, or V2533–A5 model turbofan engine during operation, within 385 FCs after the effective date of this AD, perform a USI of the HPT 2nd-stage disk using the Accomplishment Instructions, paragraph 7, of IAE NMSB V2500–ENG–72–0713, Revision 1.

- (4) For an HPT 2nd-stage disk, P/N 2A4802, with an S/N listed in Accomplishment Instructions, Table 2, of P&W SI No. 112F–21, that has only been installed in an IAE V2522–A5, V2524–A5, V2525–D5, or V2527–A5 model turbofan engine during operation, within 620 FCs after the effective date of this AD, perform a USI of the HPT 2nd-stage disk using the Accomplishment Instructions, paragraph 7, of IAE NMSB V2500–ENG–72–0713, Revision 1.

- (5) For an HPT 2nd-stage disk, P/N 2A4802, with an S/N listed in Accomplishment Instructions, Table 1, of P&W SI No. 114F–21, that has only been installed in an IAE V2531–E5 model turbofan engine during operation, within 385 FCs after the effective date of this AD, perform a USI of the HPT 2nd-stage disk using the Accomplishment Instructions, paragraph 7, of IAE NMSB V2500–E5–72–0015.

(6) If, during the USI required by paragraphs (g)(1) through (5) of this AD, a HPT 1st-stage disk or HPT 2nd-stage disk does not pass the inspection as specified in the Accomplishment Instructions, paragraph 8, of IAE NMSB V2500-ENG-72-0713, Revision 1, or IAE NMSB V2500-E5-72-0015, as applicable, before further flight, remove the HPT 1st-stage disk or 2nd-stage disk, as applicable, from service and replace with a part eligible for installation.

#### (h) Definition

For the purpose of this AD, a “part eligible for installation” is:

(1) An HPT 1st-stage disk or HPT 2nd-stage disk listed in Appendix A, Tables 1 and 2, of IAE NMSB V2500-ENG-72-0713, Revision 1, or Appendix A, Tables 1 and 2, of IAE NMSB V2500-E5-72-0015, that passed the USI required by paragraphs (g)(1) through (5) of this AD; or

(2) An HPT 1st-stage disk or HPT 2nd-stage disk that is not listed in Appendix A, Tables 1 and 2, of IAE NMSB V2500-ENG-72-0713, Revision 1, or Appendix A, Tables 1 and 2, of IAE NMSB V2500-E5-72-0015.

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

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information. You may email your request to: [ANE-AD-AMOC@faa.gov](mailto:ANE-AD-AMOC@faa.gov).

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

#### (j) Related Information

For more information about this AD, contact Alberto Hernandez, Aviation Safety Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: (781) 238-7329; fax: (781) 238-7199; email: [Alberto.J.Hernandez@faa.gov](mailto:Alberto.J.Hernandez@faa.gov).

#### (k) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on August 5, 2021.

(i) Pratt & Whitney (P&W) Special Instruction (SI) No. 112F-21, dated May 24, 2021.

(ii) P&W SI No. 114F-21, dated May 24, 2021.

(4) The following service information was approved for IBR on July 13, 2021 (86 FR 30380, June 8, 2021).

(i) International Aero Engines (IAE) Non-Modification Service Bulletin (NMSB) No.

V2500-ENG-72-0713, Revision 1, dated January 26, 2021.

(ii) IAE NMSB No. V2500-E5-72-0015, dated December 15, 2020.

(5) For service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: (800) 565-0140; email: [help24@pw.utc.com](mailto:help24@pw.utc.com); website: <http://fleetcare.pw.utc.com>.

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

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

Issued on July 15, 2021.

**Lance T. Gant,**

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

[FR Doc. 2021-15486 Filed 7-16-21; 4:15 pm]

**BILLING CODE 4910-13-P**

## POSTAL SERVICE

### 39 CFR Part 233

#### Mail Screening Regulations

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service is amending its regulations regarding the screening of mail to be consistent with aviation regulations regarding the transportation of mail via aircraft; continue to enhance the security and ensure the safety of all persons and property onboard aircraft carrying mail; and prevent and deter the carriage of unauthorized explosives, incendiaries, or other destructive substances or items in the mail or in postal products transported onboard aircraft.

**DATES:** This rule is effective August 20, 2021.

**FOR FURTHER INFORMATION CONTACT:**

Amber Jordan, Inspector Attorney, [arjordan@uspis.gov](mailto:arjordan@uspis.gov), (202) 268-7812.

**SUPPLEMENTARY INFORMATION:** On May 24, 2021, the Postal Service published a **Federal Register Notice** (86 FR 27823) with a proposed rule to update Postal Service regulations regarding the screening of mail. The circumstances which created the need for the update were as follows: (1) 39 CFR 233.11 was published as a final rule on February 28, 1996; (2) since the publication of 39 CFR 233.11, no updates had been made; (3) after February 28, 1996, changes

were made to 49 U.S.C. 44901 requiring the screening of all items, including United States mail, transported via aircraft; and (4) an update is required to ensure it is consistent with title 49 of the Code of Federal Regulations as it pertains to mail being transported via aircraft.

Therefore, this final rule modifies the Postal Service regulations regarding the screening of mail to make said regulations: (1) More consistent with aviation regulations regarding the transportation of mail via aircraft; (2) continue to enhance the security and ensure the safety of all persons and property onboard aircraft carrying mail; and (3) continue to prevent and deter the carriage of unauthorized explosives, incendiaries, or other destructive substances or items in the mail or in postal products transported onboard aircraft.

In response to the proposed rule to update mail screening regulations, the Postal Service received comments and feedback. The comments and feedback can be grouped into four areas: (I) Term clarity (II) clarification of the methods for air carriers to request and obtain authority to screen U.S. mail, (III) procedures for screening, and (IV) a defined effective date.

(I) Term Clarity

Term(s): *Undeclared hazardous materials, undeclared dangerous goods.*

Some comments sought clarification as to what items would be included in the phrase unauthorized explosives, incendiaries, or other destructive substances. Of specific interest was whether this phrase and the revised regulation in general would apply to undeclared hazardous materials and undeclared dangerous goods. This phrase must also be taken together with language noting screening must be capable of identifying explosives, nonmailable firearms, or other dangerous contents in the mails that are destructive or could endanger life or property.

It is the intent of the Postal Service to encompass declared and undeclared goods as the dangerous nature of these items is unrelated to whether they have been declared. Additionally, with respect to the definition of hazardous material, explosives, dangerous goods and the concept of item mailability the Postal Service defines these terms in Publication 52, *Hazardous, Restricted, and Perishable Mail* and it is the intent of the Postal Service for Publication 52 to be used as a reference source.

Term: *Sufficient weight to pose a threat.*

The Postal Service notes that sufficient weight to pose a threat is a

shifting factor not conducive to a specific regulated threshold. As noted in one of the comments the weight of a particular package was below 16 ounces and yet a lithium battery inside went into thermal runaway. This circumstance highlights the concerns with setting forth a specified weight or factor that may, at a future point, no longer capture the universe of items of concern. The Postal Service must retain versatility in the definition of sufficient weight in order to address concerns that might arise with future mailed items.

(II) Clarification of the methods for air carriers to request and obtain authority to screen U.S. Mail.

The term “persons not employed by the Postal Service” is used to address those whom the Chief Postal Inspector may authorize to screen U.S. Mail under the regulations and may include air carriers. Each request for authorization will be analyzed on a case by case basis to determine need and acceptable procedures. These requests are not conducive to contractual negotiation as the Postal Service must retain the ability to adjust procedures and maintain full control over who may and may not engage in screening efforts. As one of the comments notes, air carriers need the ability to screen as circumstances warrant. Such versatility requires the Postal Service to liaison with the industry to address specific requests fluidly. Requests should be submitted via extant channels of communication.

(III) Procedures for screening

The procedures for screening will be set forth in the issued authorizations and will include methods for resolving events. It is expected the procedures will be the result of discussions between the Postal Service and interested parties.

(IV) Effective date

An effective date will be included in the final rule.

**List of Subjects in 39 CFR Part 233**

Law enforcement, Postal Service.

For the reasons stated in the preamble, the Postal Service amends 39 CFR part 233 as follows:

**PART 233—INSPECTION SERVICE AUTHORITY**

■ 1. The authority citation for 39 CFR part 233 continues to read as follows:

**Authority:** 39 U.S.C. 101, 102, 202, 204, 401, 402, 403, 404, 406, 410, 411, 1003, 3005(e)(1), 3012, 3017, 3018; 12 U.S.C. 3401–3422; 18 U.S.C. 981, 983, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–208, 110 Stat. 3009; Secs. 106 and 108, Pub. L. 106–168, 113 Stat. 1806 (39 U.S.C. 3012, 3017); Pub. L. 114–74, 129 Stat. 584.

■ 2. Revise § 233.11 to read as follows:

**§ 233.11 Mail Screening.**

(a) *Screening of Mail Transported by Aircraft*—(1) *Authority.* Pursuant to 39 U.S.C. 5401, the Postal Service is authorized to provide for the safe and expeditious transportation of mail by aircraft and may make such rules, regulations, and orders consistent with part A of subtitle VII of title 49 of the Code of Federal Regulations or any order, rule or regulation made by the Secretary of Transportation as may be necessary for such transportation, except as otherwise provided in 39 U.S.C. 5402.

(2) *Purpose.* To prevent and deter the carriage of unauthorized explosives, incendiaries, or other destructive substances or items in the mail or in postal products onboard aircraft and to ensure the security and safety of all persons and property onboard aircraft carrying mail.

(3) *Policy.* Mail of sufficient weight to pose a hazard to aviation may, without a search warrant or the sender’s or addressee’s consent, be screened by any means capable of identifying explosives, nonmailable firearms, or other dangerous contents in the mails that are destructive or could endanger life or property.

(b) *Screening of Surface Transported Mail*—(1) *Authority.* Pursuant to 39 U.S.C. 404 the Postal Service has specific power to provide for, among other things, the handling of mail. Mail may be screened without a search warrant or the sender’s or addressee’s consent in exigent circumstances to identify explosives or other dangerous contents in the mails.

(2) *Purpose.* To prevent and deter the carriage of unauthorized explosives or other dangerous content in the mail or in postal products transported via surface transportation providers and to ensure the security and safety of all persons and property associated with mail usage, processing, handling, and transportation.

(3) *Policy.* When the Chief Postal Inspector or designee determines there is a credible threat that certain mail may contain a bomb, explosives, or other material that could endanger life or property, including nonmailable firearms, the Chief Postal Inspector or designee may, without a search warrant or the sender’s or addressee’s consent, authorize the screening of such mail by any means capable of identifying explosives, nonmailable firearms, or other dangerous contents in the mails.

(c) *Mail Screening Restrictions.* Screening of mail authorized by

paragraphs (a) and (b) of this section is subject to the following restrictions:

(1) *No Unreasonable Delay.* The mail must be screened in a manner which does not unreasonably delay its delivery.

(2) *Authorization to Screen Mail.* The mail screening may be conducted by Postal Service employees or persons not employed by the Postal Service, as authorized by the Chief Postal Inspector, under such instruction that requires compliance with this part and protects the security of the mail. No information obtained from this mail screening may be disclosed unless authorized by this part.

(3) *Mail of Insufficient Weight to Pose a Threat.* Mail of insufficient weight to pose a hazard to air transportation, surface transportation, or to contain firearms must be excluded from such screening.

(4) The screening must be within the limits of this section and conducted without opening mail that is sealed against inspection or revealing the contents of correspondence within mail that is sealed against inspection.

(d) *Identified Threatening Pieces of Mail*—(1) *Hazardous Mail.* Mail, sealed or unsealed, reasonably suspected of posing an immediate danger to life or limb or an immediate substantial danger to property as a result of screening or other information may, without a search warrant, be detained, opened, removed from postal custody, processed, and treated, but only to the extent necessary to determine and eliminate the danger. Such mail must be processed in accordance with the instructions promptly furnished by the Inspection Service.

(2) *Indeterminate Mail.* After screening, mail sealed against inspection that presents doubts about whether its contents are hazardous, that cannot be resolved without opening, must be reported to the Postal Inspection Service. Such mail must be processed in accordance with the instructions promptly furnished by the Inspection Service.

(3) *Mandatory Reporting.* Any person who opens mail sealed against inspection, in accordance with paragraph (d)(1) or (d)(2) of this section, is required to provide a complete written and sworn statement regarding the detention, screening, opening, and treatment of the mail piece, as well as the circumstances surrounding its identification as a possible threat. The statement is required to be signed by the person purporting to act under this section and promptly forwarded to the Chief Postal Inspector. Any person purporting to act under this section who

does not report his or her action to the Chief Postal Inspector under the requirements of this section, or whose action is determined after investigation not to have been authorized, is subject to disciplinary action or criminal prosecution or both.

**Ruth Stevenson,**

*Chief Counsel, Ethics & Legal Compliance.*

[FR Doc. 2021-15371 Filed 7-20-21; 8:45 am]

BILLING CODE 7710-12-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 210415-0082; RTID 0648-  
XB187]

#### Pacific Halibut Fisheries; Catch Sharing Plan; Inseason Action

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; inseason adjustment; request for comments.

**SUMMARY:** This document announces additional season dates for the Washington North Coast and Puget Sound Pacific halibut recreational fisheries in the International Pacific Halibut Commission's regulatory Area 2A off Washington, Oregon, and California. This action is intended to conserve Pacific halibut and provide angler opportunity where available.

**DATES:** This action is effective July 16, 2021, through September 30, 2021. Submit comments on or before August 5, 2021.

**ADDRESSES:** Submit your comments, identified by NOAA-NMFS-2020-0157, by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to [www.regulations.gov/docket/NOAA-NMFS-2020-0157](http://www.regulations.gov/docket/NOAA-NMFS-2020-0157), click the "Comment" icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Barry Thom, c/o Kathryn Blair, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232.

*Instructions:* NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post them for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.),

confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

*Docket:* This rule is accessible via the internet at the Office of the Federal Register website at <https://www.federalregister.gov/>. Background information and documents are available at the NOAA Fisheries website at <https://www.fisheries.noaa.gov/action/2021-pacific-halibut-catch-sharing-plan> and at the Council's website at <http://www.pcouncil.org>. Other comments received may be accessed through [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Kathryn Blair, phone: 503-231-6858, fax: 503-231-6893, or email: [kathryn.blair@noaa.gov](mailto:kathryn.blair@noaa.gov).

**SUPPLEMENTARY INFORMATION:** On April 21, 2021, NMFS published a final rule implementing the Pacific halibut Area 2A Catch Sharing Plan and recreational (sport) management measures for 2021 (86 FR 20638), as authorized by the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773-773(k)). The 2021 Catch Sharing Plan provides a recommended framework for NMFS' annual management measures and subarea allocations based on the 2021 Area 2A Pacific halibut catch limit of 1,510,000 pounds (lb) (684.9 metric tons (mt)). These Pacific halibut management measures include recreational fishery season dates and subarea allocations.

Federal regulations at 50 CFR 300.63(c), "Flexible Inseason Management Provisions for Sport Halibut Fisheries in Area 2A," allow the NMFS' Regional Administrator, after consultation with the Chairman of the Pacific Fishery Management Council (Council), the Executive Director of the International Pacific Halibut Commission (IPHC), and the Fisheries Directors of the affected states, or their designees, to modify annual regulations during the season. These inseason provisions allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, if it is determined it is necessary to meet the allocation objectives and the action will not result in exceeding the catch limit.

NMFS has determined that, due to lower than expected landings in portions of Washington, inseason action to modify the 2021 annual regulations is warranted at this time to help ensure the Area 2A allocations as published in the final rule (86 FR 20638; April 21, 2021) are met. As stated above, inseason

modification of the fishing season is authorized by Federal regulations at 50 CFR 300.63(c). After a virtual consultation with IPHC, the Council, and the Washington Department of Fish and Wildlife (WDFW) on June 4, 2021, and further consultation with WDFW, NMFS determined the following inseason action is necessary to meet the management objective of attaining the subarea allocations, and are consistent with the inseason management provisions allowing for the modification of sport fishing periods and sport fishing days per calendar week. Notice of these additional dates and closure of the fisheries will also be announced on the NMFS hotline at 206-526-6667 or 800-662-9825.

#### Inseason Action

*Description of the action:* This inseason action implements up to 17 additional fishing dates for the Puget Sound and North Coast subareas in the state of Washington during the 2021 recreational fishery.

*Reason for the action:* The purpose of this inseason action is to provide additional opportunity for anglers in Washington's Puget Sound and North Coast subareas to achieve the respective subarea allocations without exceeding them. NMFS has determined that these additional dates are warranted due to much lower than expected landings through mid-June 2021, and the expectation that a substantial amount of subarea allocation will go unharvested without additional fishing dates. As of June 10, the North Coast subarea has harvested 34,229 lbs of the 128,928 lb (58.5 mt) (27 percent) subarea allocation and the Puget Sound subarea has harvested 37,409 lbs of the 78,291 lbs (35.5 mt) (48 percent) subarea allocation. For reference, in 2018 and 2019, the North Coast subarea either was close to or had attained the available recreational quota by the end of June. Without additional fishing days, the season dates implemented in the April 21, 2021 (86 FR 20638) final rule would likely result in substantial unharvested quota in these two subareas.

In order for anglers to have the opportunity to achieve the subarea allocations, and with little risk of the quota being exceeded, WDFW requested NMFS implement additional season dates for participants in the Puget Sound and North Coast subareas. Therefore, through this action NMFS is announcing new season dates in August and September that were not previously implemented in the April 21, 2021 final rule (86 FR 20638). Specifically, the additional season dates for the Puget

Sound and North Coast subareas are August 19–21, 26–28; September 2–4, 9–11, 16–18, and 23–24. WDFW recommended these dates to NMFS after consultation with their stakeholders.

These dates were determined in consultation with WDFW, the Council, and IPHC. Notice of these and potential additional dates and closure of the fisheries will also be announced on the NMFS hotline at 206–526–6667 or 800–662–9825.

Weekly quota monitoring reports for the recreational fisheries in Washington, Oregon, and California are available on their respective state Fish and Wildlife agency websites. NMFS and the IPHC will continue to monitor recreational catch obtained via state sampling procedures.

#### Classification

NMFS issues this action pursuant to the Northern Pacific Halibut Act of 1982. This action is taken under the regulatory authority at 50 CFR 300.63(c), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(3)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. WDFW provided updated landings data to NMFS on June 10, 2021, and requested additional fishing dates be added before the close of the recreational halibut fishery on September 30, 2021, as the fishery participants in the North Coast and Puget Sound subareas have only caught 35 percent of the two areas' combined allocation. NMFS uses fishing rates from previous years to determine the number of recreational fishing dates needed to attain subarea allocations. The level of attainment of the allocation for 2021 is much lower than past years for this same point in time, and was not anticipated when the 2021 final rule setting the 2021 recreational fishery season dates was developed. This action should be implemented as soon as possible to allow fishery participants to take advantage of the additional fishing dates prior to the end of the season. As the fishery closes on September 30, 2021, implementing this action through proposed and final rulemaking would limit the benefit this action would provide to fishery participants. Without implementation of additional season dates, the Puget Sound and North Coast subareas would not harvest their full subarea allocations, limiting economic benefits to the participants and not meeting the goals of the Catch Share Plan and the 2021 management measures. It is necessary that this

rulemaking be implemented in a timely manner so that planning for these new fishing days can take place, and for business and personal decision making by the regulated public impacted by this action, which includes recreational charter fishing operations, associated port businesses, and private anglers who do not live near the coastal access points for this fishery, among others. To ensure the regulated public is fully aware of this action, notice of this regulatory action will also be provided to anglers through a telephone hotline, news release, and by the relevant state fish and wildlife agencies. NMFS will receive public comments for 15 days after publication of this action, in accordance with 50 CFR 300.63(c)(4)(ii). No aspect of this action is controversial, and changes of this nature were anticipated in the process described in regulations at 50 CFR 300.63(c).

For the reasons discussed above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make this action effective immediately upon filing, as a delay in effectiveness of this action would constrain fishing opportunity and be inconsistent with the goals of the Catch Sharing Plan and current management measures, as well as potentially limit the economic opportunity intended by this rule to the associated fishing communities. NMFS regulations allow the Regional Administrator to modify sport fishing periods, bag limits, size limits, days per calendar week, and subarea quotas, provided that the action allows allocation objectives to be met and will not result in exceeding the catch limit for the subarea. NMFS recently received information on the progress of landings in the recreational fisheries in Washington subareas, indicating additional dates should be added to the fishery to ensure optimal and sustainable harvest of the quota. As stated above, it is in the public interest that this action is not delayed, because a delay in the effectiveness of these new dates would not allow the allocation objectives of this fishery to be met.

Dated: July 15, 2021.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2021–15451 Filed 7–16–21; 4:15 pm]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 622

[Docket No. 210713–0147]

RIN 0648–BK01

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Framework Action

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NMFS is implementing management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP), as prepared and submitted by the Gulf of Mexico Fishery Management Council (Council). This final rule will prohibit certain fishing activities and, with one exception, the possession of Gulf of Mexico (Gulf) reef fish within the Madison-Swanson and Steamboat Lumps Marine Protected Areas (MPAs). The purpose of this final rule is to protect spawning aggregations of mature reef fish species by reducing the potential for illegal fishing activities within these MPAs.

**DATES:** This final rule is effective on August 20, 2021.

**ADDRESSES:** Electronic copies of this framework action to the FMP for the Reef Fish Resources of the Gulf of Mexico may be obtained from [www.regulations.gov](http://www.regulations.gov) or from the NMFS Southeast Regional Office website at <https://www.fisheries.noaa.gov/action/modification-fishing-access-eastern-gulf-mexico-marine-protected-areas>. The framework action includes an environmental assessment, regulatory impact review, and Regulatory Flexibility Act (RFA) analysis.

**FOR FURTHER INFORMATION CONTACT:** Rich Malinowski, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: [rich.malinowski@noaa.gov](mailto:rich.malinowski@noaa.gov).

**SUPPLEMENTARY INFORMATION:** NMFS and the Council manage the reef fish fishery under the Reef Fish FMP. The Reef Fish FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*).



On March 2, 2021, NMFS published the proposed rule for the framework action and requested public comment (86 FR 12163). The proposed rule outlined the rationale for the actions contained in this final rule. A summary of the management measures described in the proposed rule and implemented by this final rule is described below.

### Background

The Madison-Swanson and Steamboat Lumps MPAs were established on June 19, 2000 (65 FR 31827, May 19, 2000). The two MPAs combined cover 219 square nautical miles (nmi<sup>2</sup>) (751 square kilometers (km<sup>2</sup>)) near the 240-foot (73-meter) contour, also known as the 40-fathom contour, off northwest and west Florida. The area of Madison-Swanson is 115 nmi<sup>2</sup> (394 km<sup>2</sup>) and the area of Steamboat Lumps is 104 nmi<sup>2</sup> (357 km<sup>2</sup>). The distance between these MPAs is approximately 69 nmi (127 km). The Council and NMFS created the MPAs to provide protection to spawning aggregations of gag, which is a species of grouper, and other reef fish. When the MPAs were implemented, all fishing inside the MPAs was prohibited, except for Atlantic highly migratory species (HMS) such as tunas, billfishes, and oceanic sharks, which are managed separately by NMFS' Atlantic HMS Management Division. Since 2004, surface trolling has been allowed for non-reef fish species in the MPAs from May 1 through October 31 annually (69 FR 24532, May 4, 2004). In 2006, NMFS implemented complementary management measures to prohibit fishing for Atlantic HMS except by surface trolling from May 1 through October 31 annually (71 FR 58058, October 2, 2006). In addition, the possession of Gulf reef fish while inside the MPAs is prohibited, except on a vessel in transit with fishing gear stowed as specified in § 622.34(a)(4).

The Council developed this framework action to modify the restrictions on fishing in, and transiting through, the Madison-Swanson and Steamboat Lumps MPAs in the eastern Gulf. The framework action prohibits all fishing, except for HMS, year-round in the Madison-Swanson and Steamboat Lumps MPAs, and prohibits the possession of Gulf reef fish year-round in these areas unless a vessel has a valid Federal commercial permit for Gulf reef fish, an operating satellite-based vessel monitoring system (VMS), and is in transit with fishing gear appropriately stowed.

These prohibitions do not apply to Atlantic HMS. Federal regulations currently applicable to Atlantic HMS in

the MPAs are located at 50 CFR part 635.

### Management Measures Contained in This Final Rule

This final rule prohibits fishing year-round in the Madison-Swanson and Steamboat Lumps MPAs. Additionally, the possession of any Gulf reef fish is prohibited year-round in the MPAs, with a limited exception.

This final rule revises current fishing restrictions in the MPAs. Currently, surface trolling, as defined at § 622.34(a)(5), is the only allowable fishing activity and is only allowed from May through October each year. Federally managed species that may be targeted by surface trolling in the MPAs include the Gulf coastal migratory pelagic species king mackerel and Spanish mackerel, and HMS.

This final rule prohibits fishing year-round for all species except HMS. However, NMFS Atlantic HMS Management Division is considering a request from the Council to develop compatible regulations for HMS.

Currently, fishing vessels with Gulf reef fish on board may transit through the MPAs as long as all fishing gear is appropriately stowed. This provision allows transiting fishing vessels to proceed between destinations, without the need to reroute to avoid a specific area even if they are in possession of reef fish. For these MPAs, transit means non-stop progression through the area and fishing gear appropriately stowed is defined in 50 CFR 622.34(a)(4)(i) through (iv). This final rule prohibits the possession of Gulf reef fish in the MPAs even when transiting unless the vessel was issued a valid Federal commercial permit for Gulf reef fish, which requires an operating satellite-based VMS. All fishing gear needs to be appropriately stowed.

### Comments and Responses

NMFS did not receive any comments during the public comment period for the proposed rule for the framework action and therefore no changes were made to this proposed rule as a result of public comment.

### Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the framework amendment, the Reef Fish FMP, the Magnuson-Stevens Act, and other applicable laws.

This rule has been determined to be not significant for purposes of Executive Order 12866.

The Magnuson-Stevens Act provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding the certification and NMFS has not received any new information that would affect its determination. As a result, a regulatory flexibility analysis was not required and none was prepared.

### List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf of Mexico, Marine protected area, Reef fish.

Dated: July 13, 2021.

**Samuel D. Rauch, III,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

### PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

■ 2. Amend § 622.34 by:

- a. Revising the paragraph heading and adding paragraph (a) introductory text;
- b. Revising paragraphs (a)(2) and (3); and
- c. Removing paragraphs (a)(5) and (6).

The revisions read as follows:

#### § 622.34 Seasonal and area closures designed to protect Gulf reef fish.

(a) *Closure provisions applicable to the Madison and Swanson sites, Steamboat Lumps, and the Edges.* For the purpose of this paragraph (a), fish means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds. The provisions of this paragraph (a) do not apply to Atlantic highly migratory species, such as tunas, billfishes, and oceanic sharks. See 50 CFR part 635 for any provisions applicable to fishing for or possession of

Atlantic highly migratory species in these areas.

\* \* \* \* \*

(2) Within the Madison and Swanson sites and Steamboat Lumps: Fishing is prohibited year-round; possession of Gulf reef fish is prohibited year-round except when such possession is on a vessel that has been issued a valid Federal commercial permit for Gulf reef fish, has an operating satellite-based VMS unit, and is in transit with fishing gear stowed as specified in paragraph (a)(4) of this section; and possession of any non-Gulf reef fish species is prohibited year-round, except for such possession on a vessel in transit with fishing gear stowed as specified in paragraph (a)(4) of this section.

(3) Within the Edges during January through April each year, all fishing is prohibited and the possession of any fish species is prohibited, except for such possession on a vessel in transit with fishing gear appropriately stowed as specified in paragraph (a)(4) of this section.

\* \* \* \* \*

[FR Doc. 2021-15202 Filed 7-20-21; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 210217-0022; RTID 0648-XB231]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting retention of non-Community Development Quota (CDQ) sablefish by vessels using trawl gear in the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2021 non-CDQ sablefish initial total allowable catch (ITAC) in the Bering Sea subarea of the BSAI will be reached.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), July 17, 2021, through 2400 hours, A.l.t., December 31, 2021.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2021 non-CDQ sablefish trawl ITAC in the Bering Sea subarea of the BSAI is 1,443 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021). In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2021 non-CDQ sablefish trawl ITAC in the Bering Sea subarea of the BSAI will soon be reached. Therefore, NMFS is requiring that non-CDQ sablefish caught

with vessels using trawl gear in the Bering Sea subarea of the BSAI be treated as prohibited species in accordance with § 679.21(b).

#### Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the prohibited retention of non-CDQ sablefish by vessels using trawl gear in the Bering Sea subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 15, 2021.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 16, 2021.

**Jennifer M. Wallace,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2021-15537 Filed 7-16-21; 4:15 pm]

BILLING CODE 3510-22-P

# Proposed Rules

Federal Register

Vol. 86, No. 137

Wednesday, July 21, 2021

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2021-0066; Airspace Docket No. 21-ANE-1]

RIN 2120-AA66

#### Proposed Amendment of Class E Airspace; Bangor, ME

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

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

**SUMMARY:** This action proposes to amend Class E airspace extending upward from 700 feet above the surface in Bangor, ME, by establishing airspace for Eastern Maine Medical Center Heliport, Bangor, ME, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving this heliport. Also, while reviewing the Class E airspace extending upward from 700 feet above the surface at Bangor International Airport, the FAA determined an airspace modification, omitting the Bangor VORTAC, is required. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**DATES:** Comments must be received on or before September 7, 2021.

**ADDRESSES:** Send comments on this proposal to: the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001; Telephone: (800) 647-5527, or (202) 366-9826. You must identify the Docket No. FAA-2021-0066; Airspace Docket No. 21-ANE-1 at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>.

FAA Order 7400.11E Airspace Designations and Reporting Points, and subsequent amendments can be viewed

online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

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

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would amend airspace in Bangor, ME, by establishing airspace at Eastern Maine Medical Center Heliport and amending existing Class E airspace extending upward from 700 feet above the surface at Bangor International Airport, to support IFR operations in the area.

##### Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic,

environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA-2021-0066 and Airspace Docket No. 21-ANE-1) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number). You may also submit comments through the internet at <https://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2021-0066; Airspace Docket No. 21-ANE-1." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [https://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](https://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

*Availability and Summary of Documents for Incorporation by Reference*

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020 and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

**The Proposal**

The FAA proposes an amendment to 14 CFR part 71 to establish Class E airspace extending upward from 700 feet above the surface at Eastern Maine Medical Center Heliport, Bangor, ME, providing the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at this Heliport. The FAA also determined a modification of the Class E airspace extending upward from 700 feet above the surface at Bangor International Airport, omitting the Bangor VORTAC was required. This action would remove the extension to the north, reduce the radius to 8.4 miles (previously 10 miles), and amend the extension to the southeast to a 134° bearing from the airport, extending from the 8.4-mile radius to 15.5-miles southeast of the airport (previously 136° bearing extending from the 10-mile radius to 16.7 miles southeast of the airport).

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.11E, dated July 21, 2020 and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

**Regulatory Notices and Analyses**

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal.

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

**Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures”, prior to any FAA final regulatory action.

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

Airspace, Incorporation by reference, Navigation (air).

**The Proposed Amendment**

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

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

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

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

**§ 71.1 [Amended]**

- 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

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

\* \* \* \* \*

**ANE ME E5 Bangor, ME [Amended]**

Bangor International Airport, ME  
(Lat. 44°48'27" N, long. 68°49'41" W)  
Eastern Maine Medical Center Heliport, ME,  
(Lat. 44°48'30" N, long. 68°45'08" W)

That airspace extending upward from 700 feet above the surface within an 8.4-mile radius of Bangor International Airport, and within 4-miles each side of the 134° bearing from the airport, extending from the 8.4-mile radius to 15.5-miles southeast of the airport, and that airspace within a 6-mile radius of Eastern Maine Medical Center Heliport.

Issued in College Park, Georgia, on July 15, 2021.

**Andree C. Davis,**

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

[FR Doc. 2021–15354 Filed 7–20–21; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**14 CFR Parts 259 and 260**

[Docket No. DOT–OST–2016–0208]

RIN 2105–AE53

**Refunding Fees for Delayed Checked Bags and Ancillary Services That Are Not Provided**

**AGENCY:** Office of the Secretary (OST), Department of Transportation (DOT or the Department).

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

**SUMMARY:** The U.S. Department of Transportation (Department or DOT) is proposing to mandate refunds for delayed checked baggage and ancillary fees for services related to air travel that passengers did not receive. DOT is required by law to issue regulations mandating both refunds.

**DATES:** Comments should be filed by September 20, 2021. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** You may file comments identified by the docket number DOT–OST–2016–0208 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, West Building Ground Floor, Room W12–140, Washington, DC, 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

**Instructions:** You must include the agency name and docket number DOT–OST–2016–0208 or the Regulatory Identification Number (RIN) for the rulemaking at the beginning of your comment. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

*Privacy Act:* Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit <http://DocketsInfo.dot.gov>.

*Docket:* For access to the docket to read background documents and comments received, go to <https://www.regulations.gov> or to the street address listed above. Follow the online instructions for accessing the docket.

**FOR FURTHER INFORMATION CONTACT:** Clereece Kroha, Kimberly Graber, or Blane Workie, Office of Aviation Consumer Protection, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington DC, 20590, 202–366–9342 (phone), 202–366–7152 (fax), [clereece.kroha@dot.gov](mailto:clereece.kroha@dot.gov), [kimberly.graber@dot.gov](mailto:kimberly.graber@dot.gov), or [blane.workie@dot.gov](mailto:blane.workie@dot.gov) (email).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

*A. Purpose*

The purpose of this NPRM is to ensure that travelers are treated fairly when requesting refunds for ancillary service fees by implementing two statutory aviation consumer protection provisions. The first statutory provision is 49 U.S.C. 41704, note, which requires the Department to promulgate a regulation that mandates that airlines refund checked baggage fees to passengers when they fail to deliver checked bags in a timely manner. Currently the Department's regulations at 14 CFR part 259 require that airlines refund baggage fees for lost bags. The Department proposes to add a requirement that airlines must also refund passengers for any fee charged to transport a checked bag that is not timely delivered. The NPRM sets forth the standards to be used to determine the length of delay that would trigger the requirement to refund baggage fees. It also addresses the statutory requirement that a baggage fee refund should be provided "promptly" and "automatically" when it is due.

The second statutory provision is 49 U.S.C. 42301, note prec., which requires the Department to promulgate a rule that mandates that airlines promptly provide a refund to a passenger of any ancillary fees paid for services related to air travel that the passenger does not receive. Currently the Department's regulations at 14 CFR part 259 require

that airlines refund fees charged to a passenger for optional services that the passenger was unable to use due to an oversale situation or flight cancellation. In addition, the Department's Office of Aviation Consumer Protection (formerly known as the Office of Aviation Enforcement and Proceedings), a unit within the Office of the General Counsel which enforces aviation consumer protection requirements, considers any airline practice of not refunding fees for ancillary services that passengers paid for but are not provided to be an unfair or deceptive practice in violation of 49 U.S.C. 41712.<sup>1</sup> The Department proposes to retain the existing requirement regarding ancillary fee refunds arising from flight oversales or cancellations. The Department also proposes to clarify that the refund requirement applies to any situation in which an airline fails to provide passengers the ancillary services that passengers have paid for (e.g., passengers paid for using the in-flight entertainment (IFE) system but the IFE system was broken and could not be used by the passengers). The inclusion of regulatory text requiring that airlines must refund ancillary fees for services related to air travel that passengers did not receive, as provided in 49 U.S.C. 42301, note prec., would not impose additional requirements on airlines as airlines are already providing refunds of ancillary fees when they fail to provide services that passengers paid for, consistent with the Department's interpretation of section 41712.

*B. Unfair or Deceptive Practice*

The provision at 49 U.S.C. 41712 authorizes the Department to investigate and, if necessary, take action to address unfair or deceptive practices or unfair methods of competition by air carriers, foreign air carriers, or ticket agents. On December 7, 2020, the Department issued a final rule that, among other things, adopted definitions for the terms "unfair" and "deceptive" when used in discretionary aviation consumer protection rulemaking actions brought

<sup>1</sup> The Department's Office of Aviation Consumer Protection uses its general authority to prohibit unfair or deceptive practices of air carriers, foreign air carriers, and ticket agents to conduct oversight in the area of refunds. A practice is "unfair" to consumers if it causes or is likely to cause substantial injury, which is not reasonably avoidable, and the harm is not outweighed by benefits to consumers or competition. A practice is "deceptive" to consumers if it is likely to mislead a consumer, acting reasonably under the circumstances, with respect to a material matter. These definitions are consistent with the Department's past practice and are based on case precedent and policy of the Federal Trade Commission.

pursuant to section 41712.<sup>2</sup> That rule also requires that when the Department issues a new discretionary aviation consumer protection rulemaking declaring that a specific practice in air transportation or the sale of air transportation is unfair or deceptive within the meaning of section 41712, the Department shall employ the definitions of "unfair" and "deceptive" set forth in 14 CFR 399.79. This rulemaking, which would implement statutory mandates, is not a discretionary aviation consumer protection rulemaking. As a result, the procedures set forth in the Department's rule on Defining Unfair or Deceptive Practices would not apply.

**II. Refunding Baggage Fees for Delayed Bags**

*A. Background*

The Department's aviation consumer protection regulation, in 14 CFR 259.5(b)(3), requires carriers to provide refunds of baggage fees to passengers when their checked bags are lost. The provision at 49 U.S.C. 41704, note requires that the Department issue a final rule requiring an air carrier or foreign air carrier to promptly provide to a passenger an automated refund for any fees paid by the passenger for checked baggage if (1) the carrier fails to deliver the checked baggage to the passenger not later than 12 hours after the arrival of a domestic flight, or not later than 15 hours after the arrival of an international flight; and (2) the passenger has notified the air carrier or foreign air carrier of the lost or delayed checked baggage. In addition, the Department can extend one or both of the deadlines, up to 18 hours for domestic flights, and up to 30 hours for international flights, if the Department determines during the rulemaking process that one or both of the shorter deadlines is not feasible and would adversely affect consumers in certain cases. In addition, 49 U.S.C. 41704, note does not define what constitutes "promptly" when providing an "automated" refund. Accordingly, the Department published an advance notice of proposed rulemaking (ANPRM) to seek public comment on the terms and implementation of the statutory provision (81 FR 75347, October 31, 2016).

As noted in the ANPRM, many consumers and consumer rights advocacy groups have emphasized to the Department that delayed delivery of checked bags greatly inconveniences

<sup>2</sup> See *Final Rule, Defining Unfair or Deceptive Practices*, 85 FR 78707, Dec. 7, 2020.

passengers and urged that airlines be required to reimburse passengers for baggage fees when bags are delayed. Some have asserted that lengthy delays may render the bag transportation service useless to consumers. The Department shares consumers' concern about the inconvenience and frustration associated with delayed bags. According to data collected by the Department's Bureau of Transportation Statistics (BTS), in calendar year 2019, the largest 10 U.S. carriers and their branded codeshare partners collectively mishandled nearly 3 million bags from passengers they transported on domestic scheduled flights.<sup>3</sup> Although the mishandled baggage data collected by the Department does not distinguish among lost, delayed, damaged, and pilfered bags, data published by an aviation analytics firm show that delayed bags are by far the most common type of mishandlings. Specifically, according to the 2019 *SITA Baggage IT Insights Report*,<sup>4</sup> globally, delayed bags represented 77% of all mishandled bags in 2018, while damaged or pilfered bags account for 18%, and lost or stolen bags account for 5%. Assuming delayed bags are 77% of mishandlings in 2019 for domestic flights by U.S. reporting carriers, similar to 2018, we estimate that at least 2.3 million checked bags transported domestically were delayed in 2019.

To better address the concerns regarding fees for delayed checked bags and implement the requirements of 49 U.S.C. 41704, note, the ANPRM specifically sought comment on (1) how to determine the appropriate length of the delay within the statutory parameters that would trigger the refund requirement for delayed checked bags; (2) how to determine when a bag has been delivered for the purpose of measuring the length of delay, and (3) how to determine the appropriate method for providing "automated" refunds as provided in the statute. Approximately 60 individuals, ten representatives of airlines and airline associations (Airlines for American, Allegiant Air, American Airlines, Delta Air Lines, International Air Transportation Association, Sun Country Airlines, National Air Carrier Association, Spirit Airlines, the Association of Asia Pacific Airlines, and Virgin Atlantic), one consumer group (Consumer Union), and one trade association for travel agencies

(American Society for Travel Advisors) submitted comments. The Department has carefully reviewed and considered the comments received on the ANPRM and is proposing a rulemaking designed to ensure that airlines provide prompt refunds for ancillary fees paid by passengers for delayed checked baggage as provided in 49 U.S.C. 41704, note. The summary of the ANPRM comments, the Department's responses to the ANPRM comments, and the Department's proposal is set forth below.

#### B. Proposals

##### 1. Length of Delay Triggering Refund Requirement

###### The ANPRM

In the ANPRM, the Department sought comment on how to determine the appropriate length of delay that would trigger the refund requirement for checked baggage. The provision at 49 U.S.C. 41704, note prescribes the minimum lengths of delay that would trigger the refund requirement as not later than 12 hours for domestic flights and not later than 15 hours for international flights. It also provides the Department the flexibility to modify these timeframes to up to 18 hours for domestic flights and up to 30 hours for international flights if the Department determines that the 12-hour or 15-hour standards are infeasible and would "adversely affect consumers in certain cases." The Department asked why a particular length of time within this timeframe would be more appropriate than other times. The Department also asked if there is a reason to establish a secondary set of criteria, such as the flight duration or the frequency of service to determine the appropriate timeframe.

###### Comments Received

According to comments submitted in response to the ANPRM, airlines generally support adopting the maximum lengths of delay allowed by the statute (18 hours for domestic flights and 30 hours for international flights). The airlines believe that any DOT requirement should provide carriers maximum flexibility to take into account the multiple variables that could impact their operations. Some airline commenters express concerns about the difficulties they encounter in delivering delayed bags for international long-haul flights they operate in low frequencies, which they state would take 24–48 hours. The National Air Carrier Association (NACA), Allegiant Air, and Spirit Airlines specifically expressed concerns about the

difficulties Ultra Low-Cost Carriers (ULCC) face in transporting delayed bags due to their low frequency of scheduled flights and the lack of interline agreements with other carriers. The American Society of Travel Advisors (ASTA) and Consumers Union are in favor of adopting the minimum lengths of delay prescribed in the statute because they believe the default timeframes set by the statute are necessary to mitigate consumer harms resulting from delayed baggage and any extension of the default timeframes would "adversely affect consumers." Some individual commenters suggested that the Department should adopt a tiered standard based on not only domestic versus international flights, but also on the length or frequency of the flights.

###### DOT Response

The Department proposes to require an airline to refund an ancillary fee paid by a passenger for a checked bag if the airline fails to deliver the bag to the passenger within 12 hours of arrival for domestic flights. The note in 49 U.S.C. 41704 provides that the Department shall issue a rule that requires carriers to promptly provide a refund for any ancillary fees paid by a passenger for checked baggage if a carrier fails to deliver the bag to passengers within 12 hours of arrival for domestic flights. There is an exception if the Department determines that the 12-hour standard is not feasible and would adversely affect consumers in certain cases. The Department believes it is feasible for airlines to return a bag within 12 hours for domestic flights because airlines have tracking systems in place to identify the location of bags and airlines should be able to place delayed bags on the next available flight, often resulting in bags being delivered within 12 hours for domestic flights.

With respect to international flights, the Department proposes to allow carriers up to 25 hours to deliver checked bags without having to issue a refund because the Department considers it not feasible, in many cases, for airlines to return a bag in less time and believes a timeframe that is shorter than 25 hours would adversely affect consumers. The statute provides the Department discretion to extend the timeframe for when carriers must refund fees paid by passengers for delayed checked baggage from 15 hours to up to 30 hours of the arrival of international flights if the Department makes a determination that 15 hours is not feasible and would adversely affect consumers in certain cases. The Department considered and was

<sup>3</sup> Source: *Air Travel Consumer Report*, February 2020, page 36, <https://www.transportation.gov/sites/dot.gov/files/2020-02/February%2020%20ATCR.pdf>.

<sup>4</sup> <https://www.sita.aero/resources/type/surveys-reports/baggage-it-insights-2019>.

persuaded by the comments stating that many international long-haul flights are scheduled once a day which makes recovery and delivery of a delayed checked bag within the minimum length delay of 15 hours prescribed in the statute extremely challenging for carriers. Also, consumers may be negatively impacted by a 15-hour deadline because carriers may have less incentive to deliver the delayed bag on the next flight when flights are scheduled once a day. This is because even if the bag arrives on the carrier's next flight, the 15-hour deadline would have already passed. Setting the timeframe for returning bags to 25 hours exceeds the minimum length of delay in the statute but increases the likelihood that carriers can meet the deadline even if their flights are scheduled 24 hours apart. The Department believes that the 12-hour deadline for domestic flights and 25-hour deadline for international flights provides carriers sufficient time to recover and return the bags to consumers. It also incentivizes carriers to return bags as soon as possible, limiting the inconvenience to consumers.

The Department solicits comment on whether it has adequately considered the impact on consumers and airlines of the proposed 25-hour deadline for international flights. Commenters should identify any factors that they believe the Department may not have considered fully. The Department also seeks comment on whether the proposed 12-hour deadline for domestic flights is reasonable, particularly for ULCC that may have a lower frequency of scheduled flights and a lack of interline agreements with other carriers. The Department notes that, according to the aforementioned SITA baggage report, transfer mishandling is by far the leading cause of bag delays, which accounted for 46% of total bag delays in 2019. Most ULCCs operate point to point itineraries that do not involve transfer of bags from one flight to another and therefore do not incur the delays caused by transfer mishandling in nearly the numbers that network carriers are likely to experience. The Department requests comment on whether the proposed deadlines are feasible and whether they would negatively impact consumers. Commenters should articulate specific concerns and provide reasons for any alternative deadlines that they would endorse.

The Department has tentatively determined not to propose a tiered standard based on flights' frequency, length, or other variables. To avoid having to provide a refund under such

a standard, carriers would have to implement a costly system of sorting and prioritizing delivery of delayed bags based on the length or frequency of each individual flight. The cost and complexity of such a system would likely outweigh the benefits to carriers and consumers. Consumers may be negatively impacted because carriers may have less incentive to deliver the delayed bag as soon as possible. Conversely, a simplified standard based on domestic and international flights is expected to be easier for carriers to implement, for consumers to understand, and for the Department to enforce.

Also, there is a proposed editorial change to the rule text in 14 CFR 259.5(b)(3). The existing rule requires carriers to make every reasonable effort to return mishandled baggage within twenty-four hours. In light of the proposed delay thresholds that would trigger the baggage fee refund requirement for delayed bags, the Department is proposing to remove the reference to "twenty-four hours" and, instead, require carriers to return mishandled baggage "within 12 hours for domestic flights and within 25 hours for international flights."

## 2. Domestic Segments of International Itineraries

### The ANPRM

The ANPRM requested comment on whether the international or the domestic deadline should apply to a delayed bag transported on domestic segments of international itineraries.

### Comments Received

In response, most airlines supported applying the international deadline for bags transported on domestic segments of international itineraries. They explain that the duration and frequencies of international itineraries should be taken into consideration when establishing such a deadline. ASTA states that consumers will benefit from one standard being applied by avoiding confusion and uncertainty regarding when a refund is due.

### DOT Response

This NPRM proposes to apply the 25-hour international deadline to delayed checked bags on international itineraries that include a domestic segment or segments. Based on information provided by the airline industry on mishandled baggage reporting, for bags traveling on itineraries that include both domestic and international segments, mishandlings occur more frequently on the international segment(s). The Department believes that applying the

international deadline to such itineraries appropriately takes into account that many delayed bags traveling on an international itinerary were likely delayed on the international portion of the trip. Also, as pointed out by ASTA, applying one standard prevents confusion as to when a refund is due. The Department solicits comment on whether the 25-hour international standard is the appropriate standard to apply for domestic segments of international flights. Are there any instances in which the 12-hour domestic standard is more appropriate for an international itinerary that includes a domestic segment? For example, assuming an international itinerary on one ticket starts with a domestic segment from Seattle to New York followed by an international segment departing from New York many hours later, should the 12-hour deadline apply when the bag did not arrive in New York on time for the passenger to recheck the bag for the international portion of the journey?

For domestic segments of international itineraries, the Department also solicits comment on whether any mandate for refunds for delayed checked baggage should exclude instances in which a bag was available in the appropriate location at the first point of entry into the United States, to be picked up by the passenger for rechecking for a subsequent domestic flight segment on that itinerary, but the passenger failed to pick up the bag. Most bags arriving to the United States from an international flight would require their owners to claim them at the first point of entry and recheck them with the connecting carriers after they pass through U.S. Customs and Border Protection. The Department requests comment regarding not requiring carriers to issue a refund for a lengthy delay in delivering the bag if carriers determine that a bag delay was caused by a passenger's failure to pick up and recheck the bag at the first point of entry into the United States.<sup>5</sup>

Similarly, the Department requests comment regarding not requiring carriers to issue a refund in instances in which a passenger is traveling with two separate tickets and the passenger fails to collect the checked bag at the end of the first itinerary and check it with the

<sup>5</sup> The Department permits reporting carriers not to report as a mishandled bag when undisputed evidence shows that delay was caused by a passenger's negligence at the first point of entry. See, *Number 30A Technical Directive: Mishandled Baggage (Amended)*, effective Jan. 1, 2019. <https://www.bts.gov/topics/airlines-and-airports/number-30a-technical-directive-mishandled-baggage-amended-effective-jan>.

carrier on the second itinerary. Are there other circumstances in which not requiring carriers to issue a refund of bag fees if the bag did not arrive at the final destination by the applicable deadline would be appropriate? Instead of specifying particular circumstances in which airlines are not required to issue a refund for a lengthy delay in delivering the bag, would a general exception for checked baggage delays that were a result of a passenger's negligence be preferable? The Department seeks comment on whether such exceptions are reasonable and, if so, what level of proof, if any, carriers should be required to provide to show that a bag delay was caused by the passenger's negligent action or inaction.

### 3. Methodology for Measuring Length of Delay

#### The ANPRM

While the Department did not specifically ask for comment on when the clock starts for purposes of measuring the length of the delay for delivering checked baggage, the Department did seek comment on how to determine when the clock stops running, *i.e.*, bags have been delivered to the passenger.

#### Comments Received

Comments received in response to the ANPRM indicate that many airlines prefer an interpretation that considers the bag to be delivered to the passenger (*i.e.*, stops the clock) when the bag is physically present at the intended destination airport and the passenger has been notified that the bag is available for pick up. Several airlines oppose stopping the clock when the bag is transported to an offsite location and handed over to the passenger, citing difficulties arising when the offsite location is far away from the airport, when the passengers are in control of the delivery time and may choose to receive the bag at a later time (*e.g.*, postponing the handover of the bag until the next morning when the bag could have been delivered during the night before), or when carriers have less control over delivery services provided by vendors in international operations. A few airlines supported stopping the clock when the bag is transported to an offsite location even if the passenger does not have physical possession of the bag and has not yet been notified. ASTA commented that the clock should stop when passengers have physical possession of delayed bags because the disruption caused by the delay continues until passengers are reunited with their bags. Consumers Union stated

that the clock should stop when the bag is physically handed over to the passengers or when the bag has arrived at the place where the passenger has asked the bag to be delivered.

Consumers Union specifically opposed making the destination airport the designated delivery place because it believes that requiring the passengers to make another trip to the airport would further inconvenience passengers.

With regard to how to measure the start of the delay for delivering checked baggage, airline commenters stated that the Department should not use the published scheduled arrival time of the flight. Instead, airlines support an approach of starting the clock at the aircraft's "block-in time," meaning the time when a flight has parked at the arrival gate or another disembarkation location and blocks were placed in front of its wheels.

#### DOT Response

To calculate the length of delay that a passenger experiences in receiving a checked bag, it is necessary to specify the start and end of the delay. The provision at 49 U.S.C. 41704, note states that the clock starts at the "arrival" of a flight. The statute does not, however, specify what constitutes the "arrival" of a flight. The Department generally agrees with airlines that using the actual arrival time of the last flight segment on which a passenger traveled as opposed to the scheduled arrival time of that flight is a reasonable approach. However, rather than using the aircraft's block-in time, the Department proposes that the start of the delay be based on the time that the passenger reached his or her destination and was given the opportunity to deplane from the last flight segment. Airlines already track this information for the purpose of ensuring compliance with the Department's tarmac delay rule in 14 CFR part 259.

As to when the Department would consider bags to be delivered to the passenger, the Department is not persuaded by comments advocating for the clock to stop when a passenger is reunited with the delayed bag. This approach would not be workable as passengers have significant control over when they would reunite with the bags. For example, a passenger may be notified that a bag is ready for pick-up at the airport in the morning but choose to not pick up the bag until that evening or the next day; or a passenger may request hotel delivery but be away from the hotel during the day and only receive the bag in the evening. Carriers facing the hurdles of deferred baggage handover time are less likely to make

the mandated deadlines and would be required to provide refunds despite the bags being available to passengers for pickup at an earlier time.

Pursuant to the proposal in this NPRM, at the carriers' discretion, a delayed bag would be considered delivered (1) when the bag is transported to a location agreed to by the passenger and the carrier, regardless of whether the passenger is present to take possession of the bag; (2) when the bag has arrived at the destination airport, is available for pickup, and the carrier has provided notice to the passenger of the location and availability of the bag for pick-up; or (3) if the carrier offers delivery service and the passenger accepts such service, when the bag has arrived at the destination airport, and the carrier has provided notice to the passenger that the bag has arrived and will be delivered to the passenger. Given the three options, carriers would be able to coordinate with each passenger regarding whether the passenger prefers to retrieve the bag at the airport or, if the carrier offers the service, to have the bag delivered to the passenger at a desired location. This approach provides airlines the ability, with less financial risk, to work with the passengers to transfer the bags to the most convenient location in the most efficient manner to the passenger. At the same time, these options would eliminate handover time being postponed by the passenger while the clock is running. If a carrier opts to stop the clock at the time the carrier provides notice that the delayed bag is available at the destination airport for pick-up by the passenger or delivery if the carrier offers this service and passenger chooses it, the carrier would have the burden of proving that it provided notice to the passenger prior to the applicable deadline. This approach would also benefit passengers by increasing the likelihood carriers would provide passengers the option of having the delayed bag delivered to them.

A carrier that already has a system in place to notify passengers of the status of their baggage may choose to have the clock stop when a delayed bag arrives at the airport and the notification has been provided to the passenger. Alternatively, a carrier that does not have a notification system in place and is reluctant to invest in such a system may choose to have the clock stop at the time the bag was transported to an agreed-upon location. Allowing carriers to choose among these options minimizes carriers' cost, which otherwise may be passed on to the passengers through the increase of ticket prices or baggage fees. The Department



seeks comment on whether this analysis accurately captures carriers' incentives to work with passengers and provide baggage delivery or if there are other factors that were not considered that could cause carriers to engage in different behaviors in response to the proposed options. In addition, the Department seeks comment on whether allowing carriers to choose among these three options is reasonable and effective to achieve the goal of providing carriers and passengers the maximum level of flexibility, promoting efficiency in delayed baggage recovery, and ensuring passengers are treated fairly when their bags are delayed in air transportation.

In addition to comments requested on the previously discussed elements of the proposal, the Department seeks comment on the following issues:

a. Form and Evidence of Notification to Passengers

For carriers that choose to have the clock stopped when a delayed bag has arrived at the intended airport and the carrier has notified the passenger that the bag may be picked up or, if the carrier offers and passenger accepts, that the bag may be delivered, what should constitute a sufficient form of notification to ensure that passengers receive adequate and timely information about the whereabouts of their bags before carriers are relieved from the obligation of refunding baggage fee? Currently, most airlines provide ticket confirmations and other air travel information to passengers via email. Many carriers also use mobile applications to provide various notifications and alerts to passengers, including reminders of check-in time, boarding time, gate information, and changes to flight status and baggage status. Some of these carriers allow passengers to opt-in to receiving notifications through email or text messages. Would push notices through mobile applications, email, and text message be sufficient constructive notice for the purpose of stopping the delayed baggage clock? Would contact via a voice call or message be sufficient? If a voice call or message is a permissible form of notification, what evidence should a carrier be required to provide when there is a dispute between a carrier and a passenger about whether such a notification was provided? The proposed rule text does not specify what type(s) of notification method are considered adequate. In that regard, should the Department adopt a notification standard that is performance based instead of specifying a particular notification method to be necessary for the purpose of stopping

the delayed baggage clock? If any of these methods are acceptable, should the Department's focus be on the timeliness of the notification rather than the methods of notification?

In addition, carriers may not have contact information for some passengers, particularly passengers who purchased their tickets through ticket agents. The Department seeks comment on how carriers may notify passengers when they do not have valid contact information for a passenger. Could this problem be resolved by carriers obtaining contact information for all passengers when they file a mishandled baggage report for a delayed bag?

b. Timing of Notification to Passengers

For carriers choosing option 2, which would have the clock stopped when the delayed bag has arrived at the intended airport and notification that the bag is available for pick-up was provided to the passenger, the Department proposes to add a third element to stop the clock, *i.e.*, the bag is actually available for pickup. For example, assuming that a carrier's baggage office at the intended airport closes at 10 p.m. and opens at 6 a.m.; when a delayed bag arrives at the intended airport at 1 a.m., and a notification was sent to the passenger at the same time through an automated push alert on the mobile application, the clock would stop at 6 a.m. the next morning when the bag becomes available for pickup, instead of at 1 a.m. The Department is also proposing that the clock would still stop at 1 a.m. in circumstances when the passenger is contacted and expresses a preference that the bag be delivered and the carrier agrees to do so (option 3) as that is the time that the bag arrived at the destination airport. The Department seeks comment on this additional element for option 2 for determining when a bag has been delivered.

4. Multiple Carrier/Ticket Agent Involvement and Responsibility

The ANPRM

In the ANPRM, the Department sought comment regarding who should be responsible for issuing refunds when there are multiple parties involved in the collection of baggage fees and/or the transportation of the bags. These situations arise, for example, when there is a codeshare or interline itinerary in which the carrier collecting the bag fee (usually the first carrier) and the carrier responsible for bag delivery and receiving the delayed bag report (usually the last carrier) are different carriers, or when an itinerary is marketed by a third party such as a

ticket agent, and the third party collected not only the airfare but also the baggage fees.

Comments Received

Airlines point out the difficulty they face in situations when the entity collecting the fee does not have information that the bag was delayed beyond the applicable timeframe and that a refund is due, while the carrier with the information about the delay may not have the payment information necessary for issuing the refund. With regard to ticket agents collecting baggage fees, most commenters, including airlines, consumer representatives, and ticket agent representatives, agree that when a ticket agent was authorized by a carrier to collect the baggage fee on the carrier's behalf, the carrier should be responsible for issuing the refund. ASTA further suggests that these agents may facilitate the refund by using the Electronic Miscellaneous Document (EMD) process, an IATA process that facilitates transactions involving non-flight ancillary services.

With respect to multiple-carrier itineraries, some commenters have suggested an approach that requires the carrier "at fault" for the delay of the bag to issue the refund; some commenters want the carrier that collected the fee to make the refund regardless of "fault;" and others prefer that the refund amount be shared among the carriers on a prorated basis. Consumers Union commented that consumers should not be burdened with tracking down which airlines caused the delay.

DOT Response

The Department agrees with the commenters that when a ticket agent's role is to act as the agent of a carrier, collecting the baggage fee on the carrier's behalf and passing on the fee to the carrier, the carrier should be responsible for issuing the refund when it is due. It should be noted that the functionality of EMD is controlled by individual airlines and that not all airlines use the EMD process. While the Department does not endorse EMD or any other products available to settle baggage fee transactions among carriers and ticket agents, the EMD process is an example of a system that could facilitate the smooth handling of baggage fee transactions and refunds. The Department expects carriers to work with ticket agents collecting baggage fees on the carriers' behalf to ensure that refunds are issued in a timely manner. In instances in which a ticket agent collected the baggage fee, the Department will hold the carriers responsible if passengers entitled to

refunds are not provided prompt refunds, because 49 U.S.C. 41704, note applies to airlines.

The Department has tentatively decided to not apply the new proposed baggage refund requirements in 14 CFR part 260 to ticket agents. The proposed part 260 makes cross references to certain minimum standards of the airline customer service plan required by 14 CFR 259.5, which currently applies to carriers but not to ticket agents. The Department is required by 49 U.S.C. 42301, note prec., to issue a rule requiring ticket agents with an annual revenue of at least \$100 million to adopt minimum customer service standards, and intends to address this requirement through a separate rulemaking.<sup>6</sup> The Department seeks information on ticket agents' involvement in collecting baggage fees from passengers, either as a carrier's agent or as a principal. The Department also notes that, pursuant to 14 CFR 399.80(l), a ticket agent's failure or refusal to make proper refunds promptly when service cannot be performed as contracted, or a ticket agent's representation that such refunds are obtainable only at some other point, constitutes an unfair or deceptive practice.

Regarding multiple-carrier itineraries, the Department agrees with Consumer Union that expecting consumers to track down which airline caused the delay would be an unreasonable burden to place on consumers. It would also be costly for carriers to determine which carrier is at fault for causing each bag delay. Accordingly, this NPRM proposes that the carrier that collected the baggage fee must issue the refund. With respect to multiple-carrier itineraries for which a ticket agent collected the bag fee, the Department is proposing that the carrier that operated the last flight segment must issue the refund if there are multiple airlines involved. The Department notes that the operating carrier of the last flight segment may be a fee-for-service carrier that normally does not handle baggage fee refunds since these types of entities generally do not sell tickets or ancillary services. As such, the Department solicits comment on whether, rather than requiring the carrier that operated the last flight segment to provide the refund, it should require the carrier that marketed the last flight segment to issue the refund when a ticket agent collects the bag fee. Carriers would be free to prorate the cost of refunds among themselves through contractual agreements, if so

desired, but consumers should be afforded a simplified process in pursuing a refund from one carrier that already has the payment information for issuing refunds. The Department seeks comment on whether this proposal regarding refund obligations adequately addresses the issues raised when multiple parties are involved in the sale and provision of air transportation or whether there are additional issues that need to be addressed.

#### 5. Refund Mechanism and Passengers Notifying Carriers About Delayed Bags To Receive Baggage Fee Refunds The ANPRM

In the ANPRM, the Department sought comment regarding the appropriate method for providing a refund for delayed baggage. It noted that when refunds are due on purchases with a credit card, the Department already requires a carrier to transmit a credit statement to the credit card issuer within seven business days of receipt of full documentation for the refund requested. In addition, the Department requires that, with respect to purchases with forms of payment other than credit cards, an airline must provide a refund within 20 days of receipt of full documentation of such a request. Because 49 U.S.C. 41704, note states that carriers should "promptly provide an automated refund" to an eligible passenger when the carriers fail to meet the applicable time limit in delivering the checked bag and the passenger has notified the carrier of the lost or delayed checked baggage, the Department asked whether prescribing a specific mechanism for the carriers to use to provide the statutorily required automated refund would negatively or positively impact carriers and consumers.

#### Comments Received

To determine how to "promptly provide an automated refund" for delayed bags, most commenters state that the Department should apply its existing requirement on providing prompt ticket refunds. Specifically, when a refund is due, 14 CFR part 374, which implements Regulation Z of the Board of Governors of the Federal Reserve Board (12 CFR part 226), requires a carrier to issue a refund of ticket purchase price paid by a credit card within seven days after receiving a complete refund request. The regulation in 14 CFR 259.5(b)(5) further requires a carrier to issue a refund of ticket purchase price paid by cash or a check within 20 days after receiving a complete refund request. However,

airline commenters expressed concern that this type of "automated" refund may not be feasible for interline itineraries because refunds can only be made after a consumer informs the airline that charged the baggage fee that the bag is delayed. Some airlines are also concerned about the difficulty in issuing "automated" refunds when passengers purchase tickets from travel agents or as a part of a tour package.

#### DOT Response

The Department tentatively interprets the requirement in 49 U.S.C. 41704, note to mean that a prompt and "automated" baggage fee refund is due when the baggage delivery delay has exceeded the applicable delivery deadline *and* the passenger has notified the air carrier or foreign air carrier of the lost or delayed checked baggage. The clock for determining whether the refund is "prompt" starts at the expiration of the delivery deadline or when the passenger provides notification of the lost or delayed baggage, whichever is later. DOT proposes to require airlines to provide refunds for delayed bags within seven business days of a refund being due for credit cards and within 20 days of a refund being due for payments using cash, check, vouchers, frequent flyer miles, or other form of payment. For the refund process to start, passengers would need to notify *the airline that collected the bag fee* about the delay in receiving the bag. If a ticket agent collected the bag fee, passengers would need to notify the carrier that operated the flight about the delay in receiving the bag. With respect to multiple-carrier itineraries for which a ticket agent collected the bag fee, passengers would need to notify the carrier that operated the last flight segment about the delay in receiving the bag. The Department acknowledges that this notification requirement on passengers would encompass two different scenarios, each of which would impose a different level of burden on passengers. First, in situations in which the carrier accepting and handling a mishandled baggage report (MBR) from the passenger is the same carrier that collected the baggage fee, the filing of an MBR would constitute notification from the passenger to the carrier that the baggage was delayed for the purpose of receiving a checked baggage fee refund. It is the Department's understanding that the vast majority of itineraries marketed to consumers in the United States are either itineraries involving only one carrier or itineraries involving fee-for-service codeshare operations (itineraries involving a marketing carrier and its

<sup>6</sup> See <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202010&RIN=2105-AE57>.

regional codeshare partners in which the marketing carriers collect the baggage fees and also accept MBRs). The Department believes that this notification requirement would not be burdensome to passengers in most delayed bag incidents, as passengers normally file MBRs with carriers about delayed bags shortly after they find out that their checked bags did not arrive on time. In addition, the burden of notifying carriers about a delayed bag is further reduced by baggage tracking systems implemented by a growing number of carriers that alert passengers when their bags will arrive late and offer passengers the option to file an MBR via mobile device or app without needing to visit the baggage claim areas or the baggage service offices. When using these technologies, passengers are often advised to click on a link provided in the late bag alert to either wait for the bag or set up free delivery. Such technology developments allow passengers to conveniently notify carriers about mishandled baggage for the purpose of receiving compensation for direct and consequential damages from mishandled baggage under the existing rule, as well as receiving a refund of baggage fees under the proposed rule.

In contrast to the first scenario discussed above, the second scenario involves situations in which the carrier that received an MBR about a delayed bag and the carrier or ticket agent that charged the baggage fee are two different entities. Examples of this scenario include interline itineraries and itineraries that involves codeshare flights operated by more than one marketing carrier. The proposed rule would require the passenger to notify the carrier that processed the baggage fee charge about a delayed bag to receive a refund for the baggage fee. In situations in which a ticket agent collected the bag fee, passengers would need to notify the carrier that operated the flight about a delayed bag. With respect to multiple-carrier itineraries for which a ticket agent collected the bag fee, passengers would need to notify the carrier that operated the last flight segment about the delay in receiving the bag. Similar to filing an MBR the Department expects that most passengers in this situation would contact the carrier that operated the flight (or the carrier that operated the last flight segment in a multiple carrier itinerary) immediately following their arrival at the destination and finding out about the delayed bag. In any event, the carrier that has collected the baggage fee (or if a ticket agent collected the bag fee,

the carrier that last operated the flight), would have seven days (for credit card transactions) or 20 days (for transactions other than credit cards) to issue a refund from the time a baggage delay exceeded the applicable deadline, or from the time it receives a notification from the passenger, whichever is later. The Department solicits comments on whether, instead of requiring passengers to notify the carrier that operated the last flight segment about the bag delays, we should require passengers to notify the carrier that marketed the last flight segment. We ask that commenters supporting that passenger notify and obtain refund from the last operating carrier address the issue of obtaining a refund from the last operating carrier when the carrier is a fee-for-service carrier that does not sell tickets.

To illustrate this proposal with an example: A passenger traveled from Chicago to Los Angeles on a flight that arrived at Los Angeles on June 19 at 6 p.m., and according to the carrier's record, the passenger was given the opportunity to deplane at 6:15 p.m. At 6:45 p.m., the passenger did not receive the checked bag and filed a mishandled baggage report with carrier X (which is also the carrier that collected the baggage fee). Carrier X chooses to apply the standard that stops the delayed bag clock at the time the bag arrives at the Los Angeles Airport and the carrier has notified the passenger that the bag is available for pick up. Accordingly, the clock for calculating bag delay started at 6:15 p.m., and Carrier X has 12 hours, or until 6:15 a.m. on June 20 to stop the clock and avoid refunding the bag fee. The bag did not arrive in Los Angeles until 10:00 a.m. on June 20. Therefore, Carrier X would be required to refund the bag fee and has seven days from June 20 to issue the refund for the baggage fee that was paid by a credit card. In a different scenario, if Carrier X accepted the MBR and Carrier Y is the carrier that collected the baggage fee, assuming the passenger did not notify Carrier Y about the bag delay until June 25, Carrier Y will have seven days from June 25 to issue the refund.

The Department believes that applying the same seven or 20-day requirements to baggage fee refunds, as required by other DOT refund regulations, is consistent with the statutory language that requires the refunds to be "prompt." It also avoids confusion among passengers arising from trying to understand and apply different standards for ticket refunds and baggage fee refunds, and saves cost for infrastructure and training that carriers would have to invest in to

establish a different refund timeliness standard.

Also, similar to ticket refunds, the Department expects that baggage fee refunds would be issued in the same form of payment as the original baggage fee payment. Under this proposal, in addition to credit card, cash, and check payments being refunded in their respective original forms of payment, baggage fees paid by airline credit/voucher or frequent flyer miles would be refunded in their original forms of payment as well. When a delay occurred to a bag for which a baggage fee was waived due to the passenger's airline loyalty program status or as a benefit of using an airline-associated credit card, carriers would not be required to provide a refund as the passenger did not pay anything.

In circumstances in which a bag was delayed but a refund of the baggage fee is not required (either because the delay did not exceed the deadlines or the baggage fee was waived,) carriers are still responsible for compensating passengers for any direct or consequential damages resulting from the baggage delay, consistent with 14 CFR part 253 for domestic air transportation, and with applicable international treaties for international air transportation.

The Department is aware that at least one major U.S. carrier is offering a "baggage fee subscription" program, under which passengers may opt to prepay a fixed fee that allows the subscribers to travel with certain numbers of checked bags without paying individual baggage fees during the subscribed period. Although the subscribers are not paying baggage fees on a per bag basis, they are still paying a fee for the transportation of their bags. DOT's proposal would require airlines to provide refunds to passengers who subscribed for the program if a checked bag experienced a refund-qualifying delay. The Department seeks comments on whether this is a reasonable determination, and if so, how to determine the amount of refund to which these passengers should be entitled, considering the passenger's subscription type and usage of the program, but not overly complicating the calculation of the refund and the administration of the program. The Department also seeks comment on whether there are other new and innovative baggage fee assessment schemes already implemented by carriers or on the horizon that should be considered in the context of promulgating a rule regarding refunding baggage fees for delayed bags.

In summary, the Department's proposed procedure requires that the airline collecting the baggage fee issue a refund, in the same form of payment, within seven or 20 days (depending on the form of payment) after the delay in the delivery of the bag has exceeded the applicable deadline and after the passenger has notified that airline of the delay. The Department seeks comment on whether this proposed procedure is a reasonable and workable way for carriers to meet the statutory requirement to promptly provide an automated refund to an eligible passenger when a carrier fails to meet the applicable time limit in delivering the checked bag and the passenger has notified the carrier of the lost or delayed checked baggage. The Department also seeks comment on whether requiring passengers to notify the entity that collected the bag fee about the bag delay when they already filed mishandled baggage report with another entity is overly burdensome to them. In particular, if commenters take the view that requiring passengers to provide notifications to the entities that collected baggage fees from them is overly burdensome, the Department seeks suggestions for alternative procedures.

#### 6. Other Issues

In addition to providing comments to questions specifically raised in the ANPRM, commenters also raised other issues for consideration.

##### a. Oversized/Overweight Bag Fees

Carriers normally set a maximum allowance for the size and the weight of a standard checked bag, and charge a higher fee for an oversized and/or overweight bag. Some commenters contend that fees for oversized and overweight bags should be exempt from the refund requirement because these bags are still delivered even if they were late. However, the statutory language in 49 U.S.C. 41704, note requires a refund for delayed "checked baggage," making no distinction or exception for special items that are transported as checked bags. The Department interprets the statute to cover oversized/overweight bags, and accordingly proposes to treat them the same as standard sized bags.

##### b. Escalated Fee Scale for Multiple Checked Bags

Many carriers have adopted an escalated fee scale for additional bags checked by one passenger, under which if more than one bag is checked, an escalated bag fee is charged for each additional bag. Problems may arise when carriers try to determine the

amount of refund if only one or some of the multiple checked bags are delayed. Airlines for America (A4A) suggests that when carriers can identify which bag is delayed, only the fee paid for that bag should be refunded. The Department agrees generally with this approach but if a dispute were to arise between a consumer and an airline, the airline would have the burden of providing documentary evidence to identify the specific fee charged for a specific bag. For example, when a passenger checks multiple bags, if a carrier's baggage handling system assigns a unique identification to each checked bag and correlates the specific baggage fee charged to the specific bag, the carrier would be permitted to provide a refund in that amount if that bag was delayed. On the other hand, if the carrier's system was able to assign an identification to each bag but baggage fees were charged in a lump sum, then the Department proposes that the refund for one delayed bag would be in the amount equal to the highest baggage fee per bag charged in that transaction.

##### c. "Voluntary Separation" and Liability Waiver

A4A asserts in its comment that when a passenger voluntarily agrees to be separated from his or her checked bags, the refund requirement should not apply. One scenario presented by A4A involves a passenger who does not meet the minimum check-in time requirement but the carrier allows the passenger to check-in for the flight anyway with the caveat that there may not enough time to transport the checked bag to the same flight. Another scenario involves a standby passenger who is offered to board a flight at a time very close to departure with the caveat that there may not be enough time to load his or her checked bag on that flight. If the passenger is informed, voluntarily agrees to travel without the checked bag on the same flight, and signs a waiver of liability associated with the delayed bag, A4A believes that the baggage fee refund requirement should not apply if the bag does not arrive by the deadline that triggers the refund requirement. The Department tentatively agrees with this approach and proposes such an exception. DOT reminds the industry that such an exception would only waive the passenger's entitlement to a baggage fee refund due to delayed bag delivery, and it would not waive any compensation due to the passenger if the checked bag is lost or damaged.

The Department seeks comment on the issues described above. The Department also notes that carriers are

liable for incidental expenses associated with a delayed bag. Some airlines have suggested that when a late-boarding passenger is informed that his or her bag may not be transported on the same flight but chooses to take the flight anyway, the passenger is waiving the right to claim compensation for incidental expenses associated with a delayed bag. The Department solicits comment on whether, in such delayed bag scenarios, airlines should be permitted to require passengers to waive any rights to compensation for incidental expenses and if so, whether the Department should require that airlines retain such records for a specified time period.

##### d. Alternative Transportation

Commenters also brought up issues associated with baggage fee refunds when a passenger does not take a scheduled flight for various reasons. A4A suggests that when a passenger voluntarily chooses to take alternative ground transportation due to a lengthy flight delay or cancellation, the carrier should not be responsible for refunding bag fees. On the other hand, A4A states that when a carrier arranges for the passenger to travel on an alternative ground transportation, the baggage fee refund requirement should apply and the clock should start at the flight's actual arrival time. In addition, A4A argues that when a carrier arranges for a passenger to travel on a flight by another carrier, the baggage fee refund requirement should not apply because otherwise it would discourage carriers from offering travel on other carriers' flights.

The Department tentatively agrees with the position that when passengers *voluntarily* choose to not travel on the scheduled flight or a substitute flight offered by the carrier, either by taking ground transportation that the passenger arranges on their own, or by purchasing tickets on flights of another carrier, the baggage fee refund requirement should not apply. The goal of the baggage fee refund requirement is to compensate passengers for bag delays caused by carriers. In the situations described above, a passenger's own decision to not travel on the scheduled or substitute flight arranged by the carrier is an intervening action that may contribute to a delay in being reunited with his or her bag. Conversely, when it is a carrier making the decision to arrange for alternative travel for passengers, either on ground transportation, on a later flight operated by that carrier, or on a flight by another carrier, the baggage fee refund requirement should apply. In those situations, under this proposal,

the delayed bag calculation clock would start when the passenger's actual transportation arrived, whether a flight or other mode of transportation. The Department seeks comment on whether this position on alternate travel arrangements creates unreasonable burdens for consumers and airlines.

#### e. Type of baggage

Commenters also sought clarity on the meaning of checked baggage. A4A specifically states that fees collected for gate-checked bags should not be subject to the refund requirement as gate baggage handling charges are independent of bag fees and carriers assess gate handling fees to encourage passengers to check their bags at the ticket counter. With respect to what type of baggage is subject to the refund requirement, 49 U.S.C. 41704, note states that the refund requirement applies to "checked baggage." The Department interprets this to include not only bags checked with carriers at the ticket counters, but also gate-checked bags and valet bags if the passenger paid a fee to transport the bags. Generally, airlines do not charge for valet bags and valet bags are delivered on time. Both a "gate-checked bag" and a "valet bag" would be checked in with carrier personnel at the departure gates for transportation in the aircraft cargo compartments, but a gate-checked bag would be claimed by the passenger at the final destination at the baggage claim area, while a valet bag would be returned to the passenger at the end of the flight segment when the passenger disembarks the aircraft. A4A in its comment argues that gate-checked bag fees should be treated differently because carriers often charge a gate-checked bag fee that is higher than the regular checked baggage fees to encourage passengers to check their bags at the ticket counter. Regardless of the reason for the fee, 49 U.S.C. 41704, note mandates that airlines must refund baggage fees if a bag is not delivered in a timely manner.

### III. Refunding Fees for Ancillary Services That Were Not Provided

#### A. Background

The provision at 49 U.S.C. 42301, note prec. requires the Department to promulgate a rule that mandates that airlines promptly provide a refund to a passenger of any ancillary fees paid for services related to air travel that the passenger does not receive, including on the passenger's scheduled flight, on a subsequent replacement itinerary if there has been a rescheduling, or for a flight not taken by the passenger. The

Department's regulation in 14 CFR 259.5(b)(5) requires that airlines refund fees charged to a passenger for optional services that the passenger was unable to use due to an oversale situation or flight cancellation. Although the existing rule only requires refunds of ancillary fees when a passenger does not take the original flight due to oversales or cancellation, the Department's Office of Aviation Consumer Protection would review any airline practice of refusing to refund fees for ancillary services that the passenger was unable to use due to an action of the airline to determine if the airline was engaging in an unfair or deceptive practice in violation of 49 U.S.C. 41712. It is the Department's understanding that airlines in general have been providing refunds to passengers, not only when passengers are unable to use the ancillary service due to an oversale situation or flight cancellation, but also when passengers pay for ancillary services and do not receive those services from the carrier for other reasons.<sup>7</sup>

#### B. Proposals

This NPRM proposes to codify in the rule text a requirement that airlines must refund fees a passenger pays for an ancillary service that the passenger does not receive, including due to oversales and flights cancellations, which are already in the existing rule text, and other situations when the ancillary service is not available to the passenger. The Department seeks comments on the following issues:

##### 1. Scope of Ancillary Services

The provision at 49 U.S.C. 42301, note prec. requires that airlines refund ancillary fees paid for services "related to air travel." The Department has not defined "ancillary services" in its aviation economic regulations. However, the Department has defined "optional services" in 14 CFR 399.85(d), which requires U.S. and foreign air carriers to prominently disclose on their websites marketing air transportation to U.S. consumers information on fees for all *optional services* available to a passenger purchasing air transportation. Section 399.85(d) specifically provides that for purposes of that section, the

<sup>7</sup>The Department notes that some carriers have published refund policies that state consumers will receive a refund for fees paid for ancillary services that they did not receive. In addition, the Department's Office of Aviation Consumer Protection has reviewed its consumer complaint database and found that when carriers receive consumer complaints filed with the Department alleging that they paid for ancillary services and did not receive the services, carriers usually have been issuing refunds after verifying that the ancillary services were indeed not provided.

term "optional services" is defined as any service the airline provides, for a fee, beyond passenger air transportation, including, but not limited to, charges for checked or carry-on baggage, advance seat selection, in-flight beverages, snacks and meals, pillows and blankets and seat upgrades. This definition does not include fees charged for services to be provided by entities other than airlines, such as hotel accommodations or rental cars, which are commonly offered by some airlines as a package during the airfare reservation process. In this NPRM, the Department proposes to apply a definition for "ancillary services" in § 260.2 that is substantively identical to the definition of "optional services" provided in § 399.85. This proposal defines ancillary service to mean any service related to air travel provided by a covered carrier, for a fee, beyond passenger air transportation. It specifies that such service includes, but is not limited to, checked or carry-on baggage, advance seat selection, access to in-flight entertainment system, in-flight beverages, snacks and meals, pillows and blankets and seat upgrades. The Department seeks public comment on whether the proposed definition, which is similar to the definition for "optional service" in § 399.85, is appropriate to define ancillary services in the context of refunding ancillary service fees that are directly related to air travel.

##### 2. Refund Eligibility

The provision at section 42301, note prec. requires covered carriers to refund ancillary services fees for services that "a passenger does not receive, including on the passenger's scheduled flight, on a subsequent replacement itinerary if there has been a rescheduling, or for a flight not taken by the passenger." The Department's existing rule, in 14 CFR 259.5(b)(5), already requires airlines to refund ancillary fees for services to be provided on a flight that a passenger was unable to use due to flight cancellation or oversales. In addition, the Department's Office of Aviation Consumer Protection has authority to investigate unfair or deceptive practices in the provision of air transportation pursuant to 49 U.S.C. 41712, and considers an airline's refusal to provide a refund to passengers for ancillary services that they purchased but did not receive to fall under that authority. As a result of this long-standing interpretation, the Department believes that members of the airline industry understand that failure to provide a refund of fees for ancillary services that an airline did not provide to a passenger could be viewed as an unfair or

deceptive practice in violation of section 41712. Some airlines have adopted and published specific policies that provide refunds of fees for ancillary services that the passengers do not receive. Further, a review of some consumer complaint files regarding ancillary services that were not received show that airlines generally refund those fees.

In this NPRM, the Department proposes to codify in the rule text the requirement of 49 U.S.C. 42301, note prec. on ancillary fee refunds, as well as the Department's long-standing policy, which is consistent with that statutory provision. As such, the proposal would require covered carriers to promptly refund an ancillary service fee they charged a passenger, if the passenger did not receive the ancillary service he or she paid for because (1) the service was not made available to that passenger on the flight he or she took (either the original flights or an alternative flight due to schedule changes made by the airlines or due to an oversales situation); or (2) if the passenger did not take any flight due to the airline not operating the flight or making a significant change to the flight.

Under this proposal, a passenger would generally be entitled to a refund of the ancillary service fee if the passenger did not receive the ancillary service. The proposal is focused on whether a carrier failed to fulfill its obligation to provide the service, as opposed to whether the service was actually utilized by the passenger. If the service was available but a passenger did not use the service, the passenger would not be entitled to a refund. For example, when a passenger pays for wi-fi service on a flight, if the service is available to all passengers who purchased the wi-fi service, but a particular passenger is unable to use the service due to issues with a personal device, or the passenger simply decides to not use the service, there would be no requirement to refund the fee paid by that passenger. Also under this proposal, a flight schedule change affirmatively made by the passenger or due to passenger action would not result in eligibility for the ancillary fee refund. For instance, if a passenger is re-accommodated on an alternate flight due to late check-in and the ancillary service the passenger paid for such as wi-fi service is not available on the alternate flight, our proposal would not require the carrier to refund the ancillary service fee. The Department solicits comments on the reasonableness of this airline obligation-focused approach.

### 3. Prompt Refund

The Department is proposing to apply the same "promptness" standards to refunding ancillary services fees when refunds are due that is currently applicable to refunds for tickets, optional services that could not be used due to an oversale or flight cancellation, and lost bags. A prompt refund must be provided within seven days for credit card transactions and 20 days for transactions involving cash, checks, vouchers, or frequent flyer miles after the entity responsible for issuing a refund receives a request for a refund and the documentation necessary for processing the refund.

### 4. Entity Responsible for Refund

The Department recognizes that the entity that processed the ancillary fee charge may not necessarily be the entity that is responsible for providing the ancillary service. For example, in a codeshare or interline itinerary, the carrier that charges a fee for an ancillary service to be provided on a flight may not be the carrier that operates the flight. In these situations, the passenger who did not receive the ancillary service on the flight would need to contact the carrier that collected the fee to request a refund. Similar to the multi-carrier scenario for delayed baggage, the Department is proposing to hold the carrier that collects the fee for ancillary service (usually the marketing carrier of an itinerary) responsible for issuing a refund when the carrier or another carrier (usually under a codeshare or interline agreement with the marketing carrier) fails to provide the ancillary service.

For passengers who purchase airline tickets from ticket agents, the Department understands that on occasion ancillary services may be available for purchase at the time of ticket reservation from a ticket agent. For example, the Department is aware that some ticket agents' websites offer the option for consumers to select seats for a fee during the booking process. It is the Department's understanding that this fee charged by a ticket agent is passed on to the carrier whose ticket stock is used for issuing the ticket. DOT proposes that, if a passenger purchases an ancillary service from a ticket agent, the Department would hold the carrier responsible for issuing the refund because the ticket agent is collecting the ancillary service fee on the carrier's behalf and passing on the fee to the carrier. The carrier presumably has a contractual relationship with the ticket agent, and 49 U.S.C. 42301, note prec. requires airlines to refund ancillary fees

paid for services "related to air travel." With respect to multiple-carrier itineraries for which a ticket agent collects an ancillary service fee, the Department is proposing that the last carrier that operates the flight issue the refund if there are multiple airlines involved. The Department solicits comment on whether, rather than requiring the last carrier that operates the flight to issue the refund, it should require the carrier that marketed the last flight segment provide the refund. Through contractual agreements, carriers and ticket agents can determine how best to prorate the cost of refunds among themselves.

Similar to our proposal on refunding baggage fees, this NPRM does not propose to hold ticket agents that sell the ancillary services responsible for refunds. The Department is proposing a simple refund process to avoid passengers being sent back and forth among different entities in situations where one entity charged the passenger the fee for the ancillary service and another entity failed to provide the paid for service. Accordingly, the Department is seeking a general overview of ticket agents' role in the transaction and collection of ancillary service fees and the process of how fees collected by ticket agents are transferred to carriers. This information will assist the Department in determining how the Department's regulation requiring airlines to refund ancillary service fees should address the role of ticket agents and other non-carrier entities that may play a role in the sales of ancillary services.

### Regulatory Analyses and Notices

#### A. Executive Order 12866 (Regulatory Planning and Review)

This action has been determined to be not significant under Executive Order 12866 ("Regulatory Planning and Review"), as supplemented by Executive Order 13563 ("Improving Regulation and Regulatory Review"). Accordingly, the Office of Management and Budget (OMB) has not reviewed it under that order.

The proposed rule would mandate refunds of baggage fees for significantly delayed checked baggage. It would set a threshold of 12 hours for domestic baggage and 25 hours for international baggage. The proposed rule would also mandate refunds of ancillary fees for services that passengers did not receive.

Refunds of baggage fees and ancillary service fees represent a transfer from airlines to passengers whose bags were mishandled by the airline. Accordingly, the impacts of this rule are

predominantly distributional and not expected to generate significant net economic costs or benefits. For baggage fees, the estimated size of the transfer (or redistribution) is between \$10.71 million and \$11.43 million annually. This estimate, based on a Department analysis of baggage fee refunds available in this rulemaking docket, is an upper-bound estimate which assumes that passengers pay fees for all delayed bags. For ancillary fees, it is generally current practice for airlines to give refunds when passengers do not receive ancillary services on flights, as described in Section III.A. Some airlines have codified this practice in their published refund policies as well. Given current practice, the Department does not expect that the requirement to refund ancillary service fees would have significant distributional impacts.

The baggage fee refund requirement in the proposed rule could have some administrative costs, which are economic costs, because airlines may need to hire additional staff to process refunds. The requirement has an estimated annual cost between \$4.18 million and \$4.41 million, assuming that staff process refunds manually. (If refunds are processed electronically, as is expected in at least some cases, this cost could decrease.) Airlines should not incur significant administrative costs due to the ancillary service fee refund requirement, to the extent that the refunds are part of current practice. This conclusion could change if the proposed rule induces more passengers to seek refunds from carriers. In that case, the ancillary service fee refund requirement could add administrative costs and have distributional implications.

The Department seeks comment and additional data to quantify the effects of the proposed rule on baggage fee and ancillary service fee refunds, as well as information on potential impacts on passenger behavior.

#### *B. Regulatory Flexibility Act*

The Regulatory Flexibility Act of 1980 (RFA) (5 U.S.C. 601 *et seq.*) requires Federal agencies to consider the effects of their regulatory actions on small businesses and other small entities, and to minimize any significant economic impact. When an agency issues a rulemaking proposal, the RFA requires the agency to “prepare and make available for public comment an initial regulatory flexibility analysis” which will “describe the impact of the proposed rule on small entities” (5 U.S.C. 603(a)). Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the proposed

rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The entities that would be directly regulated by this proposed rule are U.S. and foreign air carriers that charge baggage fees and other ancillary fees in scheduled air transportation. Under 14 CFR 399.73, for the purposes of the Department’s implementation of the RFA, a carrier is a small business if it provides air transportation exclusively with small aircraft, defined as any aircraft originally designed to have a maximum passenger capacity of 60 seats or less or a maximum payload capacity of 18,000 pounds or less.

The Department does not expect that this rule would have a significant economic impact on a substantial number of small entities. Some small carriers that qualify as small businesses operate flights as part of a code-share arrangement with a larger carrier. In these cases, the larger carrier collects the baggage fees and other ancillary service fees and would be responsible for the refunds under the proposal. At least five small carriers operating in 2018 had code-share arrangements with larger carriers covering some portion of their flights. For other flights, the estimated economic effects for carriers are small. As described in the baggage fee refund analysis, the estimated annual refund payments (\$10.71 million to \$11.43 million) and administrative costs for carriers (\$4.18 million to \$4.41 million) would account for less than 0.5 percent of their annual baggage fee revenues (\$3.8 billion in 2015, the year used in the analysis due to data availability). As baggage handling and tracking technologies improve, we expect that the percentage of delayed bags affected by the rule and resulting economic effects would decrease further.

Accordingly, the Department certifies that the proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. The Department invites comment on this certification and on the analysis presented in support of it.

#### *C. Executive Order 13132 (Federalism)*

This NPRM has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (“Federalism”). This document does not propose any provision that: (1) Has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and responsibilities among the various levels of government; (2) imposes substantial direct compliance costs on

State and local governments; or (3) preempts State law. States are already preempted from regulating in this area by the Airline Deregulation Act, 49 U.S.C. 41713. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

#### *D. Executive Order 13084*

This NPRM has been analyzed in accordance with the principles and criteria contained in Executive Order 13084 (“Consultation and Coordination with Indian Tribal Governments”). Because none of the options on which the Department is seeking comment would significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs on them, the funding and consultation requirements of Executive Order 13084 do not apply.

#### *E. Paperwork Reduction Act*

This NPRM does not propose a new collection of information that would require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 49 U.S.C. 3501 *et seq.*).

#### *F. Unfunded Mandates Reform Act*

The Unfunded Mandates Reform Act of 1995 (UMRA) requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. As described elsewhere in the preamble, this proposed rule would have no such effect on State, local, and tribal governments or on the private sector. Therefore, the Department has determined that no assessment is required pursuant to UMRA.

#### *G. National Environmental Policy Act*

The Department has analyzed the environmental impacts of this proposed action pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded pursuant to DOT Order 5610.1D, Procedures for Considering Environmental Impacts (81 FR 92966, Dec. 15, 2016). Categorical exclusions are actions identified in an agency’s NEPA implementing procedures that do not normally have a significant impact on the environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See 40 CFR 1508.4. In analyzing the applicability of

a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. Id. Paragraph 10.c.16.h of DOT Order 5610.1D categorically excludes “[a]ctions relating to consumer protection, including regulations.” This proposal relates consumer protection. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

Signed on June 23, 2021, in Washington, DC

**Peter Paul Montgomery Buttigieg,**  
*Secretary of Transportation.*

#### List of Subjects

##### 14 CFR Part 259

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

##### 14 CFR Part 260

Air carriers, Consumer protection.

For the reasons set forth in the preamble, the Department proposes to amend 14 CFR chapter II as follows:

#### **PART 259—ENHANCED PROTECTIONS FOR AIRLINE PASSENGERS**

■ 1. The authority citation for 14 CFR part 259 continues to read as follows:

**Authority:** 49 U.S.C. 40101(a)(4), 40101(a)(9), 40113(a), 41702, 41708, 41712, and 42301.

■ 2. Amend § 259.5 by revising paragraphs (b)(3) and (5) to read as follows:

##### **§ 259.5 Customer Service Plan.**

\* \* \* \* \*

(b) \* \* \*  
(3) Delivering baggage on time, including making every reasonable effort to return mishandled baggage within 12 hours for domestic flights and within 25 hours for international flights, compensating passengers for reasonable expenses that result due to delay in delivery, as required by 14 CFR part 254 for domestic flights and as required by applicable international agreements for international flights, and refunding passengers for any fees charged to transport a checked bag that is delayed or lost, as required by 14 CFR part 260;

\* \* \* \* \*

(5) Where ticket or ancillary service fee refunds are due, providing prompt refunds within 7 days, as required by 14 CFR 374.3 and 12 CFR part 226 for credit card purchases, and within 20 days after receiving a complete refund request for cash and check purchases,

and other means of payment. Refunds must be in the original form of payment (such as credit card, debit card, cash or check, airline miles);

\* \* \* \* \*

■ 3. Add part 260 to read as follows:

#### **PART 260—REFUNDS FOR AIRLINE ANCILLARY SERVICE FEES**

Sec.

260.1 Purpose.

260.2 Definitions.

260.3 Applicability.

260.4 Refunding fees for ancillary services that passengers paid for but that were not provided.

260.5 Refunding fees for significantly delayed or lost bags.

260.6 Providing prompt refunds.

**Authority:** 49 U.S.C. 40101(a)(4), 40101(a)(9), 41702, and 41712.

##### **§ 260.1 Purpose.**

The purpose of this part is to ensure that carriers refund passengers for ancillary services related to air travel that passengers paid for but were not provided. This part is also intended to ensure that carriers refund passengers for fees to transport checked bags that are lost or significantly delayed.

##### **§ 260.2 Definitions.**

As used in this part:

*Air carrier* means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation.

*Ancillary service* means any service related to air travel provided by a covered carrier, for a fee, beyond passenger air transportation. Such service includes, but is not limited to, checked or carry-on baggage, advance seat selection, access to in-flight entertainment program, in-flight beverages, snacks and meals, pillows and blankets, and seat upgrades.

*Checked bag* means a bag or an item other than a bag that was provided to a carrier by or on behalf of a passenger, for transportation in the cargo compartment of a scheduled passenger flight. A checked bag includes a gate-checked bag and a valet bag.

*Covered carrier* means an air carrier or a foreign air carrier operating to, from or within the United States, conducting scheduled passenger service.

*Covered flight* means a scheduled flight operated or marketed by a covered carrier to, from, or within the United States.

*Foreign air carrier* means a person, not a citizen of the United States, undertaking by any means, directly or indirectly, to provide foreign air transportation.

*Significantly delayed checked bag* means a checked bag that is not

delivered to the passenger or the passenger's agent within 12 hours of the last flight segment's arrival for domestic itineraries and within 25 hours of the last flight segment's arrival for international itineraries, including itineraries that include both international flight segment(s) and domestic flight segment(s).

##### **§ 260.3 Applicability.**

This part applies to all covered carriers that collect fees, including checked baggage fees, for ancillary services to be provided on or in relation to a covered flight.

##### **§ 260.4 Refunding fees for ancillary services that passengers paid for but that were not provided.**

A covered carrier shall promptly provide a refund to a passenger for any fees it collected from the passenger for ancillary services related to air travel if the service was not provided, including fees for services on the passenger's scheduled flight, on a subsequent replacement flight if there has been a rescheduling by the carrier, or on a flight not taken by the passenger due to oversales or a flight that is not operated by the carrier. If a ticket agent collected the ancillary fee, the carrier that is scheduled to operate the flight or if multiple-carrier itineraries, the carrier that is scheduled to operate the last segment of the passenger's itinerary is responsible for providing a refund.

##### **§ 260.5 Refunding fees for significantly delayed or lost bags.**

Upon receiving a notification pursuant to paragraph (b) of this section from a passenger, a covered carrier that collected a checked baggage fee from the passenger or, if a ticket agent collected the checked baggage fee from the passenger, the covered carrier that is scheduled to operate the flight or the covered carrier that is scheduled to operate the last segment of the passenger's itinerary if multiple-carrier itineraries, shall promptly provide a refund to the passenger of any fee charged for transporting a significantly delayed checked bag.

(a) *Determining the length of delay.*

(1) For the purpose of determining whether a refund of the baggage fee is due, the 12-hour deadline for domestic itineraries and the 25-hour deadline for international itineraries is calculated from the time when a passenger was given the opportunity to deplane from the aircraft at the passenger's final destination; or, if the final travel segment was on alternate ground transportation, a comparable time when the passenger disembarks from the ground transportation.



(2) For the purpose of determining whether a refund of the baggage fee is due, a delayed bag is considered to have been delivered to a passenger or a passenger's agent if:

(i) The bag has been transported to a location, other than the destination airport, based on agreement by the passenger and the carrier, whether or not the passenger is present to take possession of the bag;

(ii) The bag has arrived at its intended final destination airport and is available for pick up, and the carrier has provided notice to the passenger or the passenger's agent (e.g., via push notice through a mobile application, email, or text message) that the bag has arrived at that airport and is ready for pick up; or

(iii) The bag has arrived at the intended final destination airport and the carrier has provided notice to the passenger or the passenger's agent (e.g. via push notice through a mobile application, email, or text message) that the bag has arrived at that airport and will be delivered to a location that the passenger and carrier have agreed on.

(b) *Notification of carrier by passenger about lost or significantly delayed bag.* A covered carrier's obligation to provide a prompt refund for a lost bag or a significantly delayed bag does not begin until passengers provide notification of the lost or significantly delayed bag. If the entity that collected the baggage fee is the same entity that received a mishandled baggage report from the passenger, the filing of the mishandled baggage report constitutes a notification from the passenger for the purpose of receiving a refund, if due, for the baggage fee. In all other situations, passengers must inform the carrier that collected the baggage fee of the lost or delayed bag; or, if a ticket agent collected the bag fee, passengers must inform the carrier that operated the last flight segment about the lost or delayed bag for the purpose of receiving a refund for the baggage fee for a significantly delayed bag.

#### **§ 260.6 Providing prompt refunds.**

When a refund of a fee for an ancillary service, including a fee for lost or significantly delayed checked baggage, is due pursuant to this part, the refund must be issued promptly consistent with the requirement of 14 CFR 259.5(b)(5).

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**BILLING CODE P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA-R06-OAR-2021-0215; FRL-8696-01-R6]

#### **Air Plan Approval; Louisiana; Regional Haze Five-Year Progress Report State Implementation Plan**

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

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve a revision to a State Implementation Plan (SIP) submitted by the Secretary of the Louisiana Department of Environmental Quality (LDEQ) on March 25, 2021. The SIP submittal addresses requirements of federal regulations that direct the State to submit a periodic report that assesses progress toward regional haze reasonable progress goals (RPGs) and includes a determination of adequacy of the existing implementation plan.

**DATES:** Written comments must be received on or before August 20, 2021.

**ADDRESSES:** Submit comments, identified by Docket No. EPA-R06-OAR-2021-0215, at <https://www.regulations.gov> or via email to [grady.james@epa.gov](mailto:grady.james@epa.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 any information electronically that is considered Confidential Business Information (CBI) or any 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 with multimedia submissions and should include all discussion points desired. The EPA will generally not consider comments or their contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing systems). For additional submission methods, please contact James E. Grady, (214) 665-6745, [grady.james@epa.gov](mailto:grady.james@epa.gov). 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>.

*Docket:* The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov). While all

documents in the docket are listed in the index, some information may not be publicly available due to docket file size restrictions or content (e.g., CBI).

#### **FOR FURTHER INFORMATION CONTACT:**

James E. Grady, EPA Region 6 Office, Regional Haze and SO<sub>2</sub> Section, 1201 Elm Street, Suite 500, Dallas TX 75270, 214-665-6745; [grady.james@epa.gov](mailto:grady.james@epa.gov). Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office will be closed to the public to reduce the risk of transmitting COVID-19. We encourage the public to submit comments via <https://www.regulations.gov>, as there will be a delay in processing mail and no courier or hand deliveries will be accepted. Please call or email the contact listed above if you need alternative access to material indexed but not provided in the docket.

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document "we," "us," or "our" mean "the EPA."

#### **Table of Contents**

- I. Background
  - A. The Regional Haze Program
  - B. Previous Actions on Louisiana Regional Haze
  - C. Louisiana's Regional Haze Progress Report SIP
- II. Evaluation of Louisiana's Regional Haze Progress Report SIP Revision
  - A. Class I Areas
  - B. Status of Implementation of Measures
    - 1. Non-EGU Controls
      - a. Phillips 66—Alliance Refinery
      - b. Mosaic Fertilizer, LLC
      - c. Eco Services Operations Corp.
    - 2. EGU Controls
      - a. NRG Big Cajun II
      - b. Cleco—Brame Energy Center
      - c. Entergy—Willow Glen
      - d. Entergy—Little Gypsy
      - e. Entergy—Ninemile Point
      - f. Entergy—Waterford 1 and 2
      - g. Entergy—Michoud
      - h. Entergy—Nelson
    - 3. CAIR and CSAPR
    - 4. Smoke Management Plan (SMP)
    - 5. Additional Federal Measures
    - 6. EPA's Conclusion on the Status of Implementation of Measures
  - C. Emission Reductions From Implementation of Measures
  - D. Visibility Conditions and Changes
  - E. Emission Tracking
  - F. Assessment of Changes Impeding Visibility Progress
  - G. Assessment of Current Strategy To Meet RPGs
  - H. Review of Visibility Monitoring Strategy
  - I. Determination of Adequacy of Existing Implementation Plan
  - J. Consultation With Federal Land Managers
- III. EPA's Proposed Action
- IV. Statutory and Executive Order Reviews

## I. Background

### A. The Regional Haze Program

Regional haze is visibility impairment that occurs over a wide geographic area primarily from the pollution of fine particulates (PM<sub>2.5</sub>)<sup>1</sup> emitted into the air from a variety of sources. These fine particulates which cause haze consist of sulfates (SO<sub>4</sub><sup>2-</sup>), nitrates (NO<sub>3</sub><sup>-</sup>), organic carbon (OC), elemental carbon (EC), and soil dust.<sup>2</sup> PM<sub>2.5</sub> precursors consist of sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), ammonia (NH<sub>3</sub>), and volatile organic compounds (VOCs). Airborne PM<sub>2.5</sub> can scatter and absorb the incident light and, therefore, lead to atmospheric opacity and horizontal visibility degradation which limits visual distance and reduces color, clarity, and contrast of view. PM<sub>2.5</sub> can cause serious adverse health effects and mortality in humans. It also contributes to environmental effects such as acid deposition and eutrophication. Emissions that affect visibility include a wide variety of natural and man-made sources. Natural sources can include windblown dust from dust storms and soot from wildfires. Man-made sources can include major and minor stationary sources, mobile sources, and area sources. Reducing PM<sub>2.5</sub> and its precursor gases in the atmosphere is an effective method of improving visibility.

Data from the existing visibility monitoring network, “Interagency Monitoring of Protected Visual Environments” (IMPROVE), shows that visibility impairment caused by air pollution occurs virtually all of the time at most national parks and wilderness areas. In 1999, the average visual range<sup>3</sup> in many Class I areas (*i.e.*, national parks and memorial parks, wilderness

areas, and international parks meeting certain size criteria) in the western United States was 100–150 kilometers (km), or about one-half to two-thirds of the visual range that would exist under estimated natural conditions.<sup>4</sup> In most of the eastern Class I areas of the United States, the average visual range was less than 30 km, or about one-fifth of the visual range that would exist under estimated natural conditions. CAA programs have reduced emissions of some haze-causing pollution, lessening some visibility impairment, and resulting in partially improved average visual ranges.<sup>5</sup>

In section 169A of the 1977 CAA Amendments, Congress created a program for protecting visibility in the nation’s national parks and wilderness areas. This section of the CAA establishes as a national goal the prevention of any future, and the remedying of any existing, visibility impairment in mandatory Class I Federal areas where impairment results from manmade air pollution.<sup>6</sup> Congress added section 169B to the CAA in 1990 that added visibility protection provisions, and the EPA promulgated final regulations addressing regional haze as part of the 1999 Regional Haze Rule, which was most recently updated in 2017.<sup>7</sup> The Regional Haze Rule revised the existing 1980 visibility regulations and established a more comprehensive visibility protection program for Class I areas. The requirements for regional haze, found at 40 CFR 51.308 and 51.309, are included in the EPA’s broader visibility protection regulations at 40 CFR 51.300 through 51.309. The regional haze regulations require states to demonstrate

reasonable progress toward meeting the national goal of a return to natural visibility conditions for mandatory Class I Federal areas both within and outside states by 2064. The CAA requirement in section 169A(b)(2) to submit a regional haze SIP applies to all fifty states, the District of Columbia, and the Virgin Islands. States were required to submit the first implementation plan addressing visibility impairment caused by regional haze no later than December 17, 2007.<sup>8</sup>

Section 169A(b)(2)(A) of the CAA directs states to evaluate the use of Best Available Retrofit Technology (BART) controls at certain categories of existing major stationary sources<sup>9</sup> built between 1962 and 1977. These large, often under-controlled, older stationary sources are required to procure, install, and operate BART controls to address visibility impacts from them. Under the Regional Haze Rule, any of these BART-eligible sources<sup>10</sup> that are reasonably anticipated to cause or contribute to visibility impairment in a Class I area are determined to be subject-to-BART.<sup>11</sup> States are directed to conduct BART determinations for each source classified as subject-to-BART. 40 CFR 51.308(e)(1)(ii)(A) requires states (or EPA in the case of a FIP) to identify the level of control representing BART after considering the five statutory factors set out in CAA section 169A(g)(2). States must establish emission limits, a schedule of compliance, and other measures consistent with the BART determination process for each source subject-to-BART. In lieu of requiring source-specific BART controls, states also have the flexibility to adopt alternative measures, as long as the alternative provides greater reasonable progress toward improving visibility

<sup>4</sup> 64 FR 35715 (July 1, 1999).

<sup>5</sup> An interactive “story map” depicting efforts and recent progress by EPA and states to improve visibility at national parks and wilderness areas may be visited at: <http://arcg.is/29tAbS3>.

<sup>6</sup> Mandatory Class I Federal areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. The EPA, in consultation with the Department of Interior, promulgated a list of 156 areas where visibility was identified as an important value. The extent of a mandatory Class I area includes subsequent changes in boundaries, such as park expansions. Although states and tribes may designate additional areas as Class I, the requirements of the visibility program set forth in the CAA applies only to “mandatory Class I Federal areas.” Each mandatory Class I Federal area is the responsibility of a “Federal Land Manager.” When the term “Class I area” is used in this action, it means “mandatory Class I Federal areas.” [See 44 FR 69122, November 30, 1979 and CAA Sections 162(a), 169A, and 302(i)].

<sup>7</sup> See the July 1, 1999 Regional Haze Rule final action (64 FR 35714), as amended on July 6, 2005 (70 FR 39156), October 13, 2006 (71 FR 60631), June 7, 2012 (77 FR 33656) and on January 10, 2017 (82 FR 3079).

<sup>8</sup> See 40 CFR 51.308(b). The EPA’s regional haze regulations require subsequent updates to the regional haze SIPs. 40 CFR 51.308(g)–(i).

<sup>9</sup> See 42 U.S.C. 7491(g)(7) (listing the set of “major stationary sources” potentially subject-to-BART).

<sup>10</sup> See 40 CFR 51 Appendix Y, II. How to Identify BART-eligible Sources.

<sup>11</sup> Under the BART Guidelines, states may select a visibility impact threshold, measured in deciviews (dv), below which a BART-eligible source would not be expected to cause or contribute to visibility impairment in any Class I area. The state must document this threshold in the SIP and state the basis for its selection of that value. Any source with visibility impacts that model above the threshold value would be subject to a BART determination review. The BART Guidelines acknowledge varying circumstances affecting different Class I areas. States should consider the number of emission sources affecting the Class I areas at issue and the magnitude of the individual sources’ impacts. Any visibility impact threshold set by the state should not be higher than 0.5 dv. See 40 CFR 51, Appendix Y, section III.A.1.

<sup>1</sup> Fine particles are less than or equal to 2.5 microns (µm) in diameter and usually form secondary in nature indirectly from other sources. Particles less than or equal to 10 µm in diameter are referred to as PM<sub>10</sub>. Particles greater than PM<sub>2.5</sub> but less than PM<sub>10</sub> are referred to as coarse mass. Coarse mass can contribute to regional haze as well and is made up of primary particles directly emitted into the air. Fine particles tend to be man-made, while coarse particles tend to originate from natural events like wildfires and dust storms. Coarse mass settles out from the air more rapidly than fine particles and usually will be found relatively close to emission sources. Fine particles can be transported long distances by wind and can be found in the air thousands of miles from where they were formed.

<sup>2</sup> Organic carbon (OC) can be emitted directly as particles or formed through reactions involving gaseous emissions. Elemental carbon (EC), in contrast to organic carbon, is exclusively of primary origin and emitted by the incomplete combustion of carbon-based fuels. Elemental carbon particles are especially prevalent in diesel exhaust and smoke from wild and prescribed fires.

<sup>3</sup> Visual range is the greatest distance, in km or miles, at which a dark object can be viewed against the sky by a typical observer.

than BART. Namely, the alternative must be “better than BART.”<sup>12</sup>

### B. Previous Actions on Louisiana Regional Haze

LDEQ submitted its initial regional haze SIP on June 13, 2008, to address the requirements of the first regional haze implementation period. EPA acted on the 2008 regional haze SIP submittal in two separate actions. The first EPA action on the 2008 regional haze SIP was a limited disapproval<sup>13</sup> based on the June 7, 2012, revision to the Regional Haze Rule and deficiencies arising from a remand of the Clean Air Interstate Rule (CAIR) by the U.S. Court of Appeals for the District of Columbia. The remand affected LDEQ’s source specific EGU BART requirements for SO<sub>2</sub> and NO<sub>x</sub> because the 2008 Louisiana Regional Haze SIP relied on participation in CAIR as an alternative to meet the EGU SO<sub>2</sub> and NO<sub>x</sub> BART requirements.<sup>14</sup> It was determined in the June 7, 2012, rule revision that CSAPR would provide for greater reasonable progress than BART, so that allowed CSAPR participation to be used as a BART alternative to source-specific SO<sub>2</sub> and NO<sub>x</sub> BART for EGUs, on a pollutant-specific basis.<sup>15</sup> LDEQ established reliance upon CSAPR for ozone (O<sub>3</sub>) season NO<sub>x</sub> as an alternative to meet the NO<sub>x</sub> BART requirements for their EGU sources and the State addressed SO<sub>2</sub> and PM BART requirements for EGUs in separate submittals, as described in subsequent paragraphs.

On July 3, 2012, EPA issued a second action on the 2008 Louisiana Regional Haze SIP which was a partial approval/disapproval<sup>16</sup> because the SIP submittal met some but not all of the applicable requirements of sections 169A and 169B of CAA and regional haze provisions in 40 CFR 51.300 through 51.308. In that action, we disapproved LDEQ’s long-term strategy because it relied on deficient BART analyses for four non-EGU sources and did not reflect appropriate BART emissions reductions from those facilities.<sup>17</sup>

On August 11, 2016, LDEQ submitted a SIP revision which addressed the deficiencies related to SO<sub>2</sub>, NO<sub>x</sub>, and PM BART for the four non-EGU facilities: Sid Richardson, Phillips 66 Company-Alliance Refinery, Mosaic,

and Eco Services, LLC. We proposed approval of the August 11, 2016 SIP revision for the BART determinations at these non-EGU facilities on October 27, 2016.<sup>18</sup> Based on the BART analysis and modeling provided by Sid Richardson, LDEQ concluded that the facility was not subject-to-BART because its modeled visibility impacts were less than 0.5 deciviews (dv).<sup>19</sup> We proposed to approve this determination for Sid Richardson. We also proposed approval of LDEQ’s determination that the current controls and operating conditions for the subject-to-BART units at the Phillips 66 Company-Alliance Refinery constituted SO<sub>2</sub>, NO<sub>x</sub>, and PM BART.<sup>20</sup> We further proposed approval of LDEQ’s determination that current controls and operating conditions at the Mosaic facility constituted SO<sub>2</sub>, NO<sub>x</sub>, and PM BART.<sup>21</sup> Finally, we proposed approval of LDEQ’s determination that the current controls and operating conditions at the Eco Services, LLC facility constituted SO<sub>2</sub> BART.<sup>22</sup>

On February 10, 2017, LDEQ submitted a SIP revision that addressed the deficiencies related to SO<sub>2</sub> and PM BART for the EGU facilities. The SIP submittal also relied on CSAPR for O<sub>3</sub> season NO<sub>x</sub> to satisfy NO<sub>x</sub> BART for

<sup>18</sup> 81 FR 74750 (October 27, 2016). Proposed approval for the BART determinations for non-EGU facilities.

<sup>19</sup> A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The preamble to the Regional Haze Rule provides additional details about the deciview (64 FR 35714, 35725, July 1, 1999).

<sup>20</sup> On December 5, 2005, Conoco Phillips, the United States of America and the State of Louisiana, entered into a consent decree as part of the National Refinery Initiative for Alliance. See *U.S. et al. v. ConocoPhillips Company*, Civil Action No. H-05-0258 (S.D. Tx). EPA approved Louisiana’s BART determination that the controls and conditions required by the consent decree satisfy SO<sub>2</sub>, NO<sub>x</sub>, and PM BART. In order to make the limits enforceable for Regional Haze SIP purposes, Phillips 66 and LDEQ entered into to an AOC to mirror the limitations imposed by the consent decree.

<sup>21</sup> On December 23, 2009, Mosaic entered into a consent decree with the EPA, LDEQ and other parties. See *U.S. et al. v. Mosaic Fertilizer, LLC*, Civil Action No. 09-6662 (E.D. La). EPA approved LDEQ’s BART determination that the controls and conditions required by the consent decree satisfy SO<sub>2</sub>, NO<sub>x</sub>, and PM BART. In order to make the limits enforceable for regional haze SIP purposes, Mosaic and LDEQ entered into to an AOC to mirror the limitations imposed by the consent decree.

<sup>22</sup> On July 23, 2007, Eco Services entered into a consent decree with the EPA, LDEQ and other parties. See *U.S. et al. v. Rhodia Inc.*, Civil Action No. 2:07CV134 WL (H.D. In). EPA approved LDEQ’s BART determination that the controls and conditions required by the consent decree satisfy SO<sub>2</sub> BART. In order to make the limits enforceable for regional haze SIP purposes, Eco Services and LDEQ entered into an AOC to mirror the limitations imposed by the consent decree.

EGU sources. Seventeen EGU facilities were identified as BART-eligible and LDEQ identified seven of those EGU facilities as being subject-to-BART and required to install, operate, and maintain BART controls: Cleco Brame Energy Center and six different Entergy facilities (Little Gypsy, Ninemile Point, Waterford, Willow Glen, Michoud, and Nelson). On May 19, 2017, we proposed approval of the February 10, 2017, submittal for the BART determinations for these EGU facilities with the exception of the portion related to Entergy’s Nelson facility.<sup>23</sup> We also approved controls and conditions for two coal-fired units required by a consent decree<sup>24</sup> for Big Cajun II, a BART eligible EGU facility that screened out from being subject-to-BART because its modeled visibility impacts were less than 0.5 dv. Louisiana Generating, who operates Big Cajun II, entered into an agreed order on consent (AOC) with LDEQ to make the existing control requirements and maximum daily emission limits for SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>2.5</sub> and PM<sub>10</sub> from the consent decree permanent and federally enforceable for the two coal-fired units. For the facilities subject-to-BART, we proposed to approve LDEQ’s SO<sub>2</sub> and PM BART determinations for units at Cleco’s Brame Energy Center and at four Entergy facilities which included Willow Glen, Little Gypsy, Ninemile Point, and Waterford plants. We also proposed to approve the State’s AOCs for each of these five facilities. LDEQ provided additional information from Entergy indicating that the Entergy Michoud units would be decommissioned, as reflected in an email dated October 9, 2017, submitted by LDEQ to supplement its February 2017 SIP revision. As a result, we proposed to approve the SIP’s finding that SO<sub>2</sub>, NO<sub>x</sub>, and PM BART were satisfied for the Michoud units since they were no longer in operation. Lastly, we proposed to find that the EGU NO<sub>x</sub> BART requirements would be satisfied by our determination that LDEQ’s participation in CSAPR’s O<sub>3</sub> season NO<sub>x</sub> program was a permissible alternative to source-specific NO<sub>x</sub> BART.<sup>25</sup>

<sup>23</sup> 82 FR 22936 (May 19, 2017). Proposed approval for the BART determinations for EGU facilities.

<sup>24</sup> On March 6, 2013, Louisiana Generating entered a consent decree establishing emission limits for SO<sub>2</sub>, NO<sub>x</sub>, and PM BART for several CAA violations at Big Cajun II. See *U.S. et al. v. Louisiana Generating, LLC*, Civil Action No. 09-100-JJB-RLB (M.D. La.).

<sup>25</sup> We could not finalize that portion of the proposed SIP approval until we finalized the proposed finding that CSAPR continued to be better than BART (81 FR 78954) because finalization of

<sup>12</sup> The required content of BART alternative measures is codified at 40 CFR 51.308(e)(2).

<sup>13</sup> 77 FR 33642 (June 7, 2012).

<sup>14</sup> 40 CFR 51.308(e)(4) (2006).

<sup>15</sup> 77 FR 33642, 33656 (June 7, 2012).

<sup>16</sup> 77 FR 39425 (July 3, 2012), available at <https://www.regulations.gov> in docket EPA-R06-OAR-2008-0510.

<sup>17</sup> 77 FR 39426 (July 3, 2012).

On June 20, 2017, LDEQ submitted a SIP revision related to Entergy's Nelson facility. On July 13, 2017, we proposed to approve that SIP revision along with the remaining portion of the February 2017 SIP revision that addressed SO<sub>2</sub> and PM BART for the Nelson facility.<sup>26</sup> Specifically, we proposed to approve the LDEQ SO<sub>2</sub> and PM BART determinations for Nelson Units 6 and 4, and the Unit 4 auxiliary boiler, and the AOC that makes the emission limits that represent SO<sub>2</sub> and PM BART permanent and enforceable for the purposes of regional haze. On August 24, 2017, we received a letter from LDEQ explaining their intent to revise the compliance date in the SIP revision for Nelson Unit 6 based on Entergy's request for a three-year compliance deadline to achieve the proposed SO<sub>2</sub> BART limit for Nelson Unit 6. On September 26, 2017, we supplemented our proposed approval of the SO<sub>2</sub> BART determination for Nelson by proposing to approve the three-year compliance date. On October 26, 2017, we received LDEQ's final SIP revision addressing Nelson, including a final AOC with emission limits and a SO<sub>2</sub> compliance date three years from the effective date of the EPA's final approval of the SIP revision.

On December 21, 2017, EPA finalized approval<sup>27</sup> of the Louisiana Regional Haze SIP as meeting all applicable provisions of the CAA and EPA regional haze regulations. The final action approved the 2016 SIP revision,<sup>28</sup> and the two 2017 SIP revisions<sup>29</sup> as supplemented with respect to 40 CFR 51.308(e) and addressed all deficiencies identified in our two previous June 7, 2012, and July 3, 2012, actions of the 2008 Louisiana Regional Haze SIP submission. We finalized approval of the SO<sub>2</sub>, NO<sub>x</sub>, and PM BART determinations for the subject-to-BART non-EGU facilities (Phillips 66 Company-Alliance Refinery, Mosaic, and Eco Services, LLC). We finalized our determination that the emission limits and operating conditions reflected in the AOC's between LDEQ

that proposal provided the basis for LDEQ to rely on CSAPR participation as an alternative to source-specific EGU BART for NO<sub>x</sub>.

<sup>26</sup> 82 FR 32294 (July 13, 2017) Proposed approval for BART determination for Nelson Unit 6.

<sup>27</sup> 82 FR 60520 (December 21, 2017), available at <https://www.regulations.gov/in docket EPA-R06-OAR-2017-0129>. EPA's approval of these SIP revisions became effective on January 22, 2018.

<sup>28</sup> 81 FR 74750 (October 27, 2016). Proposed approval for the BART determinations for non-EGU facilities.

<sup>29</sup> 82 FR 22936 (May 19, 2017) Proposed approval for the BART determinations for EGU facilities and 82 FR 32294 (July 13, 2017) Proposed approval for BART determination for Nelson Unit 6.

and each non-EGU facility meet the BART requirements. We finalized the reliance upon CSAPR for NO<sub>x</sub> BART requirements for subject-to-BART EGU facilities. We finalized the SO<sub>2</sub> and PM BART determinations for the subject-to-BART EGU facilities (Cleco Brame Energy Center and five Entergy facilities: Waterford, Willow Glen, Ninemile, Little Gypsy, and Nelson). We finalized our determination that the emission limits and operating conditions listed in the various AOCs between LDEQ and each EGU facility meet the applicable BART requirements. We finalized the following BART eligible sources being approved as not subject-to-BART because their contribution to visibility impairment fell below the contribution threshold selected by the State: Terrebonne Parish Consolidated Government Houma Generating Station (Houma), Louisiana Energy and Power Authority Plaquemine Steam Plant (Plaquemine), Lafayette Utilities System Louis "Doc" Bonin Generating Station, Cleco Teche, Entergy Sterlington, NRG Big Cajun I, and NRG Big Cajun II. In addition, we approved the core requirements for regional haze SIPs found in 40 CFR 51.308(d) such as: The requirement to establish reasonable progress goals, the requirement to determine the baseline and natural visibility conditions, and the requirement to submit a long-term strategy; and the BART requirements for regional haze visibility impairment with respect to emissions of visibility impairing pollutants in 40 CFR 51.308(e). The State fulfilled all outstanding obligations with respect to the Louisiana regional haze program for the first planning period.

#### C. Louisiana's Regional Haze Progress Report SIP

Under 40 CFR 51.308(g), each state was required to submit a progress report that evaluates progress towards the RPGs for each Class I area within and outside the state which may be affected by emissions from within the state. In addition, 40 CFR 51.308(h) requires states to submit, at the same time as the progress report, a determination of the adequacy of the state's existing regional haze implementation plan.<sup>30</sup> The

<sup>30</sup> The Regional Haze Rule requires states to provide in the progress report an assessment of whether the current "implementation plan" is sufficient to enable the states to meet all established RPGs under 40 CFR 51.308(g). The term "implementation plan" is defined for purposes of the Regional Haze Rule to mean any SIP, FIP, or Tribal Implementation Plan. As such, the Agency may consider measures in any issued FIP as well as those in a state's regional haze plan in assessing the adequacy of the "existing implementation plan" under 40 CFR 51.308(g) and (h).

progress report for the first planning period is due five years after submittal of the initial regional haze SIP and must take the form of a SIP revision. Louisiana submitted its initial regional haze SIP on June 13, 2008.

On March 25, 2021, Louisiana submitted its progress report to the EPA in the form of a SIP revision under 40 CFR 51.308. As described in further detail in section II of this proposed rulemaking, to address the progress report requirements, the State provided: (1) A description of the status of measures in the approved regional haze SIP; (2) a summary of emission reductions achieved; (3) an assessment of visibility conditions for the one Class I area in Louisiana and for one Class I area in Arkansas; (4) an analysis tracking the changes in emissions from sources and activities within the state; (5) an assessment of any significant changes in anthropogenic emissions within or outside the state that have limited or impeded progress in reducing pollutant emissions and improving visibility; (6) an assessment of whether the approved regional haze SIP elements and strategies are sufficient to enable the State (and other states with Class I areas affected by emissions from the state) to meet all established RPGs; (7) a review of the State's visibility monitoring strategy; and (8) a determination of adequacy of the existing implementation plan.

## II. Evaluation of Louisiana's Regional Haze Progress Report SIP Revision

On March 25, 2021, the EPA received Louisiana's periodic report on progress for the State's regional haze SIP in the form of a SIP revision. That submission is the subject of this proposed approval. The periodic report for the first implementation period assessed visibility progress toward the 2018 RPG for the one Class I area in Louisiana and also assessed visibility progress for one Class I area in Arkansas affected by emissions from Louisiana. The recent data shows visibility improvement that is exceeding the visibility goals set for 2018 and emission trends indicate that SO<sub>2</sub>, NO<sub>x</sub>, and PM emissions have all been decreasing. The EPA is, therefore, proposing to approve Louisiana's progress report on the basis that it satisfies the requirements of 40 CFR 51.308(g) and (h), as explained in further detail in each subsequent section.

### A. Class I Areas

Louisiana has one Class I area within its borders that is addressed in the progress report: The Breton National

Wilderness Refuge (Breton).<sup>31</sup> Visibility impairment at Louisiana's Class I area was tracked in units of deciviews, which is related to the cumulative sum of visibility impairment from individual aerosol species as measured by monitors in the IMPROVE Network. The State used the Breton IMPROVE monitor as well as data from a nearby monitoring site, the Gulfport SEARCH site, to supplement the Breton monitoring data. Through collaboration with the Central Regional Air Planning Association (CENRAP), LDEQ worked with the central states to assess state-by-state contributions to visibility impairment in specific Class I areas in Louisiana and those affected by emissions from Louisiana in development of the Regional Haze SIPs for the first planning period. LDEQ indicated that one Class I areas outside Louisiana's borders at Caney Creek Wilderness area<sup>32</sup> in southwest Arkansas was impacted by emissions from within Louisiana. In the ensuing sections, we discuss how the State addressed the progress report requirements under 40 CFR 51.308(g) and (h) for these Class I areas, and we show our analysis and proposed determination as to whether the State satisfied the requirements.

### B. Status of Implementation of Measures

In its progress report, Louisiana summarized the status of the implementation of measures that were relied upon by Louisiana in its regional haze plan under 40 CFR 51.308(g) to control visibility impairing pollutants at affected class I areas. The control measures identified by the State in the progress report are as follows:

- Non-EGU Controls
- EGU Controls
- CAIR and CSAPR
- Smoke Management Plan (SMP)
- Additional Federal Measures

#### 1. Non-EGU Controls

Four non-EGU facilities were identified as BART-eligible and LDEQ identified three of them as subject-to-BART and required to install, operate,

<sup>31</sup> The Breton National Wilderness Refuge has a total of 5,000 acres located thirty miles off the southeast coast of Louisiana. A small section of Breton National Wildlife Refuge is located on Breton Island which consists of two adjacent islands (north and south) with a combined length of about three miles and a width of less than one mile. The greater portion of the refuge consists of the Chandeleur Islands, an approximately twenty-mile-long crescent of land lying north of Breton. Between Breton and Chandeleur are more islands owned by the state and managed by the refuge.

<sup>32</sup> Caney Creek Wilderness is located in Polk County, Arkansas, and covers 14,460 acres on the southern edge of the Ouachita National Forest and protects a rugged portion of the Ouachita Mountains.

and maintain BART controls. The three non-EGUs identified as subject-to-BART were Phillips 66 Company-Alliance Refinery (formerly ConocoPhillips), Mosaic Fertilizer LLC—Uncle Sam Plant; Eco-Services Operations, LLC (formerly Rhodia). EPA approved the SO<sub>2</sub>, NO<sub>x</sub>, and PM BART determinations for these non-EGU facilities in the December 21, 2017 final action<sup>33</sup> along with their associated AOC requirements<sup>34</sup> that made these control measures permanent and enforceable.

#### a. Phillips 66—Alliance Refinery

Phillips 66 installed SO<sub>2</sub>, NO<sub>x</sub>, and PM<sub>10</sub> controls<sup>35</sup> required by the December 5, 2005, consent decree<sup>36</sup> for 22 sources. EPA approved LDEQ's BART determination that the controls and conditions required by the consent decree satisfied BART. In order to make the limits enforceable for regional haze SIP purposes, Phillips 66 and LDEQ entered into AOC No. AE-AOC-14-00211A to mirror the SO<sub>2</sub>, NO<sub>x</sub>, and PM<sub>10</sub> limits imposed by the consent decree with a compliance date of April 29, 2016. The EPA final approval date was December 21, 2017, (82 FR 60520).

#### b. Mosaic Fertilizer, LLC

Mosaic Fertilizer, LLC installed SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> controls<sup>37</sup> required by its December 23, 2009, consent decree<sup>38</sup> for thirteen sources that are a part of three sulfuric acid operation trains (A, D, and E), of which trains A and D were subject-to-BART. EPA approved LDEQ's BART determination that the controls and conditions required by the consent decree satisfy BART. In order to make the limits enforceable for regional haze SIP purposes, Mosaic Fertilizer, LLC and LDEQ entered into AOC No. AE-AOC-14-00274A to mirror the SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> limits imposed by the consent decree with a compliance deadline of June 6, 2016. The EPA final approval date was December 21, 2017 (82 FR 60520).

<sup>33</sup> 82 FR 60520.

<sup>34</sup> Phillips 66 AOC No. AE-AOC-14-00211A; Mosaic Fertilizer, LLC AOC No. AE-AOC-14-00274A; and Eco Services Operations Corp. AOC No. AE-AOC-14-00957.

<sup>35</sup> See Table 2: Phillips 66 AOC Conditions (pages 7–9) of the State's progress report.

<sup>36</sup> *U.S. et al. v. ConocoPhillips Company*, Civil Action No. H-05-0258 (S.D. Tx).

<sup>37</sup> See Table 3: Mosaic AOC Conditions (pages 11–12) of the State's progress report.

<sup>38</sup> *U.S. et al. v. Mosaic Fertilizer, LLC*, Civil Action No. 09-6662 (E.D. La).

#### c. Eco Services Operations Corp.

Eco Services Operations Corp. installed SO<sub>2</sub> controls<sup>39</sup> required by its July 23, 2007, consent decree<sup>40</sup> for two sulfuric acid production trains, Unit 1 and Unit 2 (only Unit 2 is subject-to-BART). The consent decree required a scrubber to be installed on each of the units to control SO<sub>2</sub> emissions. EPA approved LDEQ's BART determination that the controls and conditions required by the consent decree satisfy BART. In order to make the limits enforceable for regional haze SIP purposes, Eco Services Operations Corp. and LDEQ entered into AOC No. AE-AOC-14-00957 to mirror the SO<sub>2</sub> limits imposed by the consent decree with a compliance deadline of August 8, 2016. The EPA final approval date was December 21, 2017 (82 FR 60520).

#### 2. EGU Controls

Seventeen EGU facilities were identified as BART-eligible and LDEQ identified seven of those EGU facilities as being subject-to-BART and required to install BART controls: Cleco Brame Energy Center and six different Entergy facilities (Little Gypsy, Ninemile Point, Waterford, Willow Glen, Michoud, and Nelson). EPA approved the SO<sub>2</sub> and PM BART determinations for these EGU facilities in the December 21, 2017, final action<sup>41</sup> along with their associated AOC requirements that made the control measures permanent and enforceable. In addition, as described below, EPA approved emission limits for NRG Big Cajun II, a BART eligible EGU source that screened out of being subject-to-BART.

#### a. NRG Big Cajun II

NRG Big Cajun II installed SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> controls<sup>42</sup> required by its March 6, 2013, consent decree<sup>43</sup> for two BART-eligible EGU coal-fired sources (Unit 1 and Unit 2). The consent decree required Louisiana Generating to refuel coal-fired Unit 2 to natural gas and install and continuously operate dry sorbent injection (DSI) at Unit 1 while maintaining a thirty-day rolling average SO<sub>2</sub> emission rate of no greater than 0.380 lb/MMBtu by no later than April 15, 2015. In addition to requiring DSI, the consent decree required Louisiana Generating to retire, refuel, repower, or retrofit Unit 1 by no later

<sup>39</sup> See Table 4: Eco Services AOC Conditions (page 14) of the State's progress report.

<sup>40</sup> *U.S. et al. v. Rhodia Inc.*, Civil Action No. 2:07CV134 WL (H.D. In).

<sup>41</sup> 82 FR 60520 (December 21, 2017).

<sup>42</sup> See Table 5: Sources subject-to-BART (page 15) of the State's progress report.

<sup>43</sup> *U.S. et al. v. Louisiana Generating, LLC*, Civil Action No. 09-100-JJB-RLB (M.D. La.).

than April 1, 2025. Louisiana Generating is required to notify EPA of which option it will select to comply with this condition no later than December 31, 2022. LDEQ's modeling demonstrated that, based on these existing controls and enforceable emission limits, Big Cajun II contributes less than 0.5 dv at impacted Class I areas, and therefore the facility is not subject to BART. NRG Big Cajun II and LDEQ agreed to make the consent decree limits enforceable for regional haze SIP purposes, and entered into an AOC (unnumbered) to mirror the SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> limits imposed by the consent decree with a compliance deadline of February 9, 2017. The EPA final approval date was December 21, 2017 (82 FR 60520).

b. Cleco—Brame Energy Center

The Cleco Brame Energy Center addressed SO<sub>2</sub> and PM<sub>10</sub> BART controls for two subject-to-BART EGU boilers, Nesbitt 1 and Rodemacher 2 units. The Nesbitt 1 boiler was permitted to burn natural gas or oil and did not have any air pollution controls installed. Cleco committed to burn only natural gas until a five-factor BART analysis for the fuel-oil-firing scenario was submitted to LDEQ and included in an EPA approved SIP revision. To make the prohibition on fuel-oil usage at this unit enforceable, Cleco and LDEQ entered an AOC (unnumbered) that established enforceable SO<sub>2</sub> and PM<sub>10</sub> limits, consistent with the exclusive use of natural gas for the Nesbitt 1 boiler. The Rodemacher 2 boiler has an enhanced DSI system for SO<sub>2</sub> control. The Rodemacher 2 boiler also has an electrostatic precipitator (ESP) and a fabric filter baghouse downstream of the DSI system for PM control. These controls offer the necessary controls for SO<sub>2</sub> and PM<sub>10</sub> BART for the Rodemacher 2 boiler. Therefore, emission limits were established consistent with these controls and included in the AOC to make the limits enforceable for regional haze purposes. The AOC also allowed the Rodemacher 2 boiler to meet the SO<sub>2</sub> and PM<sub>10</sub> emissions limits by conversion to natural gas only, unit retirement, or another means of achieving compliance with the emission limits. The compliance deadline of the AOC was February 9, 2017.<sup>44</sup> The EPA final approval date was December 21, 2017 (82 FR 60520).

c. Entergy—Willow Glen

Entergy addressed SO<sub>2</sub> and PM<sub>10</sub> BART controls for multiple EGU boiler units subject-to-BART (Units 2, 3, 4, 5, and the Auxiliary Boiler) at the Willow Glen facility. Each was permitted to burn fuel oil, but Entergy agreed to an AOC (unnumbered) signed February 9, 2017, to require a five-factor BART analysis for the fuel-oil firing scenario to be submitted to LDEQ and included in an EPA approved SIP revision before fuel-oil combustion would occur at the Willow Glen facility. No additional controls for the Willow Glen units would be required when burning natural gas. EPA approved LDEQ's determination that SO<sub>2</sub> and PM<sub>10</sub> BART for Willow Glen was addressed by this operational scenario.<sup>45</sup> However, as of May 31, 2016, Willow Glen was decommissioned, and the Title V operating permit was rescinded on June 6, 2018. Emissions have ceased since 2016, so the facility remains in compliance with the AOC which had a compliance deadline of February 9, 2017. The EPA final approval date was December 21, 2017 (82 FR 60520).

d. Entergy—Little Gypsy

Entergy addressed SO<sub>2</sub> and PM<sub>10</sub> BART controls for three subject-to-BART EGU boiler units at its Little Gypsy facility (Units 2, 3, and the Auxiliary Boiler). The Unit 2 boiler was permitted to burn natural gas as its primary fuel, and No. 2 and No. 4 fuel oil as secondary fuels. The Unit 3 boiler burns natural gas but was also permitted to burn fuel oil. The auxiliary boiler for Unit 3 is permitted to burn only natural gas. While no additional controls were determined to be necessary when burning natural gas, Entergy agreed to switch to ultra-low sulfur diesel (ULSD) fuel oil. In order to make the use of ULSD enforceable for regional haze purposes, LDEQ and Entergy entered into an AOC with a compliance deadline of February 13, 2017, limiting fuel oil to ULSD. The EPA final approval date was December 21, 2017 (82 FR 60520).

e. Entergy—Ninemile Point

Entergy addressed SO<sub>2</sub> and PM<sub>10</sub> BART controls for two subject-to-BART EGU boiler units at its Ninemile Point facility (Units 4 and 5). The Unit 4 boiler burned primarily natural gas and No. 2 and No. 4 fuel oil. The Unit 5 boiler burned primarily natural gas and No. 2 and No. 4 fuel oil. While no additional controls were determined to be necessary when burning natural gas, Entergy agreed to switch to ULSD fuel

oil. In order to make the use of ULSD enforceable for regional haze purposes, LDEQ and Entergy entered into an AOC (unnumbered) with a compliance deadline of February 9, 2017, limiting fuel oil to ULSD with a sulfur content of 0.0015%. The EPA final approval date was December 21, 2017 (82 FR 60520).

f. Entergy—Waterford 1 and 2

Entergy addressed SO<sub>2</sub> and PM<sub>10</sub> BART controls for three subject-to-BART EGU boiler units at its Waterford 1 & 2 Generating Plant facility (Units 1 and 2 and the auxiliary boiler). The Unit 1 boiler is an EGU boiler that burned primarily natural gas and No. 6 fuel oil as its secondary fuel. The Unit 2 boiler is an EGU boiler that burned primarily natural gas and No. 6 fuel oil as its secondary fuel. The auxiliary boiler burns only natural gas. While no additional controls were determined to be necessary when burning natural gas, Entergy agreed to switch to fuel oil with a lower sulfur content. In order to make the lower sulfur content fuel enforceable for regional haze purposes, LDEQ and Entergy entered into an AOC with a compliance deadline of February 9, 2017, limiting fuel oil to a sulfur content of 1% or less. The EPA final approval date was December 21, 2017 (82 FR 60520).

g. Entergy—Michoud

Entergy addressed SO<sub>2</sub>, NO<sub>x</sub>, and PM BART controls for two subject-to-BART EGU boiler units at its Michoud Generating Plant (Units 2 and 3). In a letter dated August 10, 2016, Entergy elected to permanently retire Units 2 and 3 effective June 1, 2016. Subsequently, the Title V Operating Permit was modified to remove these units effective January 31, 2019. All SO<sub>2</sub>, PM, and NO<sub>x</sub> emissions from Units 2 and 3 at Michoud have ceased after 2016 and the boilers are no longer in operation. The EPA final approval date was December 21, 2017 (82 FR 60520).

h. Entergy—Nelson

Entergy addressed SO<sub>2</sub> and PM<sub>10</sub> BART controls for three subject-to-BART boiler units at its Roy S. Nelson steam electric power generating facility (Unit 4 and 6 Boilers, and Unit 4 Auxiliary Boiler). The required SO<sub>2</sub> and PM<sub>10</sub> BART controls preclude fuel-oil combustion at Unit 4 and the Unit 4 Auxiliary boiler. To make the prohibition on fuel-oil usage enforceable for regional haze purposes, Entergy and LDEQ entered into an AOC (unnumbered) that established that before fuel-oil firing is allowed to take place at Unit 4 and the auxiliary boiler,

<sup>44</sup> See Table 6: Brame Summary of AOC Conditions (page 17) of the State's Progress Report.

<sup>45</sup> 82 FR 22943 (May 19, 2017).

a revised BART determination must be promulgated for SO<sub>2</sub> and PM<sub>10</sub> for the fuel oil firing scenario through a Federal Implementation Plan (FIP) or a SIP revision approved by the EPA that is federally enforceable. For the Unit 6 boiler, the facility accepted SO<sub>2</sub> and PM<sub>10</sub> limits consistent with the utilization of coal with a lower sulfur content.<sup>46</sup> These limits are in addition to existing controls for PM<sub>10</sub> and NO<sub>x</sub>: ESP with flue gas conditioning for PM<sub>10</sub> control, and Separated Overfire Air Technology (SOFA) with Low NO<sub>x</sub> Concentric Firing System (LNCFS) for NO<sub>x</sub> control. The AOC (unnumbered) compliance deadline for the Unit 4 boiler was on October 26, 2017, and for the Unit 6 boiler was on January 21, 2021. The EPA final approval date was December 21, 2017 (82 FR 60520).

### 3. CAIR and CSAPR

In 2005, the EPA issued CAIR,<sup>47</sup> which participating states could rely on in lieu of BART for EGUs.<sup>48</sup> CAIR was designed to address power plant pollution transported from one state to another via a cap-and-trade system to reduce SO<sub>2</sub> and NO<sub>x</sub> emissions as the target pollutants. LDEQ's 2008 regional haze SIP revision relied on participation in CAIR as an alternative to meeting the source specific EGU BART requirements for SO<sub>2</sub> and NO<sub>x</sub>.<sup>49</sup> In December 2008, shortly after LDEQ submitted its SIP to EPA, the D.C. Circuit remanded CAIR to the EPA, leaving existing CAIR programs in place while directing the EPA to replace them with a new rule.<sup>50</sup> So although CAIR was remanded, CAIR remained in effect and sources in Louisiana continued to comply with the state and federal requirements associated with CAIR. In 2011, EPA promulgated CSAPR to replace CAIR.<sup>51</sup> In 2012, EPA amended the Regional Haze Rule to allow CSAPR participation as an alternative to source-specific SO<sub>2</sub> and NO<sub>x</sub> BART for EGUs on a pollutant-specific basis.<sup>52</sup> CSAPR requires 28 eastern states to reduce power plant emissions that contribute to O<sub>3</sub> and PM<sub>2.5</sub> pollution in other states. The rule requires reductions in O<sub>3</sub> season NO<sub>x</sub> emissions that cross state lines for

certain states, including Louisiana, under the O<sub>3</sub> requirements, and reductions in annual SO<sub>2</sub> and NO<sub>x</sub> emissions for certain states, not including Louisiana, under the PM<sub>2.5</sub> requirements. LDEQ established reliance upon CSAPR for O<sub>3</sub> season NO<sub>x</sub> as an alternative to meet the NO<sub>x</sub> BART requirements for their EGU sources. The EPA set emission budgets for each state covered by CSAPR. Allowances are allocated to affected sources based on these state emission budgets.<sup>53</sup> Since promulgating the use of CSAPR as an alternative to source-specific BART for EGUs, the EPA has promulgated an update to the CSAPR program with more stringent budgets.<sup>54</sup> The CSAPR update revised the O<sub>3</sub> season NO<sub>x</sub> budget for Louisiana's EGUs to 18,639 tons NO<sub>x</sub> in 2017 and beyond.<sup>55</sup> Participation in CSAPR for O<sub>3</sub> season NO<sub>x</sub> is federally enforceable under 40 CFR 52.38.

### 4. Smoke Management Plan (SMP)

The progress report states that the State is also relying on a Smoke Management Program (SMP) that it adopted (effective July 1, 2012). LDEQ implements controlled and open-burning practices within the state. The Louisiana SMP was designed to assure that prescribed fires are planned and executed in a manner designed to minimize the impacts from smoke produced by prescribed fires. The programs in this measure are generally designed to limit increases in emissions rather than to reduce existing emissions.

### 5. Additional Federal Measures

The State of Louisiana also considered in its progress report the following ongoing pollution control programs for continuing emission reductions as supplements to the regional haze plan:

<sup>53</sup> The rule provides flexibility to affected sources, allowing sources in each state to determine their own compliance path. This includes adding or operating control technologies, upgrading or improving controls, switching fuels, and using allowances. Sources can buy and sell allowances and bank (save) allowances for future use as long as each source holds enough allowances to account for its emissions by the end of the compliance period.

<sup>54</sup> See 81 FR 74504. On October 26, 2016, we finalized an update to CSAPR that addresses the 1997 O<sub>3</sub> NAAQS portion of the remand as well as the CAA requirements addressing interstate transport for the 2008 O<sub>3</sub> NAAQS.

<sup>55</sup> CSAPR has been subject to extensive litigation, and on July 28, 2015, the D.C. Circuit issued a decision generally upholding CSAPR but remanding without vacating the CSAPR emissions budgets for a number of states. Louisiana's O<sub>3</sub> season NO<sub>x</sub> budgets were not included in the remand. *EME Homer City Generation v. EPA*, 795 F.3d 118, 138 (D.C. Cir. 2015).

- Permitting to ensure compliance with New Source Performance standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP).

- Prevention of Significant Deterioration (PSD) requirements.

- National Petroleum Refinery Initiative.

- Mobile Emissions Regulations.

- National Petroleum Refinery Initiative.

### 6. EPA's Conclusion on the Status of Implementation of Measures

The EPA proposes to find that the State has adequately addressed the applicable provisions under 40 CFR 51.308(g) regarding reporting the status of implementation of measures in its implementation plan. The State's progress report documented the status of all measures included in its regional haze SIP and it also described additional measures that came into effect since the State's regional haze SIP was completed, including various federal measures. All major control measures were identified in each SIP revision and the strategy behind each control was explained. The State included a summary of the implementation status associated with each measure and adequately outlined the compliance timeframe for all controls.

#### *C. Emissions Reductions From Implementation of Measures*

The State presented emission data in its progress report that provided a summary of the emission trends and reductions achieved through the implementation of the BART controls that were required to be installed, operated, and maintained in the regional haze SIP to control the visibility impairing pollutants contributing to haze. The State provided combined annual emission trends of SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub> for all eleven subject-to-BART EGU and non-EGU facilities included in section II.B of this action from 2000 to 2019.<sup>56</sup> The State also provided figures depicting the annual emission trends applicable to each subject-to-BART facility.<sup>57</sup> The overall combined annual emissions for each pollutant trended downward from the baseline since 2008. The State quantified the emission reductions achieved by comparing the five-year average from the baseline (2004–2008) to the five-year average at the end of the

<sup>56</sup> See Figure 12: Combined Annual Emissions from Major Stationary BART Sources (page 26) of the progress report.

<sup>57</sup> See Figures 1 to 11 of the progress report (pages 10 to 23).

<sup>46</sup> See Table 7: Nelson Summary of AOC Limits (page 23) of the State's progress report.

<sup>47</sup> See 70 FR 25161 (May 12, 2005).

<sup>48</sup> See 70 FR 39104, 39139 (July 6, 2005).

<sup>49</sup> See 40 CFR 51.308(e)(4) (2006).

<sup>50</sup> *North Carolina v. EPA*, 531 F.3d 896, 901 (D.C. Cir. 2008), modified, 550 F.3d 1176, 1178 (D.C. Cir. 2008).

<sup>51</sup> 76 FR 48207 (August 8, 2011).

<sup>52</sup> While that rulemaking also promulgated FIPs for several states to replace reliance on CAIR with reliance on CSAPR as an alternative to BART, it did not include a FIP for Louisiana. (see 77 FR 33642, 33654).

first implementation period (2015–2019).<sup>58</sup> The five-year average emission reductions achieved since the baseline from the subject-to-BART controls included 13,195 tons NO<sub>x</sub>, 41,264 tons SO<sub>2</sub>, 1,367 tons PM<sub>10</sub>, and 356 tons PM<sub>2.5</sub> (see Table 1).

TABLE 1—FIVE YEAR AVERAGE EMISSION REDUCTIONS FROM BART SOURCES FOR 2004–2008 AND 2015–2019

Year	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	SO <sub>2</sub>
2004–2008 Average .....	37,532	3,782	2,009	70,902
2015–2019 Average .....	24,338	2,415	1,652	29,638
Change .....	– 13,195	– 1,367	– 356	– 41,264

In addition to the emission reductions from BART controls, the CSAPR update revised the O<sub>3</sub> season NO<sub>x</sub> budget for Louisiana units to 18,639 tons NO<sub>x</sub> in 2017 and beyond. The 2019 actual O<sub>3</sub> season emission for Louisiana totaled 17,751 tons NO<sub>x</sub> for 88 different sources.<sup>59</sup> The State noted that, along with the replacement of CAIR with CSAPR, there have been many ongoing air pollution programs that supplement the regional haze program since submittal of Louisiana’s Regional Haze SIP in 2008. These programs include adoption of a SMP that was effective July 1, 2012, NSPS and NESHAP permitting, PSD regulatory requirements, the National Petroleum Refinery Initiative, mobile emissions regulations, and the National Petroleum Refinery Initiative. Louisiana noted that these additional federal air pollution programs are anticipated to result in even greater emission reductions that could result in further visibility improvement than the programs in

place when the 2008 Louisiana Regional Haze SIP revision was submitted to the EPA.

The EPA proposes to conclude that the State has adequately addressed the applicable provisions under 40 CFR 51.308(g) regarding a summary of emission reductions achieved for visibility impairing pollutants. Overall, the State demonstrated the emission reductions achieved for the major contributing visibility impairing pollutants in the State for the first implementation period. Emissions of SO<sub>2</sub>, NO<sub>x</sub>, and PM, the top three main contributors to regional haze in Louisiana, have all decreased from the 2002 baseline levels through 2019. Overall visibility conditions have improved as a result of these reductions together with decreases from outside of the state.

*D. Visibility Conditions and Changes*

Louisiana included in its progress report the annual average visibility from

2001 to 2018 for the twenty percent best (least impaired) and twenty percent worst (most impaired) days at Breton National Wilderness Refuge.<sup>60</sup> Although visibility conditions have varied from year-to-year, the progress report showed that Breton has displayed an overall improvement in visibility since 2001.<sup>61</sup> LDEQ reported that Breton showed improved visibility from the 2000 to 2004 baseline<sup>62</sup> during the worst days for the most current period (2014 to 2018).<sup>63</sup> Breton area also showed improvement from the baseline on the twenty percent best days and satisfied the goal of no visibility degradation for the first implementation period. The progress report showed that the visibility at Breton during the 2014–2018 period was 5.02 dv below the 2000–2004 baseline for the twenty percent worst days and 1.31 dv below the baseline for the twenty percent best days as reflected in Tables 2 and 3 below.

TABLE 2—VISIBILITY AT BRETON NATIONAL WILDERNESS FOR TWENTY PERCENT BEST DAYS [Five-year avg.]

Class I area	Baseline (2000–2004) (dv)	Most recent (2014–2018) (dv)	Most recent minus baseline (dv)
Breton National Wilderness Refuge .....	13.12	11.81	– 1.31

\* A negative sign indicates a reduction from the baseline.

<sup>58</sup> See Table 8 of the progress report (page 26).

<sup>59</sup> Source: U.S. EPA Clean Air Market Division [www.epa.gov/airmarkt/](http://www.epa.gov/airmarkt/).

<sup>60</sup> The *most and least impaired days* in the regional haze rule refers to the average visibility impairment (measured in dv) for the twenty percent of monitored days in a calendar year with the highest and lowest amount of visibility impairment, respectively, averaged over a five-year period (see 40 CFR 51.301). In this report, when we refer to “best days” we mean “least impaired” and when we refer to “worst days” we mean “most impaired.”

<sup>61</sup> See Table 15: Visibility Index at Breton of the progress report (pages 31).

<sup>62</sup> Note that the period for establishing baseline visibility conditions is 2000–2004. The Breton IMPROVE monitor did not meet the data capture requirements of the Regional Haze Rule for the 2000–2004 monitoring period; however, data from a nearby monitoring site, the Gulfport SEARCH site, was used to supplement the Breton monitoring data to establish the baseline.

<sup>63</sup> Progress reports for the first implementation period used specific terms to describe time-periods.

“Baseline visibility conditions” refers to conditions during the 2000 to 2004 time-period. “Current visibility conditions” refers to the most recent five-year average data available at the time the State submitted its progress report for public review. “Past five years” refers to the five-year average previous to the five years used for “current visibility conditions.”



TABLE 3—VISIBILITY AT BRETON NATIONAL WILDERNESS FOR TWENTY PERCENT WORST DAYS  
[Five-year avg.]

Class I area	Baseline (2000–2004) (dv)	Most recent (2014–2018) (dv)	Most recent minus baseline (dv)
Breton National Wilderness Refuge .....	25.73	20.71	– 5.02

\* A negative sign indicates a reduction from the baseline.

When comparing the 2018 RPG of 22.51 dv with the observed five-year visibility trends, Breton is realizing more visibility improvement than needed to meet the 2018 RPG. The average visibility condition at Breton during the 2014 to 2018 period for the twenty percent worst days was 1.8 dv below the 2018 RPG. Therefore, the EPA proposes to conclude that the State has adequately addressed the applicable provisions under 40 CFR 51.308(g) with respect to visibility conditions at Louisiana’s Class I area.

*E. Emission Tracking*

In its progress report, the State presented National Emission Inventory (NEI) total combined anthropogenic emissions for the criteria pollutants for 2002, 2008, 2011, 2014, and 2017. The baseline 2000 to 2004 period was represented by the 2002 NEI. The most recent NEI inventory available at the time of development of the progress report to represent current emissions was from the draft 2017 NEI. The overall total combined anthropogenic emissions

of CO, SO<sub>2</sub>, NH<sub>3</sub>, PM, NO<sub>x</sub>, and VOC were depicted in a stacked bar chart<sup>64</sup> in the progress report and showed a total emission decrease from the 2002 base year period to the most recent 2017 inventory year. The State noted, however, that there was a slight increase in emissions in 2008 in the chart that could be attributed to normal growth that preceded the implementation of controls from the 2008 Regional Haze SIP. A more significant increase in combined anthropogenic emissions occurred in 2011. The State attributed that increase to a change in methodology using the EPA Oil and Gas tool for estimating emissions from oil and gas production facilities. That tool was developed for the 2011 NEI and used for all subsequent NEIs. A downward trend was shown from 2011 to 2017, which the State made as the focus of the progress report. The State noted that despite the significant increase in 2011, the 2014 and 2017 NEI total combined anthropogenic emissions reduced to lower than the emissions in 2008 when the original SIP was

submitted. That trend reflects the implementation of controls from the Louisiana Regional Haze SIP. Also, the 2017 NEI emissions were well below the 2002 NEI baseline totals.

In order to further evaluate the effectiveness of the 2018 Regional Haze SIP for the most recent five-year period, LDEQ compared categorized anthropogenic emission inventories for 2011 and 2017.<sup>65</sup> The pollutants inventoried included SO<sub>2</sub>, NO<sub>x</sub>, NH<sub>3</sub>, VOC, CO, PM<sub>2.5</sub>, and PM<sub>10</sub>. The inventories were categorized for all major visibility-impairing pollutants under major anthropogenic source groupings. The anthropogenic source categorization included point and non-point sources, on and non-road mobile sources, and area sources. A reduction in the total emissions for each of the criteria pollutants was observed over the six-year period from 2011 to 2017 as seen in Table 4. The pollutants of concern for haze in Louisiana, SO<sub>2</sub>, NO<sub>x</sub>, and PM<sub>10</sub> were collectively reduced by nearly 505,305 tons.

TABLE 4—COMPARISON OF 2011 TO 2017 ANTHROPOGENIC EMISSIONS  
[tpy]\*

Inventory year	VOC	NO <sub>x</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>	NH <sub>3</sub>	SO <sub>2</sub>	CO
2011 .....	426,115	558,235	125,749	395,370	56,742	274,588	1,195,493
2017 .....	260,746	331,115	78,455	252,843	45,959	141,930	788,471
Δ 2011–2017 .....	– 165,369	– 227,120	– 47,294	– 145,527	– 10,783	– 132,658	– 407,022

\* Table 11 of the progress report SIP submittal showed incorrect emission reduction totals for 2011 and 2017, but the corrected totals calculated from Tables 9 and 10 are shown in this table.

A similar comparison of the 2017 NEI emissions and the 2018 projected emissions provides a look at the change in actual emissions to what was originally projected for 2018 for the purpose of Regional Haze SIP development. As shown in Table 5 of this action, the total NEI actual emissions from all criteria pollutants was less. The NEI actual emission

reductions surpassed the projected emissions for VOC, NO<sub>x</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, and CO significantly. The total PM<sub>10</sub> emissions were not reduced as dramatically as projected, but the State noted that was likely impacted by the increase in oil and gas emissions unaccounted for at the time of the 2008 Regional Haze SIP revisions. The actual 2017 NEI emissions for NO<sub>x</sub> and SO<sub>2</sub>

totalled 515,805 tons less than what was projected for 2018. That difference far outweighs the higher actual tons of PM<sub>10</sub> emissions than projected for PM<sub>10</sub> because sulfate and nitrate particulate from SO<sub>2</sub> and NO<sub>x</sub> emissions make up 83% of the composition of the light extinction contributing to haze at Breton.<sup>66</sup>

<sup>64</sup> See Figure 13: NEI Anthropogenic Emissions Totals (page 27) of the progress report.

<sup>65</sup> See Tables 9 to 11 (page 28) of the progress report.

<sup>66</sup> See Table 16: Total Light Extinction and Composition at Breton (page 33) of the progress report.

TABLE 5—COMPARISON OF 2017 NEI ACTUAL EMISSIONS AND 2018 PROJECTED EMISSIONS [tpy]

Inventory	VOC	NO <sub>x</sub>	PM <sub>2.5</sub>	PM <sub>10</sub>	NH <sub>3</sub>	SO <sub>2</sub>	CO
2017 NEI actual Emissions .....	260,746	331,115	78,455	252,843	45,959	141,930	788,471
Projected 2018 Emissions .....	399,975	535,080	84,581	99,933	56,839	453,770	1,367,027
Δ 2017 NEI—Projected 2018 .....	− 139,229	− 203,965	− 6,126	152,910	− 10,880	− 311,840	− 578,556

The EPA proposes to conclude that the State has adequately addressed the applicable provisions under 40 CFR 51.308(g). The State tracked changes in emissions by category across the entire emission inventory and the results showed that the emissions from SO<sub>2</sub>, NO<sub>x</sub>, and PM, the main contributors of regional haze in Louisiana, have all decreased since the 2008 SIP submittal. The 2011 to 2017 analysis included the most recent five-year period for which data was available. These data indicated that overall emissions of all visibility impairing pollutants reduced. SO<sub>2</sub>, NO<sub>x</sub>, and PM emissions have continued to show a downward trend since 2011, which supports that the controls included as part of the 2008 Regional Haze long-term strategy were effective in reducing emissions. The EPA concludes that the State presented an adequate analysis tracking emission trends for the key visibility impairing pollutants across Louisiana.

*F. Assessment of Changes Impeding Visibility Progress*

The State indicated in the progress report<sup>67</sup> that there were no significant changes in anthropogenic emissions that limited or impeded progress in reducing pollutant emissions and improving visibility at the State’s one Class I area that were not already contemplated in the 2008 Louisiana Regional Haze SIP and subsequent revisions. Breton National Wilderness Refuge has shown overall downward trends in visibility impairment as a result of the implemented controls in Louisiana and other states. The State’s current analysis of emission reductions and categorized inventories presented in the progress report showed that no significant changes in emissions within the state occurred to further impede or adversely affect the visibility improvement at Breton. It was also determined that additional emission reductions from other states were not necessary to address visibility impairment at Breton for the first implementation period. No significant emission changes from sources outside of Louisiana were identified that limited or impeded

progress in reducing pollutant emissions and improving visibility at Breton. EPA proposes to conclude that the State has adequately addressed the applicable provisions under 40 CFR 51.308(g) regarding assessing any changes that could impede visibility progress.

*G. Assessment of Current Strategy To Meet RPGs*

In its progress report, the State assessed the strategies in the Louisiana Regional Haze SIP and subsequent revisions. The State determined that the strategies were sufficient to enable Louisiana and other states with Class I areas affected by emissions from Louisiana to meet all established RPGs. Louisiana’s Regional Haze SIP revisions,<sup>68</sup> which EPA finalized approval on December 21, 2017,<sup>69</sup> outlined control measures to improve visibility by reducing anthropogenic emissions of SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and NO<sub>x</sub>. Specific regional haze BART controls and enforceable limits were imposed on eleven major stationary sources (three non-EGU sources and eight EGU sources) and resulted in a decrease in the target pollutants. Actual point source emissions from 2002–2017 were reduced as follows; SO<sub>2</sub> emissions were reduced by 61% (214,227 tons); NO<sub>x</sub> emissions were reduced by 55% (177,384 tons); PM<sub>10</sub> emissions were reduced by 34% (10,212 tons); and PM<sub>2.5</sub> emissions were reduced by 23% (9,458 tons). Currently, Breton National Wilderness Refuge is achieving greater visibility improvement than its 2018 RPG.<sup>70</sup> Based on available monitored data, Breton is realizing more visibility improvement than needed to meet its 2018 RPG. The current visibility trendline is 1.8 dv below the respective 2018 RPG of 22.51 dv from the baseline

conditions and visibility is continuing to improve.

LDEQ acknowledged in the progress report that sources in Louisiana have the potential to impact one Class I area in Arkansas, Caney Creek Wilderness Area. No specific emissions from Louisiana sources were identified in Arkansas’ plan that would prevent or inhibit reasonable progress at Caney Creek or any other mandatory federal Class I areas in Arkansas. Emissions from Louisiana were below the 2018 projected levels relied on for planning by Arkansas for the first planning period. Arkansas stated in its August 8, 2018, Regional Haze SIP Revision that Arkansas is already on track to meet or exceed the established reasonable progress goals for Caney Creek.<sup>71</sup> When comparing the revised 2018 RPG with the observed five-year visibility trend, Caney Creek is already realizing more visibility improvement than needed to meet the revised 2018 RPG. The visibility index at Caney Creek during the 2012–2016 period (the most current five-year period at the time of the submittal) was 20.64 dv, which is 1.83 dv below the 2018 revised RPG of 22.47 dv, and visibility is continuing to improve.

The EPA proposes to conclude that the State has adequately addressed the applicable provisions under 40 CFR 51.308(g) to assess the current strategy to meet the RPGs. The State has assessed the implementation plan in place at the time that its progress report was submitted, and we find that the implementation plan as it currently exists is sufficient to enable the state of Louisiana and other nearby states to meet their RPGs. The realized and planned controls and reductions that form the current strategy for the first implementation period are sufficient to meet the RPGs as established in the Louisiana Regional Haze SIP (including all revisions). Breton National Wilderness Refuge in Louisiana is currently meeting the 2018 RPG for the twenty percent worst days and shows

<sup>71</sup> See Figure 17: Caney Creek Reasonable Progress Goals (page 42) of the progress report. See spreadsheet, *visibility-progress.xlsx*, provided at <https://www.adeq.state.ar.us/air/planning/sip/regional-haze.aspx>.

<sup>68</sup> See October 27, 2016, proposed approval (81 FR 74750) for the BART determinations for non-EGU facilities; the May 19, 2017, proposed approval (82 FR 22936) for the BART determinations for EGU facilities, and the July 13, 2017, proposed approval (82 FR 32294) for BART determination for Nelson Unit 6.

<sup>69</sup> See December 21, 2017, final approval (82 FR 60520) of these SIP revisions which became effective on January 22, 2018.

<sup>70</sup> See Table 15 of the progress report (page 31).

<sup>67</sup> See Pages 41–42 of the progress report.

that the goal of no visibility degradation for the twenty percent best days is also being achieved. Caney Creek Wilderness area in Arkansas is also on track to achieve its visibility reduction goals.

#### H. Review of Visibility Monitoring Strategy

The monitoring strategy for regional haze in Louisiana relies upon participation in the IMPROVE<sup>72</sup> network, which is the primary monitoring network for regional haze nationwide. The IMPROVE network provides a long-term record for tracking visibility improvement or degradation. LDEQ currently relies on data collected through the IMPROVE network to satisfy the regional haze monitoring requirement as specified in 40 CFR 51.308(d)(4) of the Regional Haze Rule. In Louisiana, there is one active IMPROVE site monitor (AQS ID: 22–071–9000) located in Orleans County and represents the 5,000 acres of the Breton National Wilderness Refuge.

In the progress report, LDEQ reported observed visibility data annually for the Breton National Wilderness Refuge to the EPA from the IMPROVE dataset.<sup>73</sup> LDEQ tracked the annual visibility index at Breton from 2001 to 2018 and reported five-year visibility trends for comparison of baseline, current, and natural conditions. LDEQ continues to track these visibility trends at Breton and identified no future changes in this network. Baseline and natural conditions for visibility progress comparisons were made using the 2008 SIP revision, when available. Otherwise, baseline<sup>74</sup> and natural conditions values were also from the IMPROVE dataset.<sup>75</sup> The Breton IMPROVE monitor also quantified aerosol species that were related to visibility impairment. The

aerosol species collected at Breton for regional haze purposes included ammonium sulfate, ammonium nitrate, organic mass, elemental carbon, fine soil, coarse mass, and sea salt. The major cause of reduced visibility at Breton was identified as sulfate particles, formed principally from SO<sub>2</sub>.<sup>76</sup> The EPA proposes to conclude that the State has adequately addressed the applicable provision under 40 CFR 51.308 for a visibility monitoring strategy.

#### I. Determination of Adequacy of Existing Implementation Plan

Louisiana provided a negative declaration stating that the Louisiana Regional Haze SIP is adequate and no further substantive revisions are needed at this time. Since the original Louisiana Regional Haze SIP submission in 2008, the State submitted three subsequent SIP revisions to fulfill its commitment to address all of the deficiencies identified in our two previous June 7, 2012, and July 3, 2012, actions on the 2008 SIP. Specific controls and enforceable limits were imposed on eleven major stationary sources that resulted in a significant decrease in visibility impairing pollutants. These controls, approved by EPA, included BART reductions on eight EGU sources and three non-EGU sources. When considering the SIP requirements that we approved in these SIP revisions along with the visibility and emission information provided in the progress report; it is clear that the implementation plan is adequate to meet its emission reductions and visibility goals for the first implementation period. Current visibility conditions in Louisiana have improved beyond the 2018 RPGs. Visibility has also improved at the one Arkansas Class I areas affected by Louisiana sources. The current emission trends show that SO<sub>2</sub>, NO<sub>x</sub>, and PM emissions (the main contributors to regional haze in Louisiana) have all been decreasing since the baseline period. The emission reductions necessary for meeting the established RPGs were achieved and exceeded the established goals. Because the SIP will ensure the control of SO<sub>2</sub>, NO<sub>x</sub>, and PM emission reductions relied upon by Louisiana and other states in setting their RPGs, the EPA is proposing to approve Louisiana's finding that there is no need for revision of the existing implementation plan to achieve the RPGs for the Class I areas in Louisiana and in nearby states impacted by

Louisiana sources. We, therefore, propose to approve Louisiana's negative declaration under 40 CFR 51.308(h) that no further substantive revisions are needed.

#### J. Consultation With Federal Land Managers

The Regional Haze Rule requires the State to provide the designated Federal Land Managers (FLMs) with an opportunity for in-person consultation at least sixty days prior to holding any public hearings on a SIP revision for the first implementation period. Louisiana invited the FLMs to comment on its draft progress report on October 29, 2020, which was sixty days prior to the public review comment period on December 28, 2020. No comments were received from the Federal Land managers. The EPA proposes to conclude that Louisiana has adequately addressed the applicable FLM provisions under 40 CFR 51.308(i).

### III. EPA's Proposed Action

The EPA is proposing to approve Louisiana's regional haze five-year progress report SIP revision (submitted March 25, 2021) as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g). The EPA is also proposing to approve Louisiana's determination of adequacy under 40 CFR 51.308(h) that no further substantive revisions are needed. Lastly, the EPA is proposing to find that Louisiana fulfilled its requirement in 40 CFR 51.308(i) regarding state coordination with FLMs.

### IV. Statutory and Executive Order Reviews

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

<sup>72</sup> See 64 FR 35715 (July 1, 1999). Data from IMPROVE show that visibility impairment caused by air pollution occurs virtually all the time at most national parks and wilderness areas. The average visual range in many Class I areas (*i.e.*, national parks and memorial parks, wilderness areas, and international parks meeting certain size criteria) in the western United States is 100–150 km, or about one-half to two-thirds of the visual range that would exist without anthropogenic air pollution. In most of the eastern Class I areas of the United States, the average visual range is less than 30 km, or about one-fifth of the visual range that would exist underestimated natural conditions.

<sup>73</sup> [http://vista.cira.colostate.edu/DataWarehouse/IMPROVE/Data/SummaryData/RHR\\_2018/SIA\\_group\\_means\\_12\\_19\\_2p.csv](http://vista.cira.colostate.edu/DataWarehouse/IMPROVE/Data/SummaryData/RHR_2018/SIA_group_means_12_19_2p.csv).

<sup>74</sup> The State noted that the Breton IMPROVE monitor did not meet the data capture requirements of the Regional Haze Rule for the 2000–2004 baseline monitoring period, so data from a nearby monitoring site, the Gulfport SEARCH site, was used to supplement the Breton monitoring data to establish the baseline.

<sup>75</sup> [http://vista.cira.colostate.edu/IMPROVE/Data/NaturalConditions/NaturalConditionsII\\_Format2\\_v2.xls](http://vista.cira.colostate.edu/IMPROVE/Data/NaturalConditions/NaturalConditionsII_Format2_v2.xls).

<sup>76</sup> See Figure 15 and Tables 16 through 23 (pages 32–40) of the progress report.

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rulemaking does not have tribal implications and will not impose substantial direct costs on tribal

governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

#### List of Subjects in 40 CFR Part 52

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

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

Dated: July 15, 2021.

**David Gray,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 2021–15395 Filed 7–20–21; 8:45 am]

**BILLING CODE 6560–50–P**

# Notices

Federal Register

Vol. 86, No. 137

Wednesday, July 21, 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

### Food and Nutrition Service

#### Child and Adult Care Food Program: National Average Payment Rates, Day Care Home Food Service Payment Rates, and Administrative Reimbursement Rates for Sponsoring Organizations of Day Care Homes for the Period July 1, 2021 Through June 30, 2022

##### Correction

In notice document 2021-14435 appearing on pages 35731-35733 in the issue of July 7, 2021, make the following correction:

On page 35722, in the table "CHILD AND ADULT CARE FOOD PROGRAM (CACFP)", in the fourth column, in the third line, ".05" should read ".50".

[FR Doc. C1-2021-14435 Filed 7-20-21; 8:45 am]

BILLING CODE 0099-10-D

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the New Jersey Advisory Committee

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the New Jersey Advisory Committee to the U.S. Commission on Civil Rights will hold a meeting via web conference or phone call on Tuesday, August 3, 2021, at 1:00 p.m. ET. The purpose of the meeting is for review, discussion and vote on the committee's forfeiture report.

**DATES:** August 3, 2021, Tuesday, at 1:00 p.m. (ET):

- To join by web conference, use WebEx link: <https://bit.ly/3raw8mE>; password, if needed: USCCR-NJ.

- To join by phone only, dial 1-800-360-9505; Access code: 199 476 7428.

**FOR FURTHER INFORMATION CONTACT:** Ivy Davis at [ero@usccr.gov](mailto:ero@usccr.gov) or by phone at 202-530-8468.

**SUPPLEMENTARY INFORMATION:** This meeting is available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the call-in number found through registering at the web link provided for this meeting.

Members of the public are entitled to make comments during the public comment portion of the agenda at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Ivy Davis at [ero@usccr.gov](mailto:ero@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (202) 539-8246. Records and documents discussed during the meeting will be available for public viewing as they become available at [www.facadatabase.gov](http://www.facadatabase.gov). Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Regional Programs Unit at the above phone number or email address.

**Agenda:** Tuesday, August 3, 2021, at 1:00 p.m. (ET).

- I. Welcome and Roll Call
- II. Review and Vote on Forfeiture Report
- III. Other Business
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: July 15, 2021.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2021-15483 Filed 7-20-21; 8:45 am]

BILLING CODE 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; Chemical Weapons Convention Provisions of the Export Administration Regulations

**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 September 20, 2021.

**ADDRESSES:** Interested persons are invited to submit comments by email to Mark Crace, IC Liaison, Bureau of Industry and Security, at [mark.crace@bis.doc.gov](mailto:mark.crace@bis.doc.gov) or to [PRAComments@doc.gov](mailto:PRAComments@doc.gov). Please reference OMB Control Number 0694-0117 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 Crace, IC Liaison, Bureau of Industry and Security, phone 202-482-8093 or by email at [mark.crace@bis.doc.gov](mailto:mark.crace@bis.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Chemical Weapons Convention (CWC) is a multilateral arms control treaty that seeks to achieve an international ban on chemical weapons (CW). The CWC prohibits, the use, development, production, acquisition, stockpiling, retention, and direct or

indirect transfer of chemical weapons. This collection implements the following export provision of the treaty in the Export Administration Regulations:

**Schedule 1 notification and report:** Under Part VI of the CWC Verification Annex, the United States is required to notify the Organization for the Prohibition of Chemical Weapons (OPCW), the international organization created to implement the CWC, at least 30 days before any transfer (export/import) of Schedule 1 chemicals to another State Party. The United States is also required to submit annual reports to the OPCW on all transfers of Schedule 1 Chemicals.

**Schedule 3 End-Use Certificates:** Under Part VIII of the CWC Verification Annex, the United States is required to obtain End-Use Certificates for exports of Schedule 3 chemicals to States not Party to the CWC to ensure the exported chemicals are only used for the purposes not prohibited under the Convention.

## II. Method of Collection

Electronically or on paper.

## III. Data

*OMB Control Number:* 0694-0117.

*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:* 72.

*Estimated Time per Response:* 30 minutes.

*Estimated Total Annual Burden Hours:* 36 hours.

*Estimated Total Annual Cost to Public:* 0.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* CWC Implementation Act (Pub. L. 105-277, Division I), Executive Order 13128, DOC's CWC Regulation (15 CFR 710, *et seq.*)

## 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. 2021-15487 Filed 7-20-21; 8:45 am]

**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; Statement by Ultimate Consignee and Purchaser**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on March 23, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* Bureau of Industry and Security, Department of Commerce.

*Title:* Statement by Ultimate Consignee and Purchaser.

*OMB Control Number:* 0694-0021.

*Form Number(s):* BIS-711.

*Type of Request:* Regular submission. Extension of a current information collection.

*Number of Respondents:* 414.

*Average Hours per Response:* 16 minutes.

*Burden Hours:* 110.

*Needs and Uses:* Sections 4812(b)(7) and 4814(b)(1)(B) of the Export Control Reform Act (ECRA), authorizes the President and the Secretary of Commerce to issue regulations to implement the ECRA including those provisions authorizing the control of exports of U.S. goods and technology to all foreign destinations, as necessary for the purpose of national security, foreign policy and short supply, and the provision prohibiting U.S. persons from participating in certain foreign boycotts.

Export control authority has been assigned directly to the Secretary of Commerce by the ECRA and delegated by the President to the Secretary of Commerce. This authority is administered by the Bureau of Industry and Security through the Export Administration Regulations (EAR).

The collection is necessary under Part 748.11 of the EAR. This section states that the Form BIS-711, Statement by Ultimate Consignee and Purchaser, or a statement on company letterhead (in accordance with 748.11(b)(1), unless one or more of the exemptions set forth in Section 748.11(a) exists. The BIS-711 or letter provides information on the foreign importer receiving the U.S. technology and how the technology will be utilized. The BIS-711 or letter provides assurances from the importer that the technology will not be misused, transferred or re-exported in violation of the EAR. The form is also required for certain reexport authorizations specified in Part 748.12(b) of the EAR.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* On Occasion.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Part 748.11 of the Export Administration Regulations.

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and

entering either the title of the collection or the OMB Control Number 0694–0021.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021–15489 Filed 7–20–21; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XB249]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of issuance of Letters of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that two Letters of Authorization (LOA) have been issued to Shell Offshore Inc. (Shell) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

**DATES:** The LOAs are effective from October 1, 2021, through March 31, 2022, and from August 15, 2021, through December 15, 2021.

**ADDRESSES:** The LOAs, LOA requests, and supporting documentation are available online at: [www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico](http://www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico). In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of

marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively “industry operators”), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322; January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the

least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

#### Summary of Request and Analysis

Shell plans to conduct two separate geophysical surveys, and submitted an LOA request for each survey. The first survey is a 4D (time lapse) survey of Lease Block WR 508 and portions of the surrounding approximately 100 lease blocks in the Stones development area (Stones survey). The second survey would also be a 4D (time lapse) survey, and would cover Lease Block AC 857 and portions of the surrounding approximately 60 lease blocks in the Perdido development area (Perdido survey). See Section F of the respective LOA applications for maps of these areas.

For the Stones survey survey, Shell anticipates using an airgun array consisting of 32 elements, with a total volume of 5,110 cubic inches (in<sup>3</sup>). For the Perdido survey, Shell anticipates using an airgun array with a total volume of 2,280 in<sup>3</sup>. Please see Shell's applications for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by Shell in its LOA requests was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5322, 5398; January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) Survey type; (2) location (by modeling zone <sup>1</sup>); (3) number of days; and (4) season.<sup>2</sup> The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

Summary descriptions of the modeled survey geometries (*i.e.*, 2D, 3D NAZ, 3D WAZ, Coil) are available in the preamble to the proposed rule (83 FR 29212, 29220; June 22, 2018). 3D NAZ

<sup>1</sup> For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

<sup>2</sup> For purposes of acoustic exposure modeling, seasons include Winter (December–March) and Summer (April–November).

was selected as the best available proxy survey type. The Stones survey will use a single source vessel with line spacing of 100 m and a shot interval of approximately 10.5 seconds. Although the 2D survey was the only exposure modeling scenario to use a single source vessel, the line spacing and shot interval represented by the 3D NAZ scenario make it most representative. The Perdido survey will also use a single source vessel, with source line spacing of 87.5 m and a shot interval of approximately 6 seconds. 3D NAZ is the most representative survey geometry for the same reasons discussed for the Stones survey. Note that all available acoustic exposure modeling results assume use of a 72 element, 8,000 in<sup>3</sup> array. In this case, take numbers authorized through the LOAs are considered conservative (*i.e.*, they likely overestimate take) primarily due to differences in the airgun arrays planned for use by Shell (most notably the relatively small array planned for use in the Perdido survey), as compared to the array modeled for the rule.

The Stones survey will take place over 95 days, including 65 days of sound source operation. The Perdido survey will take place over 60 days, including 50 days of sound source operation. Both surveys will occur within Zone 7. For the Stones survey, the seasonal distribution of survey days is not known in advance. Therefore, the take estimates for each species are based on the winter season, which for all species produces the greater value. For the Perdido survey, it is assumed that, of the 50 survey days, 35 would occur during summer and 15 would occur during winter.

For some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, our rule acknowledged that other information could be considered (see, *e.g.*, 86 FR 5322, 5442 (January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to

generate a take estimate for certain marine mammal species produces results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates as described below.

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.*, 2015; Maze-Foley and Mullin, 2006). The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. NMFS has determined that the approach results in unrealistic projections regarding the likelihood of encountering killer whales.

As discussed in the final rule, the density models produced by Roberts *et al.* (2016) provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. GOM. The predictions represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.*, 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species (as discussed above) and expressed that, due to the limited data available to inform the model, it "should be viewed cautiously" (Roberts *et al.*, 2015).

NOAA surveys in the GOM from 1992–2009 reported only 16 sightings of killer whales, with an additional three encounters during more recent survey effort from 2017–18 (Waring *et al.*, 2013; [www.boem.gov/gommapps](http://www.boem.gov/gommapps)). Two other species were also observed on fewer than 20 occasions during the 1992–2009 NOAA surveys (Fraser's dolphin and false killer whale<sup>3</sup>). However, observational data collected by protected species observers (PSOs) on industry geophysical survey vessels from 2002–2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69

<sup>3</sup> However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively informed our rulemaking process, as discussed at 86 FR 5322, 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0–10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of four killer whales, noting that the whales performed 20 times as many dives 1–30 m in depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. NMFS' determination in reflection of the data discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales will generally result in estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5322, 5403; January 19, 2021).

In past authorizations, NMFS has often addressed situations involving the low likelihood of encountering a rare species such as killer whales in the GOM through authorization of take of a



single group of average size (*i.e.*, representing a single potential encounter). See 83 FR 63268, December 7, 2018. See also 86 FR 29090, May 28, 2021; 85 FR 55645, September 9, 2020. For the reasons expressed above, NMFS determined that a single encounter of killer whales is more likely than the model-generated estimates and has authorized take associated with a single killer whale group encounter (*i.e.*, up to 7 animals) for each LOA.

Based on the results of our analysis, NMFS has determined that the level of taking expected for these surveys and authorized through the LOAs is consistent with the findings made for the total taking allowable under the regulations. See Tables 1 and 2 in this notice and Table 9 of the rule (86 FR 5322; January 19, 2021).

**Small Numbers Determinations**

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed “small numbers.” In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual

animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS’ discussion of the MMPA’s small numbers requirement provided in the final rule (86 FR 5322, 5438; January 19, 2021).

The take numbers for authorization are determined as described above. Subsequently, the total incidents of harassment for each species may be multiplied by scalar ratios to produce a derived product that better reflects the number of individuals likely to be taken within a survey (as compared to the total number of instances of take), accounting for the likelihood that some individual marine mammals may be taken on more than one day (see 86 FR 5322, 5404; January 19, 2021). The output of this scaling, where appropriate, is incorporated into an adjusted total take estimate that is the basis for NMFS’ small numbers determinations, as depicted in Table 1 for Shell’s Stones survey and in Table 2 for the Perdido survey.

This product is used by NMFS in making the necessary small numbers determinations, through comparison with the best available abundance estimates (see discussion at 86 FR 5322, 5391; January 19, 2021). For this comparison, NMFS’ approach is to use the maximum theoretical population, determined through review of current stock abundance reports (SAR; [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments)) and model-predicted abundance information (<https://seamap.env.duke.edu/models/Duke/GOM/>). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.*, three-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Tables 1 and 2.

TABLE 1—TAKE ANALYSIS, STONES LOA

Species	Authorized take	Scaled take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Rice’s whale <sup>3</sup>	0	n/a	51	n/a
Sperm whale	523	221.2	2,207	10.0
<i>Kogia</i> spp	4,319	121.3	4,373	2.8
Beaked whales	5,131	518.2	3,768	13.8
Rough-toothed dolphin	712	204.3	4,853	4.2
Bottlenose dolphin	23	6.6	176,108	0.0
Clymene dolphin	2,227	639.1	11,895	5.4
Atlantic spotted dolphin	0	n/a	74,785	n/a
Pantropical spotted dolphin	22,112	6,346.1	102,361	6.2
Spinner dolphin	519	149.0	25,114	0.6
Striped dolphin	1,157	332.1	5,229	6.4
Fraser’s dolphin	399	114.5	1,665	6.9
Risso’s dolphin	365	107.7	3,764	2.9
Melon-headed whale	1,572	463.7	7,003	6.6
Pygmy killer whale	589	173.8	2,126	8.2
False killer whale	667	196.8	3,204	6.1
Killer whale	7	n/a	267	2.6
Short-finned pilot whale	125	36.9	1,981	1.9

<sup>1</sup> Scalar ratios were applied to “Authorized Take” values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

<sup>2</sup> Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For the killer whale, the larger estimated SAR abundance estimate is used.

<sup>3</sup> The final rule refers to the GOM Bryde’s whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice’s whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

<sup>4</sup> Includes 11 takes by Level A harassment and 308 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus Level A harassment take.

TABLE 2—TAKE ANALYSIS, PERDIDO LOA

Species	Authorized take	Scaled take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Rice’s whale <sup>3</sup>	0	n/a	51	n/a
Sperm whale	377	159.5	2,207	7.2
<i>Kogia</i> spp	<sup>4</sup> 227	88.0	4,373	2.0

TABLE 2—TAKE ANALYSIS, PERDIDO LOA—Continued

Species	Authorized take	Scaled take <sup>1</sup>	Abundance <sup>2</sup>	Percent abundance
Beaked whales .....	3,793	383.1	3,768	10.2
Rough-toothed dolphin .....	496	142.4	4,853	2.9
Bottlenose dolphin <sup>5</sup> .....	21	n/a	176,108	0.0
Clymene dolphin .....	1,521	436.5	11,895	3.7
Atlantic spotted dolphin .....	0	n/a	74,785	n/a
Pantropical spotted dolphin .....	15,101	4,334.0	102,361	4.2
Spinner dolphin .....	354	101.6	25,114	0.4
Striped dolphin .....	790	226.7	5,229	4.3
Fraser's dolphin .....	281	80.6	1,665	4.8
Risso's dolphin .....	249	73.5	3,764	2.0
Melon-headed whale .....	1,109	327.2	7,003	4.7
Pygmy killer whale .....	410	121.0	2,126	5.7
False killer whale .....	464	136.9	3,204	4.3
Killer whale .....	7	n/a	267	2.6
Short-finned pilot whale .....	88	26.0	1,981	1.3

<sup>1</sup> Scalar ratios were applied to “Authorized Take” values as described at 86 FR 5322, 5404 (January 19, 2021) to derive scaled take numbers shown here.

<sup>2</sup> Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.*, 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For the killer whale, the larger estimated SAR abundance estimate is used.

<sup>3</sup> The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.*, 2021).

<sup>4</sup> Includes 9 takes by Level A harassment and 218 takes by Level B harassment. Scalar ratio is applied to takes by Level B harassment only; small numbers determination made on basis of scaled Level B harassment take plus Level A harassment take.

<sup>5</sup> Modeled take of 16 increased to account for potential encounter with group of average size (Maze-Foley and Mullin, 2006).

Based on the analysis contained herein of Shell's proposed survey activity described in its LOA applications and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes (*i.e.*, less than one-third of the best available abundance estimate) and therefore the taking is of no more than small numbers.

**Authorization**

NMFS has determined that the level of taking for these LOA requests is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOAs is of no more than small numbers. Accordingly, we have issued two LOAs to Shell authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: July 14, 2021.

**Catherine Marzin,**

*Acting Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2021-15453 Filed 7-20-21; 8:45 am]

**BILLING CODE 3510-22-P**

**CONSUMER PRODUCT SAFETY COMMISSION**

[CPSC Docket No. 21-2]

**Amazon.Com, Inc.**

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Publication of a Complaint under the Consumer Product Safety Act.

**SUMMARY:** Under provisions of its Rules of Practice for Adjudicative Proceeding, the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it

issues. Published below is a Complaint: In the matter of Amazon.com.

**FOR FURTHER INFORMATION CONTACT:** Alberta E. Mills, Secretary, Division of the Secretariat, Office of the General Counsel, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, (301) 504-7479 (Office) or 240-863-8938 (cell).

**SUPPLEMENTARY INFORMATION:** The Commission voted 3-1 to authorize issuance of this Complaint. Acting Chairman Adler, Commissioners Kaye and Feldman voted to authorize issuance of the Complaint. Commissioner Baiocco voted to not authorize issuance of the Complaint. The text of the Complaint appears below.

Dated: July 15, 2021.

**Alberta E. Mills,**

*Secretary, Consumer Product Safety Commission.*

**BILLING CODE 6355-01-P**

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

	)	
In the Matter of	)	
	)	
AMAZON.COM, INC.	)	
	)	CPSC DOCKET NO.: 21-2
	)	
	)	
Respondent.	)	
	)	

**COMPLAINT**

**I. NATURE OF THE PROCEEDINGS**

1. This administrative enforcement proceeding is instituted pursuant to Sections 15(c) and (d) of the Consumer Product Safety Act (“CPSA”), as amended, 15 U.S.C. §§ 2064(c) and (d), seeking public notification and remedial action to protect the public from the substantial product hazards presented by certain consumer products sold on amazon.com, and distributed by Amazon.com, Inc. through its Fulfilled by Amazon (“FBA”) program. These consumer products are set forth in more detail below.

2. This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission (the “Commission”), 16 C.F.R. § 1025.

**II. JURISDICTION**

3. This proceeding is instituted pursuant to the authority contained in Sections 15(c) and (d), of the CPSA, 15 U.S.C. §§ 2064(c), (d).

**III. THE PARTIES**

4. Complaint Counsel is staff of the Office of Compliance and Field Operations in the Division of Enforcement and Litigation of the U.S. Consumer Product Safety Commission (“Complaint Counsel”). The Commission is an independent federal regulatory agency established pursuant to Section 4 of the CPSA, 15 U.S.C. § 2053.

5. Respondent Amazon.com, Inc. (“Amazon”) is a C Corporation with its principal place of business located at 410 Terry Avenue, North, Seattle, Washington 98109.

6. For the reasons set forth in Section IV below, with respect to its FBA products Amazon is a “distributor” that “distributes [consumer products] in commerce,” as those terms are defined in Sections 3(a)(5), (7), and (8) of the CPSA, 15 U.S.C. §§ 2052(a)(5), (7), and (8).

#### **IV. AMAZON’S “FULFILLED BY AMAZON” PROGRAM**

7. Amazon operates an online marketplace for consumers – amazon.com – that includes listings for consumer products, as that term is defined at Section 3(a)(5) of the CPSA, 15 U.S.C. § 2052(a)(5).

8. Through amazon.com, Amazon offers an e-commerce marketplace in which Amazon and merchants can connect with consumers via the internet, expanding sales opportunities beyond traditional brick-and-mortar and direct retail sales channels.

9. Merchants enter into a business arrangement with Amazon to participate in Amazon’s consumer marketplace, which includes a Business Services Agreement and, for Amazon’s FBA program, FBA policies and requirements. Products offered for sale on amazon.com appear on webpages known as product listings and are identified by Amazon Standard Identification Numbers, or ASINs, assigned by Amazon.

Amazon offers consumer products for sale on amazon.com through at least three paths: (a) as a retailer (including through its AmazonBasics brands and in partnership with other entities), (b) as a distributor through its FBA program, and (c) through its Merchant Fulfilled Network (“MFN”), for which merchants generally ship products directly to consumers. The majority of Amazon’s sales occur through its FBA program.

10. Amazon offers a variety of services in furtherance of bringing its FBA products to consumers’ doorsteps. These services include, but are not limited to, storing FBA products at Amazon fulfillment centers, stocking and maintaining an inventory of FBA products, and administering additional sorting and shipping services, including the use of Amazon employees

to interact with the product, categorize it with the help of computers and robots, label it, and move it through the distribution process. Additional services include Amazon's retrieval of FBA products from the merchant's inventory, placement of FBA products in a shipping container, delivery of FBA products directly to consumers' doorsteps in Amazon delivery vehicles or via a shipping carrier Amazon procures, approval of all FBA ASINs, provision of 24/7 customer service, and processing all FBA product returns.

11. Amazon maintains electronic records that track inventory of all products stored in Amazon Fulfillment Centers or other Amazon warehouses or facilities. Using these electronic records, Amazon employees are able to retrieve and ship products ordered by consumers on amazon.com.

12. As part of the FBA program, Amazon ships FBA products to consumers who place orders on Amazon's online marketplace. Amazon reserves the right to combine products from inventories of multiple merchants into one shipment. Amazon employees, with the assistance of electronic records and automation at the facilities, physically ship or cause to be shipped through a shipping carrier the FBA products ordered by consumers.

13. Amazon's contracts with merchants participating in the FBA program state that the merchants retain legal title to their products even while the products are stored, sorted, and delivered to consumers from Amazon's facilities. However, these contracts also state that when consumers return an FBA product, the consumers ship the products back to Amazon, not the merchant. When a product is returned, Amazon inspects the FBA product and determines whether the product can be resold. If Amazon determines that the FBA product can be resold, Amazon returns the product to the inventory at the applicable Amazon facility. If Amazon determines that the product cannot be resold, the merchant may choose to have it sent to its own facility.

14. The contracts between Amazon and merchants also state that Amazon: (a) has

the authority to format the product's listing on its online marketplace, which includes how a listing is displayed to consumers; (b) may reject products that Amazon determines are illegal, sexually explicit, defamatory, or obscene; (c) will require merchants to communicate with their customers exclusively through Amazon's platform; and (d) shall process payments for all purchases of the FBA products, charge the payment instrument designated in each individual consumer's account, and remit the agreed-upon monies to the merchant minus the service fees due to Amazon set forth in the applicable contracts.

15. Upon information and belief, though the amount varies depending on the product, Amazon's FBA fees can amount to as much or more than 40% of the sales price of a given product.

16. In addition, Amazon polices the prices charged by merchants listing products on amazon.com through its Fair Pricing Policy, which gives Amazon the right to take action against merchants for pricing that harms consumer trust. The Fair Pricing Policy provides that "[p]ricing practices that harm customer trust include, but are not limited to: . . . setting a price on a product or service [on amazon.com] that is significantly higher than recent prices offered on or off Amazon."

17. Consumers who purchase FBA consumer products on amazon.com may reasonably believe they are purchasing the products from Amazon. While the ASIN includes "Sold by [merchant]" in small print underneath the "Buy Now" link, Amazon only explicitly identifies the role of third parties in its FBA program at paragraph 16 of its "Conditions of Use" for its website.

18. Through the actions described in Paragraphs 7 through 18 above, Amazon is a "distributor" of a "consumer product" that is "distributed in commerce," for its FBA products as those terms are defined in the CPSA. In sum, Amazon acts as a "distributor" of its FBA products by: (a) receiving delivery of FBA consumer products from a merchant with the intent to further

distribute the product; (b) holding, storing, sorting, and preparing for shipment FBA products in its warehouses and fulfillment centers; and (c) distributing FBA consumer products into commerce by delivering FBA products directly to consumers or to common carriers for delivery to consumers.

## V. THE CONSUMER PRODUCTS

19. The children's sleepwear garments were sold on amazon.com as FBA products and consist of nightgowns and bathrobes intended for children primarily for sleeping or activities related to sleeping (hereinafter, the "children's sleepwear garments").

20. The children's sleepwear garments include:

- a. CPSC Sample Number: 20-800-1345 (ASIN: B074V558SB), HOYMN Little Girl's Lace Cotton Nightgowns, Kids Long-Sleeve Sleep Shirts Princess Sleepwear for Toddlers 2-15 Years.
- b. CPSC Sample Number: 20-800-1726 (ASIN: B0S9B7QQ7, B07S66PR4G, B07SCJNMFP, B07S99Y5YP, B07S99R16X, B07SDLKLS4, B07SCJ2HK6, B07S87FF4G, B07SCJ6FR6, B07S65KQX1), IDGIRLS Kids Animal Hooded Soft Plush Flannel Bathrobes for Girls Boys Sleepwear.
- c. CPSC Sample Number: 20-800-1727 (ASIN: B07QTGMWPK), Home Sweet Boy's Plush Fleece Robe Shawl Skull and Hooded Spacecraft Printed Soft Kids Bathrobe for Boy.
- d. CPSC Sample Number: 20-800-1505 (ASIN: B01HGJY9FO), Taiocyxgan Little Girl's Coral Fleece Bathrobe Unisex Kids Robe Pajamas Sleepwear.

21. The children's sleepwear garments are consumer products imported, distributed in U.S. commerce, and offered for sale to consumers for their personal use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.

22. The children's sleepwear garments have been tested by CPSC staff and fail to meet the flammability requirements for children's sleepwear as required under the Flammable Fabrics Act ("FFA"). *See* 16 C.F.R. Part 1615 and 1616.

23. Upon information and belief, the children's sleepwear garments were manufactured by HOYMN, IDGIRLS, Home Swee, and Taiycyxgan.

24. Upon information and belief, Amazon and the four manufacturers made the children's sleepwear garments available for purchase on amazon.com through Amazon's FBA program. The children's sleepwear garments were offered for sale between May 2019 and April 2020.

25. Upon information and belief, the children's sleepwear garments were available for sale through Amazon's FBA program for approximately \$17.84 (HOYMN), \$29.99 (Home Swee), \$22.99 (IDGIRLS), and \$14.99 (Taiycyxgan).

26. Upon information and belief, consumers purchased the children's sleepwear garments on amazon.com.

27. Upon information and belief, Amazon removed the ASINs for the children's sleepwear garments on or about January 29, 2020 (for Taiycyxgan), February 22, 2020 (for IDGIRLS), and April 1, 2020 (for HOYMN and Home Swee).

28. The carbon monoxide detectors were sold on amazon.com as FBA products and consist of carbon monoxide detectors equipped with alarms intended to alert consumers to the presence of harmful carbon monoxide gas (hereinafter, the "carbon monoxide detectors").

29. The carbon monoxide detectors include:

- a. CPSC File No. PI210013 (ASIN: B07HK8JHDV, Sample No. 20-800-1419), CD01 carbon monoxide detector manufactured by WJZXTEK.
- b. CPSC File No. PI210014 (ASIN: B07GNKD44L, Sample No. 20-



- 800-1420), ME2-CO carbon monoxide detector manufactured by Zhenzhou Winsen Electronics Technology Company, LTD.
- c. CPSC File No. PI210016 (ASIN: B07C2KM8RB, B07BDJTX8W, Sample No. 20-800-1422), ME2-CO and ss4 carbon monoxide detector manufactured by Zhenzhou Winsen Electronics Technology Company, LTD.
- d. CPSC File No. PI210022 (ASIN: B07MPP42GT, Sample No. 20-800-1837), carbon monoxide detector manufactured by BQQZHZ.

30. The carbon monoxide detectors are consumer products that were imported, distributed in U.S. commerce, and offered for sale to consumers for their personal use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.

31. The carbon monoxide detectors have been tested by CPSC technical staff and failed to activate when carbon monoxide gas is present.

32. Upon information and belief, the carbon monoxide detectors were manufactured by WJZXTEK, Zhenzhou Winsen Electronics Technology Company, LTD, and BQQZHZ.

33. Upon information and belief, Amazon and the three manufacturers made the carbon monoxide detectors available for purchase on amazon.com through Amazon's FBA program. The carbon monoxide detectors were offered for sale between February 9, 2018 and November 23, 2020.

34. Upon information and belief, Amazon listed the carbon monoxide detector for sale through its FBA program for approximately \$8.99 to \$12.99.

35. Upon information and belief, consumers purchased approximately 24,632 units of the carbon monoxide detectors.

36. Upon information and belief, Amazon removed the ASINs for the carbon monoxide detectors between August 6, 2020, and August 12, 2020.

37. The hair dryers were sold on amazon.com as FBA products and consist of hair dryers that fail to provide integral immersion protection components as required.

38. The hair dryers include:

Sample Number	Seller/Manufacturer	ASIN
21-800-0406	OSEIDOO	B07RRVKPMD
21-800-1213	Aiskki	B0814LSM48
21-800-0556	Raxurt Store	B08LD9S6PB
21-800-0481	LEMOCA	B087JCJ4NC
21-800-1183	Xianming	B087CVZT9V
21-800-0609	BEAUTIKEN	B087TJJ5XP
21-800-0731	VIBOOS	B07T3D3TQR
21-800-0635	VIBOOS	B0878SRBM2
21-800-0756	SARCCH	B0852JWLTP
21-800-0831	Bongtai	B085NNM6NY
21-800-0933	Bvser Store	B07TVX4G4C
21-800-0956	TDYJWELL	B08R87G9KH
21-800-1806	Bownyo	B07TQRVMJF
21-800-1883	Romancelink	B089QDK2VV
21-800-1983	BZ	B088ZPLZ91
21-800-1317	Techip	B07YS53MKB
21-800-1632	LetsFunny	B07PJ8F941
21-800-1606	SUNBA YOUTH Store / Naisen	B08143HCDC
21-800-1706	OWEILAN	B08QYRL9GC
21-800-1585	Surelang Store	B085RMB16H
21-800-1106	GEPORAY	B07YF7JHKC
21-800-0135	Miserwe	B0888P3PDH
21-800-0081	Techip	B08LD44V8W
21-800-1081	ADTZYLD	B07SH5QZFX
21-800-1006	KIPOZI	B08J7JTW2M
21-800-1131	KENLOR	B07V5WV28
21-800-0981	Shaboo Prints	B08LN4FR4T
21-800-0026	ELECDOLPH	B08PCQ7QFK
21-800-1382	LANIC	B07YXNMXH3
21-800-1398	Songtai	B088GWXLNT
21-800-1558	BEAUTIKEN	B0814TCYZM
21-800-1431	tiamo airtrack	B07ZYJCK25
21-800-0334	Ohuhu	B07XDTJZKS
21-800-0281	Nisahok	B08M183SR4
21-800-0231	Dekugaa Store	B07ZYJ92DM
21-800-0186	Admitrack	B0854FGPP7

39. The hair dryers are consumer products that were imported, distributed in U.S.

commerce, and offered for sale to consumers for their personal use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.

40. The hair dryers do not provide integral immersion protection in compliance with the requirements of Section 5 of Underwriters Laboratories (“UL”) *Standard for Safety for Household Electric Personal Grooming Appliances*, UL 859 (10<sup>th</sup> edition) or Section 6 of *UL Standard for Safety for Commercial Electric Personal Grooming Appliances*, UL 1727 (4<sup>th</sup> edition).

41. Upon information and belief, the hair dryers were manufactured by the entities listed in the “Seller/Manufacturer” column of the table in Paragraph 39.

42. Upon information and belief, Amazon and the manufacturers made the hair dryers available for purchase on amazon.com through Amazon’s FBA program. The hair dryers were offered for sale between June 10, 2019, and March 9, 2021.

43. Upon information and belief, Amazon listed the hair dryers for sale through its FBA program for approximately \$20.00 to \$70.00.

44. Upon information and belief, consumers purchased approximately 398,187 units of the hair dryers.

45. Upon information and belief, Amazon removed the ASINs for the hair dryers by March 9, 2021.

#### **VI. AMAZON’S UNILATERAL ACTIONS RELATING TO THE CONSUMER PRODUCTS ARE INSUFFICIENT**

46. Following notification from the CPSC about the hazards presented by the children’s sleepwear garments, carbon monoxide detectors, and hair dryers (hereinafter the “Subject Products”) identified in Section V above, Amazon took several unilateral actions.

47. As noted above, Amazon removed the ASINs for certain of the Subject Products. *See* Paragraphs 28, 37 and 46.

48. Amazon also unilaterally, and without CPSC involvement or input concerning

the content of the notices or its other actions, notified consumers who purchased certain of the Subject Products that they could present a hazard. Amazon also offered a refund to these consumers in the form of an Amazon gift card credited to their account.

49. Amazon's unilateral actions are insufficient to remediate the hazards posed by the Subject Products and do not constitute a fully effectuated Section 15 mandatory corrective action ordered by the Commission.

50. A Section 15 order requiring Amazon to take additional actions in conjunction with the CPSC as a distributor is necessary for public safety.

#### **VII. THE CHILDREN'S SLEEPWEAR GARMENTS VIOLATE THE FFA BECAUSE THEY DO NOT MEET FLAMMABILITY REQUIREMENTS**

51. Congress enacted the FFA in 1953 in response to serious injuries and deaths resulting from burns associated with clothing.

52. In the 1970s, the Standards for the Flammability of Children's Sleepwear ("Standards") were created to address the ignition of children's sleepwear, such as nightgowns, pajamas, and robes. *See* 16 C.F.R. Parts 1615 and 1616.

53. The purpose of the Standards is to reduce the unreasonable risk of burn injuries and deaths from fire associated with children's sleepwear garments. Most burn incidents do not occur while children are sleeping but while they are awake, unsupervised, and wearing sleepwear garments. The primary hazard is ignition of the sleepwear by contact with hot surfaces and/or small open-flame ignition sources, such as stove elements, matches, and lighters.

54. The Standards require that children's sleepwear garments stop burning when the flame source is removed. In order to meet the flammability requirements of the Standards, children's sleepwear garments must not have a sample with an average char length exceeding seven inches and no individual specimen can have a char length of ten inches, as set forth at 16 C.F.R. Part 1615.3(b) and 1616.3(b).

55. Children's sleepwear garments are required to comply with flammability

requirements of the FFA, 15 U.S.C. §§ 1191-1204.

56. Children's sleepwear means any article of clothing, such as a nightgown, pajama, robe, or loungewear, that is sized above nine months and up to a size fourteen and that is intended to be worn primarily for sleeping or activities related to sleeping. In determining whether a garment is children's sleepwear, the Commission considers: (a) the nature of the garment and its suitability for sleeping or activities related to sleeping; (b) how the garment is promoted and distributed; and (c) the likelihood that the garment will be used by children primarily for sleeping or activities related to sleeping. *See generally* 16 C.F.R. Parts 1615.64(a)(2) and 1616.65(a)(2).

57. CPSC staff evaluated the children's sleepwear garments and determined that the garments are children's sleepwear.

58. CPSC staff tested the garments to the requirements of the Children's Sleepwear Standards in the FFA.

59. The children's sleepwear garments failed to meet the flammability requirements for children's sleepwear garments. *See* 16 C.F.R. Parts 1615 and 1616.

60. Children's sleepwear garments that fail to meet the FFA requirements create a substantial risk of injury to consumers because of the serious injuries that can occur when such garments ignite while worn by children.

#### **VIII. THE CARBON MONOXIDE DETECTORS ARE DEFECTIVE BECAUSE THEY FAIL TO ALARM**

61. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels.

62. If a consumer installs a carbon monoxide detector that does not provide an alert to the presence of carbon monoxide, and carbon monoxide enters the home, the consumer will

not be warned of the presence of this harmful gas.

63. Carbon monoxide gas may cause severe injury, including tissue damage and death.

64. On average, approximately 170 people in the United States die every year from carbon monoxide produced by non-automotive consumer products. These products include malfunctioning fuel-burning appliances such as furnaces, ranges, water heaters and room heaters, engine-powered equipment such as portable generators, fireplaces, and charcoal that is burned in homes or other enclosed areas.

65. CPSC staff tested the carbon monoxide detectors to determine whether they detect carbon monoxide gas.

66. CPSC testing revealed that the carbon monoxide detectors failed to detect carbon monoxide gas and failed to alarm in its presence as consumers would reasonably expect.

67. The carbon monoxide detectors are defective because they fail to detect carbon monoxide and alarm consumers.

68. The defective carbon monoxide detectors create a substantial risk of injury to consumers by failing to detect carbon monoxide and alert consumers to the presence of carbon monoxide, leading to potentially severe injury or death. Such injuries and death have occurred when carbon monoxide spreads undetected in a home.

#### **IX. THE HAIR DRYERS VIOLATE SECTION 15(J) BECAUSE THEY DO NOT HAVE IMMERSION PROTECTION**

69. On June 9, 2011, the CPSC approved a federal safety rule specifying that hand-supported hair dryers that do not provide integral immersion protection in compliance with the requirements of Section 5 of Underwriters Laboratories (“UL”) *Standard for Safety for Household Electric Personal Grooming Appliances*, UL 859 (10<sup>th</sup> edition) or Section 6 of *UL Standard for Safety for Commercial Electric Personal Grooming Appliances*, UL 1727 (4<sup>th</sup> edition) are a “substantial product hazard” under Section 15(a) of the CPSA, 15 U.S.C. §

2064(a). *See* 15 U.S.C. § 2064(j) and 16 C.F.R. § 1120.3.

70. The purpose of the federal safety rule is to reduce the risk of shock and electrocution hazards created by hand-supported hair dryers.

71. CPSC staff evaluated units of the hair dryers identified in the table in Paragraph 39 and determined that the hair dryers are hand-supported and lack an immersion protection device integral to the power cord.

72. Because these hair dryers lack an immersion protection device, they are not in conformance with the requirements of Section 5 of UL 859 or Section 6 of UL 1727. These hair dryers present a significant electric shock and electrocution hazard to users.

73. Therefore, pursuant to Section 15(j) of the CPSA, 15 U.S.C. §2064(j), and 16 C.F.R. § 1120, they are a “substantial product hazard” under Section 15(a)(2) of the CPSA, 15 U.S.C. § 2064(a)(2).

#### **X. LEGAL AUTHORITY**

74. Under the CPSA, the Commission may order a firm to provide notice to the public and take remedial action if the Commission determines that a product “presents a substantial product hazard.” 15 U.S.C. § 2064(c) and (d).

75. Under CPSA Section 15(a)(1), a “substantial product hazard” includes products that fail to comply with an applicable consumer product safety rule under this Act or a similar rule, regulation, standard or ban under any other Act enforced by the Commission which creates a substantial risk of injury to the public. 15 U.S.C. § 2064(a)(1).

76. Under CPSA Section 15(j), the Commission “may specify, by rule, for any consumer product or class of consumer products, characteristics whose existence or absence shall be deemed a substantial product hazard . . . .” 15 U.S.C. § 2064(j)(1).

77. The federal safety rule specifying that hand-supported hair dryers must provide integral immersion protection in compliance with the requirements of Section 5 of UL *Standard for Safety for Household Electric Personal Grooming Appliances*, UL 859 (10<sup>th</sup> edition) or

Section 6 of *UL Standard for Safety for Commercial Electric Personal Grooming Appliances*, UL 1727 (4<sup>th</sup> edition) constitutes a rule as referenced in CPSA Section 15(j)(1). 15 U.S.C. § 2064(j)(1).

78. The FFA is an Act enforced by the Commission as referenced in CPSA Section 15(a)(1). 15 U.S.C. § 2064(a)(1).

79. Under CPSA Section 15(a)(2), a “substantial product hazard” is a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public.” 15 U.S.C. § 2064(a)(2).

80. A product may contain a design defect if a risk of injury occurs as a result of the operation or use of the product, or the failure of the product to operate as intended. 16 C.F.R. § 1115.4.

81. Under CPSA Section 15(b), every “distributor” of a consumer product who obtains information which reasonable supports the conclusion that a product fails to comply with an applicable consumer product safety rule, contains a defect which could create a substantial product hazard, or creates an unreasonable risk of serious injury or death has an obligation to inform the Commission. 15 U.S.C. § 2064(b).

82. The format of the reports required by CPSA Section 15(b) is described at 16 C.F.R. § 1115.13(d).

### **Count I**

#### **The Children’s Sleepwear Garments are a Substantial Product Hazard Because They Violate the FFA and Create a Substantial Risk of Injury to Children**

83. Paragraphs 1 through 83 are hereby realleged and incorporated by reference as if fully set forth herein.

84. Amazon distributed the children’s sleepwear garments to consumers through the Amazon FBA program.



85. The children's sleepwear garments fail to meet the flammability requirements of the FFA.

86. Because the children's sleepwear garments fail to meet the flammability requirements of the FFA, they create a substantial risk of injury to children.

87. Therefore, the children's sleepwear garments present a substantial product hazard within the meaning of Section 15(a)(1) of the CPSA.

### **Count II**

#### **The Carbon Monoxide Detectors are a Substantial Product Hazard Because They Contain a Product Defect that Creates a Substantial Risk of Injury to the Public**

88. Paragraphs 1 through 88 are hereby realleged and incorporated by reference as if fully set forth herein.

89. Amazon distributed the carbon monoxide detectors to consumers through the Amazon FBA program.

90. The carbon monoxide detectors fail to detect carbon monoxide and fail to alert consumers to the presence of carbon monoxide.

91. The failure of the carbon monoxide detectors to alert consumers to the presence of deadly carbon monoxide in their homes constitutes a defect that creates a substantial risk of injury to the public.

92. Therefore, the carbon monoxide detectors present a substantial product hazard within the meaning of Section 15(a)(2) of the CPSA, 15 U.S.C. § 2064(a)(2).

### **Count III**

#### **The Hair Dryers are a Substantial Product Hazard Because They Violate Section 15(j)(1) Due to the Lack of Immersion Protection**

93. Paragraphs 1 through 93 are hereby realleged and incorporated by reference as if fully set forth herein.

94. Amazon distributed the hair dryers to consumers through the Amazon FBA program.

95. The hand-supported hair dryers fail to provide integral immersion protection in compliance with a rule subject to CPSA Section 15(j)(1). 15 U.S.C. § 2064(j)(1).

96. Because the hair dryers fail to provide integral immersion protection, they present a significant electric shock and electrocution hazard to users.

97. Therefore, the hair dryers are a “substantial product hazard” under Sections 15(a) and 15(j) of the CPSA, 15 U.S.C. §§ 2064(a) and (j). *See* 16 C.F.R. § 1120.3.

## **XI. RELIEF SOUGHT**

WHEREFORE, in the public interest, Complaint Counsel requests that the Commission:

1. Determine that Amazon is a distributor of consumer products in commerce, as those terms are defined in the CPSA;
2. Determine that the Subject Products are substantial product hazards under Sections 15(a)(1), 15(a)(2), and 15(j) of the CPSA, 15 U.S.C. §§ 2064(a)(1), (a)(2), and (j);
3. Determine that public notification in consultation with the Commission under Section 15(c) of the CPSA, 15 U.S.C. § 2064(c), is required to adequately protect the public from substantial products hazards created by the Subject Products, and order Respondent under Section 15(c) of the CPSA, 15 U.S.C. § 2064(c), to take actions set out in Section 15(c)(1) of the CPSA, including but not limited to:
  - a. Cease distribution of the Subject Products including removal of the ASINs and any other listings of the Subject Products and functionally identical products, from Amazon’s online marketplace and identifying such ASINs to CPSC;
  - b. Issue a CPSC-approved direct notice to all consumers who purchased the Subject Products which includes a particularized

description of the hazard presented by each Subject Product and encourage the return of the Subject Products;

- c. Issue a CPSC-approved press release, as well as any other public notice documents or postings required by CPSC staff that inform consumers of the hazard posed by the Subject Products and encourage the return or destruction of the Subject Products;

4. Order that Respondent facilitate the return and destruction of the Subject Products, at no cost to consumers, under Section 15(d)(1) of the CPSA, 15 U.S.C. § 2064(d)(1), to adequately protect the public from the substantial product hazard posed the Subject Products, and order Respondent under Section 15(d)(1) of the CPSA, 15 U.S.C. § 2064(d)(1), to take actions set out in Section 15(d)(1) of the CPSA, including but not limited to:

- a. Refund the full the purchase price to all consumers who purchased the Subject Products and, to the extent not already completed, conditioning such refunds on consumers returning the Subject Products or providing proof of destruction;
- b. Destroy the Subject Products that are returned to Amazon by consumers or that remain in Amazon's inventory, with proof of such destruction via a certificate of destruction or other acceptable documentation provided to CPSC staff;
- c. Provide monthly progress reports to reflect, among other things, the number of Subject Products located in Amazon's inventory, returned by consumers, and destroyed;
- d. Provide monthly progress reports identifying all functionally equivalent products removed by Amazon from amazon.com pursuant to Commission Order, including the ASIN, the number

distributed prior to removal, and the platform through which the products were sold;

5. Provide monthly reports summarizing the incident data submitted to CPSC through the Retailer Reporting Program in a format consistent with 16 C.F.R. 1115.13(d);
6. Order that the Respondent is prohibited from distributing in commerce the Subject Products, including any functionally identical products. *See* CPSA Section 15(d)(2), 15 U.S.C. § 2064(d)(2); and
7. Order that Respondent take other and further actions as the Commission deems necessary to protect the public health and safety and to comply with the CPSA and FFA.

ISSUED BY ORDER OF THE COMMISSION:

Dated this 14th day of July, 2021.

**Robert Kaye**

Digitally signed by Robert Kaye  
Date: 2021.07.14 15:10:47  
+04'00'

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By: Robert S. Kaye  
Assistant Executive Director  
Office of Compliance and Field Operations

Mary B. Murphy, Director  
Howard N. Tarnoff, Deputy Director  
John C. Eustice, Senior Trial Attorney  
Liana G.T. Wolf, Trial Attorney

Complaint Counsel  
Division of Enforcement and Litigation  
Office of Compliance and Field Operations  
U.S. Consumer Product Safety Commission  
Bethesda, Maryland 20814  
(301) 504-7809

UNITED STATES OF AMERICA  
CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of	)	
	)	
	)	
AMAZON.COM, INC.	)	CPSC DOCKET NO.: 21-2
	)	
	)	
Respondent.	)	

**LIST AND SUMMARY OF DOCUMENTARY EVIDENCE**

Pursuant to 16 C.F.R. § 1025.11(b)(3) of the Commission’s Rules of Practice for Adjudicative Proceedings, the following is a list and summary of documentary evidence supporting the charges in this matter. Complaint Counsel reserves the right to offer additional or different evidence during the course of the proceedings, or to withhold evidence on the basis of any applicable legal privileges.

1. Claims, complaints, records, reports, CPSC’s In-Depth Investigations, and lawsuits concerning incidents or injuries involving various consumer products identified in the Complaint (“Subject Products”).
2. CPSC Product Safety Assessments.
3. Correspondence between Respondent and CPSC staff related to the Subject Products.
4. Documents and information related to the Subject Products, including notices issued by Respondent regarding the Subject Products and substantially similar equivalent products.
5. Documents and information related to Respondent’s corporate structure and business operations.

Dated this 14th day of July, 2021

*John C. Eustice*

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Mary B. Murphy, Director  
Howard N. Tarnoff, Deputy Director  
John C. Eustice, Senior Trial Attorney  
Liana G.T. Wolf, Trial Attorney

Division of Enforcement and Litigation  
Office of Compliance and Field Operations  
U.S. Consumer Product Safety Commission  
Bethesda, MD 20814  
Tel: (301) 504-7809

Complaint Counsel for  
U.S. Consumer Product Safety Commission

**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2021, a copy of the foregoing Complaint and List and Summary of Documentary Evidence was served by hand upon Respondent at the following address:

Amazon.com, Inc.  
Corporation Service  
Company  
300 Deschutes Way SW, Suite 208 MC-  
CSC1 Tumwater, WA 98501  
Attn: Legal Department – Legal Process

I further certify that on July 14, 2021, I e-mailed a courtesy copy of the foregoing Complaint and List and Summary of Documentary Evidence upon the following:

Sagi Goldberg at [sagi@amazon.com](mailto:sagi@amazon.com)  
Genus Heidary at [genush@amazon.com](mailto:genush@amazon.com)  
Antonia Stamenova-Dancheva at  
[antsdan@amazon.com](mailto:antsdan@amazon.com) Carletta Ooton at  
[ootonc@amazon.com](mailto:ootonc@amazon.com)

*John C. Eustice*

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Complaint Counsel for  
U.S. Consumer Product Safety Commission

[FR Doc. 2021-15440 Filed 7-20-21; 8:45 am]

BILLING CODE 6355-01-C

**DEPARTMENT OF EDUCATION**

[Docket No.: ED-2021-SCC-0108]

**Agency Information Collection Activities; Comment Request; Impact Evaluation of Teacher Residency Programs****AGENCY:** Institute of Educational Science (IES), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved collection.**DATES:** Interested persons are invited to submit comments on or before September 20, 2021.**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2021-SCC-0108. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [www.regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, ED will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202-8240.**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Meredith Bachman, 202-245-7494.**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information

collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Impact Evaluation of Teacher Residency Programs.*OMB Control Number:* 1850-0960.*Type of Review:* A revision of a currently approved information collection.*Respondents/Affected Public:* State, Local, and Tribal Governments.*Total Estimated Number of Annual Responses:* 637.*Total Estimated Number of Annual Burden Hours:* 394.*Abstract:* The U.S. Department of Education (ED)'s Institute of Education Sciences (IES) requests clearance for data collection activities to support a study of teacher residency programs. Teacher residency programs aim to better prepare new teachers by combining education coursework with extensive on-the-job training. Program participants complete a full-year apprenticeship, or "residency," under the supervision of an experienced mentor teacher before they become teachers of record. The programs help meet the needs of their partner districts by preparing teachers to fill shortages in high-needs schools and subjects. They offer financial support for residents in exchange for a commitment to teach for at least three to five years in the district, in an effort to improve teacher retention. This financial support may also help expand the pool of teacher candidates by encouraging people to enter the profession who might be deterred by the cost of a traditional teacher preparation program. This second request covers additional data collection activities for the study to examine program outcomes. A prior request (1850-0960, approved 4/26/2021) covered the collection of

classroom rosters from schools to support random assignment of students to participating teachers.

Dated: July 16, 2021.

**Stephanie Valentine,***PRA Coordinator, Strategic Collections and Clearance Team, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2021-15530 Filed 7-20-21; 8:45 am]

BILLING CODE 4000-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Combined Notice of Filings #1**

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2564-011;

ER10-2289-011; ER10-2600-011.

*Applicants:* Tucson Electric Power Company, UNS Electric, Inc., UniSource Energy Development Company.*Description:* Supplement to June 21, 2021 Notice of Non-Material Change in Status of Tucson Electric Power Company, et al.*Filed Date:* 7/9/21.*Accession Number:* 20210709-5165.*Comments Due:* 5 p.m. ET 7/30/21.*Docket Numbers:* ER11-1933-007.*Applicants:* Green Mountain Power Corporation.*Description:* Updated Market Power Analysis for the Northeast Region of Green Mountain Power Corporation.*Filed Date:* 12/20/19.*Accession Number:* 20191220-5290.*Comments Due:* 5 p.m. ET 9/13/21.*Docket Numbers:* ER20-1981-001.*Applicants:* Pioneer Solar (CO), LLC.  
*Description:* Notice of Change in Status of Pioneer Solar (CO), LLC.*Filed Date:* 7/13/21.*Accession Number:* 20210713-5162.*Comments Due:* 5 p.m. ET 8/3/21.*Docket Numbers:* ER20-1983-001.*Applicants:* Central 40, LLC.  
*Description:* Notice of Change in Status of Central 40, LLC.*Filed Date:* 7/13/21.*Accession Number:* 20210713-5161.*Comments Due:* 5 p.m. ET 8/3/21.*Docket Numbers:* ER21-2110-001.*Applicants:* GenOn Power Midwest, LP.*Description:* Tariff Amendment: Amendment to Requested Effective Date for Cancellation of RS FERC No. 2 to be effective 4/1/2022.*Filed Date:* 7/14/21.*Accession Number:* 20210714-5062.

*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2113–001.  
*Applicants:* Midcontinent Independent System Operator, Inc., International Transmission Company.  
*Description:* Tariff Amendment: 2021–07–14 SA 3664 ITC–DTE Sub Amended GIOA to be effective 8/10/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5068.  
*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2410–000.  
*Applicants:* Prairie Wolf Solar, LLC.  
*Description:* Baseline eTariff Filing: Application for Market-Based Rate Authority to be effective 9/13/2021.  
*Filed Date:* 7/13/21.  
*Accession Number:* 20210713–5129.  
*Comments Due:* 5 p.m. ET 8/3/21.  
*Docket Numbers:* ER21–2411–000.  
*Applicants:* Southwest Power Pool, Inc.  
*Description:* § 205(d) Rate Filing: 3618R2 Little Blue Wind Project, LLC GIA to be effective 6/25/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5001.  
*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2412–000.  
*Applicants:* Southwest Power Pool, Inc.  
*Description:* § 205(d) Rate Filing: 3842 KPP and Sunflower Electric Interconnection Agreement to be effective 9/12/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5002.  
*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2413–000.  
*Applicants:* American Electric Power Service Corporation, Ohio Power Company, PJM Interconnection, L.L.C.  
*Description:* § 205(d) Rate Filing: AEP submits one FA re: ILDSA SA No. 1420 to be effective 9/13/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5074.  
*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2414–000.  
*Applicants:* Midcontinent Independent System Operator, Inc.  
*Description:* Compliance filing: 2021–07–14 Waiver Request for 2017 DPP West to be effective N/A.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5075.  
*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2415–000.  
*Applicants:* Great Bay Power Marketing, Inc.  
*Description:* Notice of Cancellation of Market Based Rate Tariff of Great Bay Power Marketing, Inc.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5076.  
*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21–2416–000.  
*Applicants:* PJM Interconnection, L.L.C., American Electric Power Service Corporation, Ohio Power Company.  
*Description:* § 205(d) Rate Filing: AEP submits one FA re: ILDSA SA No. 1676 to be effective 9/13/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5077.  
*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2417–000.  
*Applicants:* PacifiCorp.  
*Description:* § 205(d) Rate Filing: BPA NITSA—(Idaho Falls Power) Rev 4 to be effective 7/1/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5080.  
*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2418–000.  
*Applicants:* Thermo Cogeneration Partnership, L.P.  
*Description:* Tariff Cancellation: Notice of Cancellation of Market-Based Rate Tariff and Tariff ID to be effective 12/31/9998.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5099.  
*Comments Due:* 5 p.m. ET 8/4/21.  
*Docket Numbers:* ER21–2419–000.  
*Applicants:* RE Garland LLC.  
*Description:* Initial rate filing: Garland Storage Shared Facilities Agreement Filing to be effective 7/15/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5114.  
*Comments Due:* 5 p.m. ET 8/4/21.  
 Take notice that the Commission received the following electric securities filings:  
*Docket Numbers:* ES21–54–000.  
*Applicants:* Montana-Dakota Utilities Co.  
*Description:* Application under Section 204 of the Federal Power Act for Authorization to Issue Securities of Montana-Dakota Utilities Co.  
*Filed Date:* 7/12/21.  
*Accession Number:* 20210712–5188.  
*Comments Due:* 5 p.m. ET 8/2/21.  
 The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.  
 Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.  
 eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,

service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 14, 2021.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2021–15482 Filed 7–20–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

*Docket Numbers:* RP21–832–001.  
*Applicants:* Tapstone Energy, LLC, FP Wheeler Midstream, LLC.  
*Description:* Petition to Amend Temporary Waiver of Capacity Release Regulations, et al. of Tapstone Energy, LLC et al.  
*Filed Date:* 7/13/21.  
*Accession Number:* 20210713–5135.  
*Comments Due:* 5 p.m. ET 7/26/21.  
*Docket Numbers:* RP21–964–000.  
*Applicants:* Saltville Gas Storage Company L.L.C.  
*Description:* § 4(d) Rate Filing: ROFR Agreement Definition Modification to be effective 8/13/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5121.  
*Comments Due:* 5 p.m. ET 7/26/21.  
*Docket Numbers:* RP21–965–000.  
*Applicants:* East Tennessee Natural Gas, LLC.  
*Description:* § 4(d) Rate Filing: ROFR Agreement Definition Modification to be effective 8/13/2021.  
*Filed Date:* 7/14/21.  
*Accession Number:* 20210714–5124.  
*Comments Due:* 5 p.m. ET 7/26/21.  
 The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.  
 Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.  
 eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,



service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: July 15, 2021.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2021-15510 Filed 7-20-21; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG21-195-000.

*Applicants:* Tulare Solar Center, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Tulare Solar Center, LLC.

*Filed Date:* 7/13/21.

*Accession Number:* 20210713-5163.

*Comments Due:* 5 p.m. ET 8/3/21.

*Docket Numbers:* EG21-196-000.

*Applicants:* Boulder Solar III, LLC.

*Description:* Self-Certification of EG or FC of Boulder Solar III, LLC.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715-5098.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* EG21-197-000.

*Applicants:* Ho'ohana Solar 1, LLC.

*Description:* Self-Certification of Exempt Wholesale Generator Status of Ho'ohana Solar 1, LLC.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715-5107.

*Comments Due:* 5 p.m. ET 8/5/21.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER21-857-002; ER21-856-002.

*Applicants:* Trent River Solar, LLC, PGR Lessee P, LLC.

*Description:* Supplement to June 30, 2021 Notice of Non-Material Change in Status of Trent River Solar, LLC, et al.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715-5043.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21-1191-008.

*Applicants:* Southwestern Electric Power Company.

*Description:* Tariff Amendment: Amended and Restated Minden PSA to be effective 8/1/2018.

*Filed Date:* 7/14/21.

*Accession Number:* 20210714-5138.

*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21-1962-001.

*Applicants:* Mulberry BESS LLC.

*Description:* Tariff Amendment: Supplement to Market-Based Rate Application to be effective 5/21/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715-5095.

*Comments Due:* 5 p.m. ET 7/26/21.

*Docket Numbers:* ER21-2025-000.

*Applicants:* Tampa Electric Company.

*Description:* Supplemental Motion of Tampa Electric Company to the May 27, 2021 Request for Waiver by Tampa Electric Company.

*Filed Date:* 7/12/21.

*Accession Number:* 20210712-5184.

*Comments Due:* 5 p.m. ET 7/19/21.

*Docket Numbers:* ER21-2400-000.

*Applicants:* Long Island Power

Authority.

*Description:* Joint Request for Limited Waiver of Long Island Power Authority and Long Island Solar Farm.

*Filed Date:* 7/12/21.

*Accession Number:* 20210712-5181.

*Comments Due:* 5 p.m. ET 7/26/21.

*Docket Numbers:* ER21-2420-000.

*Applicants:* Midcontinent

Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2021-07-14\_SA 3257 ITC Midwest-Louise Solar Project 1st Rev GIA (J523) to be effective 6/29/2021.

*Filed Date:* 7/14/21.

*Accession Number:* 20210714-5118.

*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21-2421-000.

*Applicants:* RE Garland A LLC.

*Description:* Initial rate filing: Garland Storage Shared Facilities Agreement Concurrence Filing to be effective 7/15/2021.

*Filed Date:* 7/14/21.

*Accession Number:* 20210714-5135.

*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21-2422-000.

*Applicants:* SP Garland Solar Storage, LLC.

*Description:* Initial rate filing: Garland Storage Shared Facilities Agreement Concurrence Filing to be effective 7/15/2021.

*Filed Date:* 7/14/21.

*Accession Number:* 20210714-5136.

*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21-2423-000.

*Applicants:* Generation Bridge

Connecticut Holdings, LLC.

*Description:* Baseline eTariff Filing: Market-Based Rate Application and Request for Expedited Action to be effective 7/15/2021.

*Filed Date:* 7/14/21.

*Accession Number:* 20210714-5143.

*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21-2424-000.

*Applicants:* Generation Bridge M&M Holdings, LLC.

*Description:* Baseline eTariff Filing: Market-Based Rate Application and Request for Expedited Action to be effective 7/15/2021.

*Filed Date:* 7/14/21.

*Accession Number:* 20210714-5147.

*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21-2425-000.

*Applicants:* Arizona Public Service Company.

*Description:* § 205(d) Rate Filing: Service Agreement No. 392 to be effective 6/30/2021.

*Filed Date:* 7/14/21.

*Accession Number:* 20210714-5153.

*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21-2426-000.

*Applicants:* CPRE 1 Lessee, LLC.

*Description:* Baseline eTariff Filing: App. for MBR Authority, Request for Asso. Waivers & Auth. to make Affiliate Sales to be effective 9/13/2021.

*Filed Date:* 7/14/21.

*Accession Number:* 20210714-5156.

*Comments Due:* 5 p.m. ET 8/4/21.

*Docket Numbers:* ER21-2427-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original ISA, Service Agreement No. 6108; Queue No. AE1-183 to be effective 6/17/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715-5016.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21-2428-000.

*Applicants:* Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 205: SGIA between Niagara Mohawk and Capital Hill Solar, SA No. 2641 to be effective 6/15/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715-5032.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21-2429-000.

*Applicants:* Tulare Solar Center, LLC.

*Description:* Baseline eTariff Filing: Tulare Solar Center, LLC MBR Tariff to be effective 7/16/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715-5048.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21-2430-000.

*Applicants:* Virginia Electric and Power Company, PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: VEPCo submits revised Mutual Operating Agreement No. 2032 to be effective 6/15/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715-5051.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21-2431-000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) Rate Filing: LGIA Desert Quartzite, LLC—Quartzite Solar 11 SA No. 270, TOT872 to be effective 7/16/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715–5054.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21–2432–000.

*Applicants:* San Diego Gas & Electric Company.

*Description:* § 205(d) Rate Filing: Captiva Energy Storage E&P Agreement to be effective 7/16/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715–5067.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21–2433–000.

*Applicants:* Florida Power & Light Company.

*Description:* Tariff Cancellation: FPL Cancellation of eTariff Records for Attachments H–1 and H–2 of the OATT to be effective 4/1/2020.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715–5068.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21–2434–000.

*Applicants:* PacifiCorp.

*Description:* § 205(d) Rate Filing: BPA NITSA—(SE Idaho Area) Rev 6 to be effective 7/1/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715–5074.

*Comments Due:* 5 p.m. ET 8/5/21.

*Docket Numbers:* ER21–2435–000.

*Applicants:* WPS Power Development, LLC.

*Description:* Tariff Cancellation: Cancellation of Market-Based Rate Tariff to be effective 9/14/2021.

*Filed Date:* 7/15/21.

*Accession Number:* 20210715–5102.

*Comments Due:* 5 p.m. ET 8/5/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 15, 2021.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2021–15513 Filed 7–20–21; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP21–470–000]

#### Freeport LNG Development, L.P.; FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; FLNG Liquefaction 3, LLC; Notice of Application and Establishing Intervention Deadline

Take notice that on June 29, 2021, Freeport LNG Development, L.P., FLNG Liquefaction, LLC, FLNG Liquefaction 2, LLC and FLNG Liquefaction 3, LLC (Freeport LNG), 333 Clay Street, Suite 5050, Houston, TX 77002, filed an application under section 3(a) of the Natural Gas Act (NGA), and Part 153 of the Commission's regulations requesting authorization for a limited amendment to their existing authorizations to increase the authorized maximum liquefied natural gas production capacity of Freeport LNG's Liquefaction Project, from 782 Billion cubic feet per year (Bcf/y), to approximately 870 Bcf/y. Freeport LNG states that no additional construction or modification of previously authorized facilities is required to implement this increase, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Any questions regarding Freeport LNG's application may be directed to John Tobola, Freeport LNG

Development, L.P., 333 Clay Street, Suite 5050, Houston, TX 77002, by phone at (713) 980–2888, or by email at [jtobola@freeportlng.com](mailto:jtobola@freeportlng.com); or Lisa M. Toney, Partner, Orrick, Herrington & Sutcliffe LLP, 51 West 52nd Street, New York, NY 10019, by phone at (212) 506–3710, or by email at [ltoney@orrick.com](mailto:ltoney@orrick.com).

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

#### Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on August 4, 2021. How to file comments and motions to intervene is explained below.

#### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before August 4, 2021. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

Persons who comment on the environmental review of this project will be placed on the Commission's

<sup>1</sup> 18 CFR (Code of Federal Regulations) 157.9.

environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

#### *Interventions*

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,<sup>2</sup> has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>3</sup> and the regulations under the NGA<sup>4</sup> by the intervention deadline for the project, which is August 4, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. [For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene.] For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### *How To File Comments and Interventions*

There are two ways to submit your comments and motions to intervene to the Commission. In all instances, please reference the Project docket numbers

CP21-470-000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your comments or motions to intervene electronically by using the eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Comment on a Filing" or "Intervention"; or

(2) You can file a paper copy of your comments by mailing them to the following address below. Your written comments must reference the Project docket numbers (CP21-470-000).

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Freeport LNG Development, L.P., 333 Clay Street, Suite 5050, Houston, TX 77002, or at [jtobola@freeportlng.com](mailto:jtobola@freeportlng.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed<sup>5</sup> motions to intervene are automatically granted by operation of Rule 214(c)(1).<sup>6</sup> Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.<sup>7</sup> A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

<sup>5</sup> The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

<sup>6</sup> 18 CFR 385.214(c)(1).

<sup>7</sup> 18 CFR 385.214(b)(3) and (d).

#### **Tracking the Proceeding**

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

*Intervention Deadline:* 5:00 p.m. Eastern Time on August 4, 2021.

Dated: July 14, 2021.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2021-15485 Filed 7-20-21; 8:45 am]

**BILLING CODE 6717-01-P**

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#### **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPPT-2021-0068; FRL-8732-01-OCSPF]**

#### **Certain New Chemicals; Receipt and Status Information for June 2021**

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

**ACTION:** Notice.

**SUMMARY:** EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application (Biotech exemption); an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This

<sup>2</sup> 18 CFR 385.102(d).

<sup>3</sup> 18 CFR 385.214.

<sup>4</sup> 18 CFR 157.10.

document covers the period from 06/01/2021 to 06/30/2021.

**DATES:** Comments identified by the specific case number provided in this document must be received on or before August 20, 2021.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2021-0068, and the specific case number for the chemical substance related to your comment, by one of the following methods:

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

- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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 <http://www.epa.gov/dockets/contacts.html>.

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

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Jim Rahai, Project Management and Operations Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8593; email address: [rahai.jim@epa.gov](mailto:rahai.jim@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

*A. What action is the Agency taking?*

This document provides the receipt and status reports for the period from 06/01/2021 to 06/30/2021. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report

on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

*B. What is the Agency's authority for taking this action?*

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, a chemical substance may be either an "existing" chemical substance or a "new" chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." (See TSCA section 3(11).) For more information about the TSCA Inventory please go to: <https://www.epa.gov/tsca-inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: <http://www.epa.gov/oppt/newchems>.

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

*C. Does this action apply to me?*

This action provides information that is directed to the public in general.

*D. Does this action have any incremental economic impacts or paperwork burdens?*

No.

*E. What should I consider as I prepare my comments for EPA?*

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

**II. Status Reports**

In the past, EPA has published individual notices reflecting the status of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL-4942-7). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5



TABLE I—PMN/SNUN/MCANS APPROVED \* FROM 06/01/2021 TO 06/30/2021—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-21-0133	2	06/29/2021	CBI	(S) Chemical Intermediate	(G) Distillation bottoms from manufacture of alkanolic acid by organic acid-producing organism, modified. (G) Lithium metal oxide.
P-21-0138	2	06/22/2021	LG Energy Solution Michigan Inc.	(S) Electrode material for use in the manufacture of batteries.	
P-21-0139	1	05/28/2021	Solvay Chemicals Inc	(S) Stationary Energy Storage	(S) Methanesulfonamide,1,1,1-trifluoro-N-[(trifluoromethyl)sulfonyl]-, sodium salt (1:1).
P-21-0140	1	05/28/2021	CHS Inc	(G) Raw material for Viscosity Modifier	(S) Soybean oil, oleic acid-high, epoxidized.
P-21-0141	2	06/08/2021	Valero Energy Corporation.	(S) Transportation Fuel	(S) Alkanes, C4-8—Branched and Linear.
P-21-0141A	3	06/14/2021	Valero Energy Corporation.	(S) Transportation Fuel	(S) Alkanes, C4-8—Branched and Linear.
P-21-0141A	4	06/23/2021	Valero Energy Corporation.	(S) Transportation Fuel	(S) Alkanes, C4-8—Branched and Linear.
P-21-0142	2	06/04/2021	CBI	(S) Resin/binder in paint formulations for industrial applications.	(G) Organic acid dimethyl ester, polymer with mixed alkanediols and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, N-(trimethoxysilylalkyl)alkanamine blocked.
P-21-0143	1	06/07/2021	CBI	(G) Coating ingredient, Adhesive ingredient.	(G) Aliphatic Diisocyanate, homopolymer, aliphatic alcohol blocked.
P-21-0143A	2	06/18/2021	CBI	(G) Coating ingredient, Adhesive ingredient.	(G) Aliphatic Diisocyanate, homopolymer, aliphatic alcohol blocked.
P-21-0144	1	06/07/2021	Chevron	(G) Gasoline	(G) Naphtha, heavy catalytic cracked.
P-21-0145	1	06/07/2021	Chevron	(G) Gasoline	(G) Naphtha, heavy alkylate.
P-21-0146	1	06/07/2021	Chevron	(G) gasoline	(G) Naphtha, full range alkylate, butane-contg.
P-21-0147	1	06/07/2021	Chevron	(G) Gasoline	(G) Naphtha, hydrotreated heavy.
P-21-0148	1	06/07/2021	Chevron	(G) Gasoline	(G) Naphtha, light catalytic cracked.
P-21-0149	1	06/07/2021	Chevron	(G) Aviation gasoline	(G) Naphtha, light alkylate.
P-21-0150	1	06/07/2021	Chevron	(G) Gasoline	(G) Naphtha, hydrotreated light.
P-21-0151	1	06/08/2021	CBI	(G) Polyurethane applications	(G) Epoxidized Vegetable oil, polymer with bisphenol A, aryl glycidyl ether, epichlorohydrin, polyethylene glycol and trimethylolpropane.
P-21-0152	3	06/14/2021	Chevron	(G) Marine fuel	(G) Clarified oils, catalytic cracked.
P-21-0153	3	06/14/2021	Chevron	(G) Chemical intermediate	(G) Distillates, hydrotreated heavy.
P-21-0154	3	06/14/2021	Chevron	(G) chemical intermediate	(G) Gas Oils hydrotreated vacuum.
P-21-0155	1	06/08/2021	Chevron	(G) Diesel fuel	(G) Distillates, light catalytic cracked.
P-21-0156	1	06/08/2021	Chevron	(G) Jet fuel	(G) Distillates, clay-treated middle.
P-21-0157	1	06/08/2021	Chevron	(G) diesel fuel	(G) Distillates, hydrotreated middle.
P-21-0158	1	06/08/2021	Chevron	(G) jet fuel	(G) Distillates, hydrotreated light.
P-21-0159	3	06/14/2021	Chevron	(G) chemical intermediate	(G) Gases, C3-C4.
P-21-0160	3	06/14/2021	Chevron	(G) chemical intermediate	(G) Gases, C4-rich.
P-21-0161	3	06/14/2021	Chevron	(G) chemical intermediate	(G) Gases, catalytic cracking.
P-21-0162	3	06/14/2021	Chevron	(G) chemical intermediate	(G) Residues, butane splitter bottoms.
P-21-0163	3	06/14/2021	Chevron	(G) chemical intermediate	(G) Tail gas, saturate gas plant mixed stream, C4-rich.
P-21-0164	1	06/09/2021	Polysi Research LLC	(S) Crosslinker for waterproofing	(S) 2-Butanone, oxime, reaction products with Trimethoxymethylsilane.
P-21-0165	1	06/09/2021	Colonial Chemical, Inc.	(S) anionic surfactant in cleaning products.	(S) DGlucopyranose, oligomeric, C1016alkyl glycosides, 3(3,4dicarboxy3hydroxy1oxobutoxy)2hydroxypropyl ethers, sodium salts.
P-21-0166	1	06/11/2021	Rudolf Venture Chemical.	(S) Textile softening agent	(G) Siloxanes and Silicones, di-Me, [alkylpiperazinium-hydroxyalkoxy]alkyl group-terminated, arylsulfonates (salts).
P-21-0167	1	06/11/2021	Rudolf Venture Chemical.	(S) Textile softening agent	(G) Siloxanes and Silicones, di-Me, [alkylpiperazinium-hydroxyalkoxy]alkyl group- and (hydroxyalkoxy)alkyl group-terminated, ethers with polyethylene glycol alkyl ethers, arylsulfonates (salts).
P-21-0174	1	06/22/2021	Marubeni America Corporation.	(G) Raw material for polyurethane	(G) Carbonic acid, ester, polymer with alkanediol (C=4,5).
P-21-0175	1	06/22/2021	Marubeni America Corporation.	(G) Raw material of polyurethane	(G) Carbonic acid, ester, polymer with alkanediol (C=4,10).
P-21-0176	2	06/29/2021	CBI	(G) component in plastics	(G) Alkane dioic acid, bis (poly aromatic triazine) alkanolic ether phenoxy ester.
SN-21-0010	1	06/18/2021	CBI	(G) Additive used in coatings	(G) 2-Oxepanone, reaction products with alkylenediamine-alkyleneimine polymer, 2-[[[(2-alkyl)oxy]alkyl]oxirane and tetrahydro-2H-pyran-2-one.

\*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission prior to the start of the 90 day review period, and in no way reflects the final status of a complete submission review.

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs that have passed an initial screening by EPA during this period: The EPA case number assigned

to the NOC including whether the submission was an initial or amended submission, the date the NOC was received by EPA, the date of commencement provided by the submitter in the NOC, a notation of the

type of amendment (e.g., amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE II—NOCs APPROVED \* FROM 06/01/2021 TO 06/30/2021

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
J-20-0025 .....	06/04/2021	04/08/2021	N .....	(G) Biofuel producing saccharomyces cerevisiae modified, genetically stable.
J-21-0003A .....	05/28/2021	04/16/2021	Provided CBI sub-stantiation.	(G) Genetically modified saccharomyces cerevisiae.
J-21-0010 .....	05/25/2021	05/10/2021	N .....	(G) Genetically modified microorganism.
P-09-0506 .....	06/03/2021	08/09/2010	N .....	(S) Hexanedioic acid, polymer with oxybis[propanol] and 1,2,3-propanetriol.
P-12-0518 .....	06/22/2021	06/22/2021	N .....	(S) 1,2,3-propanetricarboxylic acid, 2-hydroxy-, titanium (4+) salt (5:2).
P-17-0259 .....	06/17/2021	06/09/2021	N .....	(S) Benzenediamine, ar-chloro-ar,ar-diethyl-ar-methyl-.
P-19-0114 .....	06/16/2021	05/23/2021	N .....	(G) Sulfonium, triphenyl-, trifluoro-hydroxy-(triheterosubstitutedalkyl)alkanoate (1:1),.
P-20-0068 .....	05/27/2021	05/11/2021	N .....	(S) 1,3-propanediol, 2,2-dimethyl-, 1,3-diacetate.
P-20-0069 .....	06/09/2021	05/10/2021	N .....	(S) 2-propenoic acid, 2-methyl-, polymer with 2-hydroxyethyl 2-methyl-2-propenoate phosphate and 2-propenoic acid, sodium salt, peroxydisulfuric acid (((ho)s(o)2]2o2) sodium salt (1:2)- and sodium (disulfite) (2:1)-initiated.
P-20-0103 .....	06/22/2021	02/01/2021	N .....	(G) Cycloaliphatic amine formate.
P-20-0140 .....	06/23/2021	06/19/2021	N .....	(G) N-substituted-beta-alanine, heterosubstituted-alkyl ester, ion(1-), triphenylsulfonium (1:1),.
P-20-0141 .....	06/23/2021	06/19/2021	N .....	(G) Sulfonium, [4-(1,1-dimethylethyl)phenyl]diphenyl-, salt with heterosubstituted-alkyl tricycloalkane-carboxylate (1:1),.
P-20-0161 .....	06/11/2021	05/14/2021	N .....	(S) Propanedioic acid, 2-methylene-, 1,3-diethyl ester, polymer with 1,4-butanediol.
P-20-0167 .....	05/27/2021	05/03/2021	N .....	(G) Phenylene, alkyl and polycarbomonocycle substituted, 1,2-dicarboxylate.
P-94-0492 .....	06/11/2021	05/27/2021	N .....	(S) 1,2,4-benzenetricarboxylic acid, trionyl ester, branched and linear.
P-94-1647 .....	06/10/2021	06/06/2021	N .....	(S) Isocyanic acid, polymethylenepolyphenylene ester, polymer with 2,2'-iminobis[ethanol] and 4-methyl-1,3-dioxolan-2-one, 2-hydroxyethyl methacrylate-blocked.

\*The term 'Approved' indicates that a submission has passed a quick initial screen ensuring all required information and documents have been provided with the submission.

In Table III of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information that has been received during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the type of test information submitted, and chemical substance identity.

TABLE III—TEST INFORMATION RECEIVED FROM 06/01/2021 TO 06/30/2021

Case No.	Received date	Type of test information	Chemical substance
P-18-0407 .....	06/11/2021	Acute Fish Toxicity (OECD Test Guidelines 203), Acute Fish Toxicity Phase Report Analysis, Hydrolysis as a Function of pH (OECD Test Guidelines 111), Estimation of the Adsorption Coefficient (Koc) on Soil and on Sewage Sludge using High Performance Liquid Chromatography (HPLC) (OECD Test Guideline 121), and Modified Activated Sludge, Respiration Inhibition Test for sparingly Soluble Chemicals (OECD Test Guideline 209).	(S) 1,2-ethanediamine, n,n-dimethyl-n-(1-methylethyl)-n-[2-methyl(1-methylethyl)amino]ethyl]-.
P-20-0018 .....	06/22/2021	Freshwater Alga and Cyanobacteria, Growth Inhibition Test (OECD Test Guideline 201), and Fish, Early-Life Stage Toxicity Test (OECD Test Guideline 210).	(G) Fatty acid dimers, polymers with glycerol and triglycerides.
P-12-0241 .....	06/23/2021	Annual Reporting of Certificate of Analysis .....	(G) C6-2 Methacrylate.

If you are interested in information that is not included in these tables, you may contact EPA's technical information contact or general information contact as described under **FOR FURTHER INFORMATION CONTACT** to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 et seq.

Dated: July 15, 2021.

**Pamela Myrick,**

Director, Project Management and Operations Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2021-15523 Filed 7-20-21; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OECA-2014-0099; FRL-8748-01-OMS]

**Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Ferroalloys Production Area Sources (Renewal)**

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Ferroalloys Production Area Sources (EPA ICR Number 2303.06, OMB Control Number 2060-0625), to the Office of Management and

Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through September 30, 2021. Public comments were previously requested, via the **Federal Register**, on May 12, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before August 20, 2021.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0099, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: [yellin.patrick@epa.gov](mailto:yellin.patrick@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov), or in person, at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: <http://www.epa.gov/dockets>.

**Abstract:** The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ferroalloys Production Area Sources (40 CFR part 63, subpart YYYYYY) apply to existing and new ferroalloy production facilities that are an area source of hazardous air pollutant (HAP) emissions. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These

notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP.

**Form Numbers:** None.

**Respondents/affected entities:**

Owners and operators of area source ferroalloys production facilities.

**Respondent's obligation to respond:** Mandatory (40 CFR part 63, subpart YYYYYY).

**Estimated number of respondents:** 9 (total).

**Frequency of response:** Initially, annually, and semiannually.

**Total estimated burden:** 362 hours (per year). Burden is defined at 5 CFR 1320.3(b).

**Total estimated cost:** \$42,500 (per year), which includes \$0 in annualized capital/startup and/or operation & maintenance costs.

**Changes in the Estimates:** There is a small decrease in burden from the most recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This decrease is not due to any program changes. This ICR reflects a reduction in the number of respondents based on a review of facilities listed in the 2008 final rule docket that remain in operation. A review of these facilities revealed that one of the existing ten companies has shut down, while remaining facilities appear to continue to be in operation. The growth rate for this industry is very low or non-existent, so no new companies are expected to become subject to this NESHAP during the three-year period of this ICR. There are no changes in the capital/startup or operation and maintenance (O&M) costs.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2021–15468 Filed 7–20–21; 8:45 am]

**BILLING CODE 6560–50–P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060–0741; FR ID 38413]

**Information Collection Being Reviewed by the Federal Communications Commission**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or

Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before September 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 Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

**SUPPLEMENTARY INFORMATION:**

**OMB Control Number:** 3060–0741.

**Title:** Accelerating Wireline

Broadband Deployment by Removing Barriers to Infrastructure Investment, GN Docket No. 17–84.

**Form Number(s):** N/A.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Business or other for-profit entities.

**Number of Respondents and Responses:** 4,750 respondents; 471,920 responses.

**Estimated Time per Response:** 0.5–4.5 hours.

**Frequency of Response:** On occasion reporting requirements; recordkeeping and third-party disclosure requirements.

**Obligation to Respond:** Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 222 and 251.



*Total Annual Burden:* 473,440 hours.  
*Total Annual Cost:* No cost.  
*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

*Needs and Uses:* Section 251 of the Communications Act of 1934, as amended, 47 U.S.C. 251, is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. Section 222(e) is also designed to spur competition by prescribing requirements for the sharing of subscriber list information. These information collection requirements are designed to help implement certain provisions of sections 222(e) and 251, and to eliminate operational barriers to competition in the telecommunications services market. Specifically, these information collection requirements will be used to implement (1) local exchange carriers' ("LECs") obligations to provide their competitors with dialing parity and non-discriminatory access to certain services and functionalities; (2) incumbent local exchange carriers' ("ILECs") duty to make network information disclosures; and (3) numbering administration. In November 2017, the Commission adopted new rules concerning certain information collection requirements implemented under section 251(c)(5) of the Act, pertaining to network change disclosures. Most of the changes to those rules applied specifically to a certain subset of network change disclosures, namely notices of planned copper retirements. In addition, the changes removed a rule that prohibits incumbent LECs from engaging in useful advanced coordination with entities affected by network changes. In June 2018, the Commission revised its network change disclosure rules to (1) revise the types of network changes that trigger an incumbent LEC's public notice obligation, and (2) extend the force majeure provisions applicable to copper retirements to all types of network changes. The changes were aimed at removing unnecessary regulatory barriers to the deployment of high-speed broadband networks.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2021-15504 Filed 7-20-21; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060-0806; FR ID 38752]

**Information Collection Being Reviewed by the Federal Communications Commission**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

**DATES:** Written PRA comments should be submitted on or before September 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 Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Nicole.Ongele@fcc.gov](mailto:Nicole.Ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele, (202) 418-2991.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0806.

*Title:* Universal Service-Schools and Libraries Universal Service Program, FCC Forms 470 and 471.

*Form Number:* FCC Forms 470 and 471.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* State, local or tribal government institutions, and other not-for-profit institutions.

*Number of Respondents and Responses:* 43,000 respondents; 67,100 responses.

*Estimated Time per Response:* 3.5 hours for FCC Form 470 (3 hours for response; 0.5 hours for recordkeeping; 4.5 hours for FCC Form 471 (4 hours for response; 0.5 hours for recordkeeping).

*Frequency of Response:* On occasion and annual reporting requirements, and recordkeeping requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 1, 4(i), 4(j), 201-205, 214, 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151-154, 201-205, 218-220, 254, 303(r), 403 and 405.

*Total Annual Burden:* 273,950 hours.

*Total Annual Cost:* No Cost.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* There is no assurance of confidentiality provided to respondents concerning this information collection. However, respondents may request materials or information submitted to the Commission or to the Administrator be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

*Needs and Uses:* The Commission seeks approval to extend the existing collection 3060-0806 (FCC Forms 470 and 471). Collection of the information on FCC Forms 470 and 471 is necessary so that the Commission and USAC have sufficient information to determine if entities are eligible for funding pursuant to the schools and libraries support mechanism, to determine if entities are complying with the Commission's rules, and to prevent waste, fraud, and abuse. In addition, the information is necessary for the Commission to evaluate the extent to which the E-rate program is meeting the statutory objectives specified in section 254(h) of the 1996 Act, and the Commission's performance goals established in the *E-rate Modernization Order* and *Second E-rate Modernization Order*.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2021-15505 Filed 7-20-21; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

[GN Docket No. 19–329; FRS 38685]

**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:** August 19, 2021. The meeting will come to order at 3:00 p.m. EDT.

**ADDRESSES:** The meeting will be held via conference call and be available to the public via live feed from the FCC’s web page at [www.fcc.gov/live](http://www.fcc.gov/live).

**FOR FURTHER INFORMATION CONTACT:** Jesse Jachman, Designated Federal Officer, Federal Communications Commission, Wireline Competition Bureau, (202) 418–2668, or email: [Jesse.Jachman@fcc.gov](mailto:Jesse.Jachman@fcc.gov); Elizabeth Cuttner, Deputy Designated Federal

Officer, Federal Communications Commission, Wireline Competition Bureau, (202) 418–2145, or email [Elizabeth.Cuttner@fcc.gov](mailto:Elizabeth.Cuttner@fcc.gov); or Stacy Ferraro, Deputy Designated Federal Officer, Wireless Telecommunications Bureau, (202) 418–0795 or email [Stacy.Ferarro@fcc.gov](mailto:Stacy.Ferarro@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be held on August 19, 2021 at 3:00 p.m. EDT and may be viewed live, by the public, at <http://www.fcc.gov/live>. Any questions that arise during the meeting should be sent to [PrecisionAgTF@fcc.gov](mailto:PrecisionAgTF@fcc.gov) and will be answered at a later date. Members of the public may submit comments to the Task Force in the FCC’s Electronic Comment Filing System, ECFS, at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs). Comments to the Task Force should be filed in GN Docket No. 19–329.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least

five days’ advance notice; last-minute requests will be accepted but may not be possible to fill.

*Proposed Agenda:* At this meeting, the Task Force will hear updates from the Working Group leadership and discuss progress towards recommendations. This agenda may be modified at the discretion of the Task Force Chair and the Designated Federal Officer.

Federal Communications Commission.

**Marlene Dortch,**  
*Secretary.*

[FR Doc. 2021–15502 Filed 7–20–21; 8:45 am]

**BILLING CODE 6712–01–P**

**FEDERAL COMMUNICATIONS COMMISSION**

[FR ID 38285]

**Deletion of Items From July 13, 2021 Open Meeting**

July 13, 2021.

The following items have been adopted by the Commission and deleted from the list of items scheduled for consideration at the Tuesday, July 13, 2021, Open Meeting. These items were previously listed in the Commission’s Notice of Tuesday July 6, 2021.

3 .....	MEDIA .....	TITLE: Updating Broadcast Radio Technical Rules (MB Docket No. 21–263). SUMMARY: The Commission will consider a Notice of Proposed Rulemaking to eliminate or amend outmoded or unnecessary broadcast technical rules.
6 .....	WIRELESS TELECOMMUNICATIONS ...	TITLE: Promoting Technological Solutions to Combat Contraband Wireless Device Use in Correctional Facilities (GN Docket No. 13–111). SUMMARY: The Commission will consider a Second Report and Order taking steps to combat contraband wireless devices in correctional facilities and Second Further Notice of Proposed Rulemaking seeking comment on additional technological solutions to combat contraband device usage in correctional facilities.

\* \* \* \* \*

The meeting will be webcast with open captioning at: [www.fcc.gov/live](http://www.fcc.gov/live). Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the

meeting will be broadcast live with open captioning over the internet from the FCC Live web page at [www.fcc.gov/live](http://www.fcc.gov/live).

**Marlene Dortch,**  
*Secretary.*

[FR Doc. 2021–15495 Filed 7–20–21; 8:45 am]

**BILLING CODE 6712–01–P**

**FEDERAL COMMUNICATIONS COMMISSION**

[OMB 3060–0174 and 3060–0214; FR ID 38261]

**Information Collections Being Reviewed by the Federal Communications Commission**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public

and other Federal agencies to take this opportunity to comment on the following information collection(s). 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 comments should be submitted on or before September 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 contacts below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact [insert PERM's analyst name and phone number].

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0174.

*Title:* Sections 73.1212, 76.1615, and 76.1715, Sponsorship Identification.

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit entities; Individuals or households.

*Number of Respondents and Responses:* 22,900 respondents; 1,886,524 responses.

*Estimated Time per Response:* .0011 to .2011 hours.

*Frequency of Response:*

Recordkeeping requirement, Third party disclosure requirement, On occasion reporting requirement.

*Total Annual Burden:* 258,567 Hours.

*Total Annual Cost:* \$448,923.

**Obligation to Respond:** Required to obtain or retain benefits. The statutory authority for this collection is contained in sections 4(i), 317 and 507 of the Communications Act of 1934, as amended.

**Nature and Extent of Confidentiality:** The FCC is preparing a system of records, FCC/MB-2, "Broadcast Station Public Inspection Files," to cover the personally identifiable information (PII) that may be included in the broadcast station public inspection files. Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

**Privacy Impact Assessment:** There are two systems of records relevant to this collection: FCC/MB-2, "Broadcast Station Public Inspection Files," and FCC/IB-1, "International Bureau Filing System (IBFS)." The Commission has published a system of records notice (SORN) for FCC/MB-2 and will modify it as necessary to include any personally identifiable information (PII) that will be added to the Online Public Inspection Files system as part of this collection. The Commission is also preparing a SORN for FCC/IBFS-1 to cover any PII that will be added to IBFS as part of this collection. The Commission is preparing Privacy Impact Assessments for both systems.

**Needs and Uses:** The information collection requirements that are approved under this collection are as follows:

47 CFR 73.1212 requires a broadcast station to identify at the time of broadcast the sponsor of any matter for which consideration is provided. For advertising commercial products or services, generally the mention of the name of the product or service constitutes sponsorship identification. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds. In addition, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter. Sponsorship announcements are waived with respect to the broadcast of "want ads" sponsored by an individual but the licensee shall maintain a list showing the name, address and telephone number of each such advertiser. These

lists shall be made available for public inspection.

47 CFR 73.1212(e) states that, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, the licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter in its public file. Pursuant to the changes contained in 47 CFR 73.1212(e) and 47 CFR 73.3526(e)(19), this list, which could contain personally identifiable information, would be located in a public inspection file to be located on the Commission's website instead of being maintained in the public file at the station. Burden estimates for this change are included in OMB Control Number 3060-0214.

47 CFR 76.1615 states that, when a cable operator engaged in origination cablecasting presents any matter for which money, service or other valuable consideration is provided to such cable television system operator, the cable television system operator, at the time of the telecast, shall identify the sponsor. Under this rule section, when advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product is sufficient when it is clear that the mention of the name of the product constitutes a sponsorship identification. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds.

47 CFR 76.1715 state that, with respect to sponsorship announcements that are waived when the broadcast/origination cablecast of "want ads" sponsored by an individual, the licensee/operator shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

This information collection is being revised to reflect the burden associated with the foreign sponsorship identification disclosure requirements adopted in the *Sponsorship Identification Requirements for Foreign Government-Provided Programming* (86 FR 32221, June 17, 2021, FCC 21-42, rel. Apr. 22, 2021). The collection requires broadcast television and radio stations, as well as 325(c) permit holders, to make a specific disclosure at the time of broadcast if material aired pursuant to the lease of time on the station has been sponsored, paid for, or

furnished by a foreign governmental entity that indicates the specific entity and country involved. Licensees of each broadcast station and 325(c) permit holders also are required to exercise reasonable diligence to ascertain whether the foreign sponsorship disclosure requirements apply at the time of the lease agreement and at any renewal thereof.

This information collection requirements will provide the Commission and the public with increased transparency and will ensure that audiences of broadcast stations are aware when a foreign government, or its representatives, are seeking to persuade the American public. The information collection requirements will also enable interested parties to monitor the extent of such efforts to persuade the American public.

*OMB Control Number:* 3060–0214.

*Title:* Sections 73.3526 and 73.3527, Local Public Inspection Files; Sections 73.1212, 76.1701 and 73.1943, Political Files.

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit entities; Not for profit institutions; State, Local or Tribal government; Individuals or households.

*Number of Respondents and Responses:* 23,984 respondents; 62,839 responses.

*Estimated Time per Response:* 1–52 hours.

*Frequency of Response:* On occasion reporting requirement, Recordkeeping requirement, Third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. The statutory authority that covers this information collection is contained in Sections 151, 152, 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended.

*Total Annual Burden:* 2,047,805 Hours.

*Total Annual Cost:* No cost.

*Privacy Impact Assessment:* There are two systems of records relevant to this collection: FCC/MB–2, “Broadcast Station Public Inspection Files,” and FCC/IB–1, “International Bureau Filing System (IBFS).” The Commission has published a system of records notice (SORN) for FCC/MB–2 and will modify it as necessary to include any personally identifiable information (PII) that will be added to the Online Public Inspection Files system as part of this collection. The Commission is also preparing a SORN for FCC/IBFS–1 to cover any PII that will be added to IBFS as part of this collection. The

Commission is preparing Privacy Impact Assessments for both systems.

*Nature and Extent of Confidentiality:* Most of the documents comprising the public file consist of materials that are not of a confidential nature. Respondents complying with the information collection requirements may request that the information they submit be withheld from disclosure. If confidentiality is requested, such requests will be processed in accordance with the Commission’s rules, 47 CFR 0.459.

*Needs and Uses:* The information collection requirements included under this OMB Control Number 3060–0214, requires broadcast stations to maintain for public inspection a file containing the material set forth in 47 CFR 73.3526 and 73.3527.

This collection is being revised to reflect the burden associated with the foreign sponsorship identification disclosure requirements adopted in the *Sponsorship Identification Requirements for Foreign Government-Provided Programming* (86 FR 32221, June 17, 2021, FCC 21–42, rel. Apr. 22, 2021). The collection requires broadcast television and radio stations to place copies of foreign sponsorship identification disclosures required by 47 CFR 73.1212(j) and the name of the program to which the disclosures were appended in its online public inspection file on a quarterly basis in a standalone folder marked as “Foreign Government-Provided Programming Disclosures.” The collection requires 325(c) permit holders to place copies of foreign sponsorship identification disclosures required by 47 CFR 73.1212(j) and the name of the program to which the disclosures were appended in its International Bureau Filing System record on a quarterly basis. The filing must state the date and time the program aired. In the case of repeat airings of the program, those additional dates and times should also be included. Where an aural announcement was made, its contents must be reduced to writing and placed in the online public inspection file in the same manner.

This information collection requirement will provide the Commission and the public with increased transparency and will ensure that audiences of broadcast stations are aware when a foreign government, or its representatives, are seeking to persuade the American public. The information collection requirements will also enable interested parties to monitor the extent of such efforts to persuade the American public.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2021–15503 Filed 7–20–21; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meetings

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 86 FR 35092.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** Tuesday, July 13, 2021 at 10:00 a.m. and its continuation at the conclusion of the open meeting on July 15, 2021.

**CHANGES IN THE MEETING:** This meeting will also discuss: Matters relating to internal personnel decisions, or internal rules and practices. Information for which disclosure would constitute an unwarranted invasion of privacy. Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

\* \* \* \* \*

**CONTACT PERSON FOR MORE INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694–1220.

**Vicktorja J. Allen,**

*Acting Deputy Secretary of the Commission.*

[FR Doc. 2021–15550 Filed 7–19–21; 11:15 am]

**BILLING CODE 6715–01–P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meetings

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 86 FR 36549.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** Thursday, July 15, 2021 at 10:00 a.m., Virtual Meeting.

**CHANGES IN THE MEETING:** The following matter was also considered: Motion to Amend Directive 68 to Include Additional Information in Quarterly Status Reports to Commission.

**CONTACT PERSON FOR MORE INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694–1220.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

**Laura E. Sinram,**

*Acting Secretary and Clerk of the Commission.*

[FR Doc. 2021–15554 Filed 7–19–21; 11:15 am]

**BILLING CODE 6715–01–P**

**FEDERAL MARITIME COMMISSION****Performance Review Board**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the names of the members of the Performance Review Board.

**FOR FURTHER INFORMATION CONTACT:** Courtney Killion, Director, Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573.

**SUPPLEMENTARY INFORMATION:** Sec. 4314(c)(1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

**Rachel Dickon,**  
*Secretary.*

**The Members of the Performance Review Board Are**

1. Louis E. Sola, Commissioner
2. Mary T. Hoang, Chief of Staff
3. Kristen A. Monaco, Director, Bureau of Trade Analysis
4. Lucille Marvin, Managing Director
5. Patrick M. Moore, Director, Enterprise Services
6. Steven J. Andersen, General Counsel

[FR Doc. 2021-15498 Filed 7-20-21; 8:45 am]

**BILLING CODE 6730-02-P**

**FEDERAL MARITIME COMMISSION****Notice of Agreements Filed**

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov*, or by mail, Federal Maritime Commission, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523-5793 or *tradeanalysis@fmc.gov*.

*Agreement No.:* 012437-001.

*Agreement Name:* MOL/NMCC/WWOCEAN Space Charter Agreement.

*Parties:* Wallenius Wilhelmsen Ocean AS; Mitsui O.S.K. Lines, Ltd.; and Nissan Motor Car Carriers Co., Ltd.

*Filing Party:* Rebecca Fenneman; Jeffrey/Fenneman Law and Strategy PLLC.

*Synopsis:* The amendment renames the Agreement, updates Wallenius Wilhelmsen Ocean AS' name and address, removes WLS as a party, and removes all authority to jointly negotiate or procure terminal services in the United States.

*Proposed Effective Date:* 7/9/2021.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/1905>.

*Agreement No.:* 201365.

*Agreement Name:* Lease Agreement between the Commonwealth Ports Authority and Saipan Stevedore Company.

*Parties:* Commonwealth Ports Authority and the Saipan Stevedore Company, Inc.

*Filing Party:* Joy Ann Tenorio; Commonwealth Ports Authority.

*Synopsis:* This agreement leases to Saipan Stevedore Co., Inc. portions of the Saipan commercial dock space, warehouse, maintenance and office space and exclusive stevedoring rights at the Port of Saipan on the island of Saipan, Commonwealth of the Northern Mariana Islands.

*Proposed Effective Date:* 7/15/2021.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/47529>.

Dated: July 16, 2021.

**Rachel E. Dickon,**  
*Secretary.*

[FR Doc. 2021-15516 Filed 7-20-21; 8:45 am]

**BILLING CODE 6730-02-P**

**FEDERAL RETIREMENT THRIFT INVESTMENT BOARD****Notice of Board Meeting**

**DATES:** July 27, 2021 at 10:00 a.m.

**ADDRESSES:** Telephonic. Dial-in (listen only) information: Number: 1-415-527-5035, Code: 199 692 9177; or via web: <https://tspmeet.webex.com/tspmeet/onstage/g.php?MTID=e7c1325195f4c80b0f92bbfae0aab8be6>.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

**SUPPLEMENTARY INFORMATION:****Board Meeting Agenda***Open Session*

1. Approval of the June 29, 2021 Board Meeting Minutes

2. Monthly Reports
  - (a) Participant Activity Report
  - (b) Legislative Report
3. Quarterly Reports
  - (c) Investment Performance
  - (d) Budget Review
  - (e) Audit Status
4. Internal Audit Update
5. Converge Update

*Closed Session*

6. Information covered under 5 U.S.C. 552b(c)(9)(B).

*Authority:* 5 U.S.C. 552b(e)(1).

Dated: July 15, 2021.

**Dharmesh Vashee,**

*General Counsel, Federal Retirement Thrift Investment Board.*

[FR Doc. 2021-15471 Filed 7-20-21; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services**

[Document Identifier: CMS-10141 and CMS-R-43]

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by September 20, 2021.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for “Comment or Submission” or “More Search Options” to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: \_\_\_\_, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS’ website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

**FOR FURTHER INFORMATION CONTACT:** William N. Parham at (410) 786-4669.

**SUPPLEMENTARY INFORMATION:**

**Contents**

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection’s supporting statement and associated materials (see **ADDRESSES**).

CMS-10141 Medicare Prescription Drug Benefit Program  
CMS-R-43 Conditions of Coverage for Portable X-ray Suppliers and Supporting Regulations

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before

submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

**Information Collection**

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Prescription Drug Benefit Program; *Use:* Plan sponsor and State information is used by CMS to approve contract applications, monitor compliance with contract requirements, make proper payment to plans, and ensure that correct information is disclosed to potential and current enrollees. *Form Number:* CMS-10141 (OMB control number: 0938-0964); *Frequency:* Once; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 11,771,497; *Total Annual Responses:* 675,231,213; *Total Annual Hours:* 9,312,314. (For policy questions regarding this collection contact Maureen Connors at 410-786-4132.)

2. *Type of Information Collection Request:* Revision of a previously approved collection; *Title of Information Collection:* Conditions of Coverage for Portable X-ray Suppliers and Supporting Regulations; *Use:* The requirements contained in this information collection request are classified as conditions of participation or conditions for coverage. Portable X-rays are basic radiology studies (predominately chest and extremity X-rays) performed on patients in skilled nursing facilities, residents of long-term care facilities and homebound patients. The CoPs are based on criteria described in the law, and are designed to ensure that each portable X-ray supplier has properly trained staff and provides the appropriate type and level of care for patients. The information collection requirements described below are necessary to certify portable X-ray suppliers wishing to participate in the Medicare program. There are currently 506 portable X-ray suppliers participating in the Medicare program.

On September 30, 2019 (84 FR 51732), CMS updated the personnel requirements for portable X-ray technicians at 42 CFR 486.104(a), to focus on the qualifications of the individual performing services removing school accreditation requirements and simplifying the structure of the requirements. Additionally, CMS also revised the requirements for referral of service at 42 CFR 486.106(a) for portable X-ray requirements for orders. This change removed the requirement that physician

or non-physician practitioner’s orders for portable X-ray services must be written and signed and replacing the specific requirements related to the content of each portable X-ray order with a cross-reference to the requirements at 42 CFR 410.32, which also apply to portable X-ray services. *Form Number:* CMS-R-43 (OMB Control number: 0938-0338); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 506; *Total Annual Responses:* 1,012; *Total Annual Hours:* 324. (For policy questions regarding this collection contact James Cowher at 410-786-1948.)

Dated: July 16, 2021.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2021-15532 Filed 7-20-21; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[Document Identifier: CMS-10774, CMS-10008 and CMS-10450]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS’ intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or

other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by *August 20, 2021*.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS’ website address at website address at: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* The International Classification of Diseases, 10th Revision, Procedure Coding System (ICD–10–PCS); *Use:* The HIPAA Act of 1996 required CMS to adopt standards for coding systems that are used for reporting health care transactions. The Transactions and Code Sets final rule (65 FR 50312) published

in the **Federal Register** on August 17, 2000 adopted the International Classification of Diseases, 9th Revision, Clinical Modification (ICD–9–CM) Volumes 1 and 2 for diagnosis codes and ICD–9–CM Volume 3 for inpatient hospital services procedures as standard code sets for use by covered entities (health plans, health care clearinghouses, and those health care providers who transmit any health information in electronic form in connection with a transaction for which the Secretary has adopted a standard).

The ICD–10–PCS code set has been maintained, enhanced and expanded as a direct result of recommendations for updates (e.g., adding new codes, deleting codes, and editing descriptive material related to existing codes) received from interested stakeholders from both the public and private sectors. Thus, information collected in the application is significant to code set maintenance. The ICD–10–PCS code set maintenance is an ongoing process, as changes are implemented and updated; therefore, the process requires continual collection of information from applicants on a bi-annual basis. As new technology evolves and new complex medical procedures are developed, requests are submitted to CMS requesting modifications to the ICD–10–PCS code set. Requests have been received prior to HIPAA implementation and must continue to be collected to facilitate quality decision-making.

The Committee provides two meetings each year as a public forum to discuss proposed changes to ICD–10. Suggestions to CMS for ICD–10–PCS procedure code modifications come from both the public and private sectors. ICD–10–PCS modification requests can be proposals for new or revised procedure codes or requests for technical coding updates including but not limited to, enhancements to existing procedure code concepts, such as adding a new body part value or a new approach value. Requestors are asked to include a description of the procedure code or change being requested, and rationale for why the procedure code or change is needed. Supporting references and literature may also be submitted. Interested parties submit these ICD–10–PCS modification requests three months prior to a scheduled Spring or Fall C&M meeting via email to the following email address: [ICDProcedureCodeRequest@cms.hhs.gov](mailto:ICDProcedureCodeRequest@cms.hhs.gov). *Form Number:* CMS–10744 (OMB control number: 0938–New); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions and Private Sector; *Number of Respondents:* 80;

*Total Annual Responses:* 80; *Total Annual Hours:* 800 (For policy questions regarding this collection contact Marilu Hue at 410–786–4510.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Transitional Pass through payments related to Drugs, Biologicals, and Radiopharmaceuticals to determine eligibility under the Outpatient Prospective Payment System; *Use:* Section 201(b) of the BBRA 1999 amended section 1833(t) of the Act by adding new section 1833(t)(6). This provision requires the Secretary to make additional payments to hospitals for a period of 2 to 3 years for certain drugs, radiopharmaceuticals, biological agents, medical devices and brachytherapy devices. Section 1833(t)(6)(A)(iv) establishes the criteria for determining the application of this provision to new items. Section 1833(t)(6)(C)(i) provides that the additional payment for drugs and biologicals be the amount by which the amount determined under section 1842(o) of the Act exceeds the portion of the otherwise applicable hospital outpatient department fee schedule amount that the Secretary determines to be associated with the drug or biological.

Interested parties such as hospitals, pharmaceutical companies, and physicians will apply for transitional pass-through payment for drugs, biologicals, and radiopharmaceuticals used with services covered under the hospital OPPS. After we receive all requested information, we will evaluate the information to determine if the criteria for making a transitional pass-through payment are met and if an interim healthcare common procedure coding system (HCPCS) code for a new drug, biological, or radiopharmaceutical is necessary. We will advise the applicant of our decision, and update the hospital OPPS during its next scheduled quarterly update to reflect any newly approved drug, biological, or radiopharmaceutical. We list below the information that we will require from all applicants. *Form Number:* CMS–10008 (OMB control number: 0938–0802); *Frequency:* Yearly; *Affected Public:* Private Sector; *Number of Respondents:* 30; *Total Annual Responses:* 30; *Total Annual Hours:* 480 (For policy questions regarding this collection contact Raymond A. Bulls at 410–786–7267.)

3. *Type of Information Collection Request:* Extension of a currently approved Information Collection; *Title of Information Collection:* Consumer Assessment of Healthcare Providers and

Systems (CAHPS) Survey for Merit-based Incentive Payment Systems (MIPS); *Use:* CMS is submitting updates to one information collection request associated with the CAHPS for MIPS survey. The CAHPS for MIPS survey is used in the Quality Payment Program (QPP) to collect data on fee-for-service Medicare beneficiaries' experiences of care with eligible clinicians participating in MIPS and is designed to gather only the necessary data that CMS needs for assessing physician quality performance, and related public reporting on physician performance, and should complement other data collection efforts. The survey consists of the core Agency for Healthcare Research and Quality (AHRQ) CAHPS Clinician & Group Survey, version 3.0, plus additional survey questions to meet CMS's information and program needs. The survey information is used for quality reporting, the Care Compare website, and annual statistical experience reports describing MIPS data for all MIPS eligible clinicians.

This 2021 information collection request addresses changes to the CAHPS for MIPS Survey associated with the CY 2021 Physician Fee Schedule (PFS) final rule. In order to address the increased use of telehealth care due to the Public Health Emergency (PHE) for COVID-19, an additional question is added to the CAHPS for MIPS survey to integrate one telehealth item to assess the patient-reported usage of telehealth services. In addition, the cover page of the CAHPS for MIPS Survey is revised to include a reference to care in telehealth settings. The CAHPS for MIPS survey results in burden to three different types of entities: Groups and virtual groups, vendors, and beneficiaries associated with administering the survey. Virtual groups are subject to the same requirements as groups; therefore, we will refer only to groups as an inclusive term for both unless otherwise noted. The estimated time to administer the 2021 CAHPS for MIPS survey has increased from 12.9 minutes to 13.1 minutes; however, there was an overall decrease in burden as the number of respondents decreased. *Form Number:* CMS-10450 (OMB control number: 0938-1222); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions and Individuals and Households; *Number of Respondents:* 30,249; *Total*

*Annual Responses:* 30,249; *Total Annual Hours:* 6,902 (For policy questions regarding this collection contact Alesia Hovatter at 410-786-6861.)

Dated: July 16, 2021.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2021-15531 Filed 7-20-21; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Proposed Information Collection Activity; National Survey of Early Care and Education COVID-19 Follow-Up (OMB #0970-0391)

**AGENCY:** Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), plans to request from the Office of Management and Budget (OMB) an extension to complete data collection for a two-wave COVID-19 Follow-up data collection currently underway as part of the National Survey of Early Care and Education (NSECE). The objective of the NSECE COVID-19 Follow-up is to document the nation's current supply of early care and education services (that is, home-based providers, center-based providers, and the center-based provider workforce). There are no changes proposed.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov). Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research,

and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

#### SUPPLEMENTARY INFORMATION:

*Description:* In the context of the COVID-19 pandemic, the NSECE COVID-19 Follow-up will deepen our understanding of the state of ECE supply and the ECE workforce following the initial period of crisis, including changes in supply or departures from and re-entries to the workforce. The NSECE COVID-19 Follow-up will collect information from center-based ECE providers to children birth through age 5 years, not yet in kindergarten, home-based ECE providers that serve children under age 13, as well as the ECE workforce providing these services. The collection consists of three coordinated nationally representative surveys:

1. A two-wave survey of individuals who provided paid care for children under the age of 13 in a residential setting as of 2019 and participated in the 2019 NSECE (Home-based Provider Interview),

2. a two-wave survey of providers of care to children ages 0 through 5 years of age (not yet in kindergarten) in a non-residential setting (Center-based Provider Interview) as of 2019 and that participated in the 2019 NSECE, and

3. a two-wave survey conducted with individuals employed in center-based child care programs working directly with children in classrooms (Center-based Classroom Staff [Workforce] Interview) as of 2019 and who participated in the 2019 NSECE.

*Respondents:* Home-based providers as of 2019 serving children under 13 years (listed and unlisted paid)—regardless of their status serving children in 2020–2022, center-based child care providers as of 2019 serving children ages 0 through 5 years of age (not yet in kindergarten)—regardless of their status serving children in 2020–2022, and classroom-assigned instructional staff members working with children ages 0 through 5 years of age (not yet in kindergarten) in center-based child care providers as of 2019, regardless of their employment status in 2020–2022.

*Annual Burden Estimates:* This request is for an extension through spring 2022.



Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)
Home-based Provider Interview, Wave 2—In ECE during focal week .....	2,025	1	0.35	709
Home-based Provider Interview, Wave 2—Not in ECE during focal week ....	506	1	0.25	126
Center-based Provider Interview, Wave 2 spring or fall; in ECE during focal week .....	3,291	1	0.38	1,251
Center-based Provider Interview, Wave 2 spring or fall; not in ECE during focal week .....	1,097	1	0.22	241
Center-based Provider Fall 2021 Funding Receipt Supplement .....	1,255	1	0.20	251
Center-based Provider Interview Wave 2 fall; Centers completing in Wave 2 spring also .....	1,136	1	0.29	329
(Center-based) Workforce Interview—Wave 2; In ECE during Focal Week ..	1,775	1	0.37	657
(Center-based) Workforce Interview—Wave 2; Not in ECE during Focal Week .....	874	1	0.24	210

*Estimated Total Burden Hours: 3,774.*

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* Child Care and Development Block Grant (CCDBG) Act of 1990 as amended by the CCDBG Act of 2014 (Pub. L. 113–186).

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2021–15508 Filed 7–20–21; 8:45 am]

**BILLING CODE 4184–23–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Proposed Information Collection Activity; National Human Trafficking Hotline (NHTH) Performance Indicators

**AGENCY:** Office on Trafficking in Persons, Administration for Children and Families, Health and Human Services (HHS).

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families (ACF) is requesting approval for a new information collection: National Human

Trafficking Hotline (NHTH) Performance Indicators.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

#### SUPPLEMENTARY INFORMATION:

*Description:* Section 107(b)(1)(B)(ii) of the Trafficking Victims Protection Act of 2000, as amended at 22 U.S.C. 7105(b)(1)(B)(ii), authorizes the Secretary of Health and Human Services (HHS) to make a grant for a national communication system—the NHTH—to assist victims of severe forms of trafficking in persons in seeking help, receiving referrals, and reporting potential trafficking cases.

HHS made an award in the form of a Cooperative Agreement to a single, competitively selected grantee to maintain and support operation of the NHTH throughout the United States and U.S. territories. The NHTH is a toll-free hotline that operates 24 hours a day, every day of the year.

The Cooperative Agreement delineates the roles and responsibilities for the administration of the grant program, which include:

1. Operating the NHTH with experienced and trained anti-trafficking advocates;
2. Operating the NHTH website and responding to online signals;
3. Promoting NHTH services to increase the identification and protection of victims of severe forms of human trafficking;
4. Providing timely information and service referrals to human trafficking victims using a trauma-informed, person-centered, culturally responsive, and linguistically appropriate approach;
5. Notifying law enforcement agencies of potential cases of human trafficking as well as instances when a trafficking victim is in imminent danger; and
6. Documenting emerging trafficking schemes to assist in the detection and investigation of trafficking cases.

The NHTH grantee collects information about signalers (individuals who contact the hotline) and from signalers regarding potential victims of a severe form of trafficking in persons and human trafficking cases. Given the unique relationship the NHTH has to the public, OTIP is seeking clearance to collect information about and from these signalers that will be summarized and reported to OTIP by the NHTH grantee in the aggregate. The NHTH Performance Indicators information collection will provide data for OTIP to assess the extent to which the grantee meets required program activities to:

- Ensure potential victims of trafficking remain able to access assistance by constantly monitoring and mitigating factors impacting NHTH operations;
- Assist the grantee to assess and improve their project over the course of the project period;
- Disseminate insights related to human trafficking cases and trends to inform anti-trafficking strategies and policies; and

- Provide information to Congress, other federal agencies, stakeholders, the public, and other countries on the aggregate outputs and outcomes of the NHTH operations.

*Respondents:* Potential victims, representatives of governmental entities, law enforcement, first responders, members of the community, representatives of nongovernmental entities providing social, legal, or

protective services to individuals in the United States who may have been subjected to severe forms of trafficking in persons utilize the NHTH as signalers.

**ANNUAL BURDEN ESTIMATES**

Instrument	Total number of respondents (signalers)	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
National Human Trafficking Hotline (NHTH) Performance Indicators .....	585,300	1	0.43333333	253,630	84,543

*Estimated Total Annual Burden Hours:* 84,543.

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* 22 U.S.C. 7105.

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2021-15526 Filed 7-20-21; 8:45 am]

**BILLING CODE 4184-47-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Proposed Information Collection Activity; Early Head Start Family and Child Experiences Survey 2022 (Baby FACES 2022) (OMB #0970-0354)**

**AGENCY:** Office of Planning, Research, and Evaluation, Administration for Children and Families, HHS.

**ACTION:** Request for public comment.

**SUMMARY:** The Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) seeks approval to continue to collect descriptive information for the Early Head Start Family and Child Experiences Survey 2022 (Baby FACES 2022). This information collection is to provide nationally representative data on Early Head Start (EHS) programs, centers, classrooms, staff, and families to guide program planning, technical assistance, and research. This data collection will complete the previously approved second round of data collection originally planned to take place in 2020 (OMB 0970-0354). The work began in early 2020 but had to be postponed after only 3 weeks due to the COVID-19 pandemic. No changes are proposed to the currently approved information collection materials.

**DATES:** *Comments due within 60 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

**ADDRESSES:** Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov). Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

**SUPPLEMENTARY INFORMATION:**

*Description:* Baby FACES 2018 and 2022 build upon a prior study (Baby FACES 2009; OMB 0970-0354) that longitudinally followed two cohorts of children through their experience in the program. While the 2009 study provided a great deal of information about program participation over time and about services received by children and families, it did not allow for national level estimates of service quality or inferences about children who enter the program after 15 months of age. To fill these knowledge gaps and to answer additional questions about how programs function, the design for the information collection in 2022 will refresh the nationally representative cross-sectional sample of programs, centers, home visitors, teachers, classrooms, children, and families that was used in Baby FACES 2018. Freshening the sample will allow new programs that came into being since 2018 a chance to enter the study. This design allows for nationally representative estimates at all levels at a point in time and includes the entire age span of enrolled children.

The goal of this work is to obtain updated information on EHS programs and understand better how program processes support relationships (e.g., between home visitors and parents, between parents and children, and between teachers and children) that are hypothesized to lead to improved child and family outcomes.

*Respondents:* EHS program directors, child care center directors, teachers and home visitors, and parents of enrolled children.

ANNUAL BURDEN ESTIMATES  
[2 year clearance]

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Classroom/home visitor sampling form (from EHS staff) ....	407	1	0.17	69	35
Child roster form (from EHS staff) .....	252	1	0.33	83	42
Parent consent form .....	2,495	1	0.17	424	212
Parent survey .....	2,084	1	0.53	1,105	553
Parent Child Report .....	2,008	1	0.33	663	332
Staff survey (Teacher survey and Home Visitor survey) ....	1,317	1	0.5	659	330
Staff Child Report .....	1,046	2.13	0.25	262	131
Program director survey .....	120	1	0.5	60	30
Center director survey .....	294	1	0.5	147	74
Parent-child interaction .....	996	1	0.17	169	85

*Estimated Total Annual Burden Hours:* 1,824.

*Comments:* The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

*Authority:* Sec. 645A and 649 of the Improving Head Start for School Readiness Act of 2007.

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2021-15509 Filed 7-20-21; 8:45 am]

**BILLING CODE 4184-22-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**National Practitioner Data Bank: Change in User Fees**

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** HRSA, a sub-agency of the Department of Health and Human Services, is announcing a change in user fees charged to individuals and entities

authorized to request information from the National Practitioner Data Bank (NPDB). The new fee will be \$2.50 for both continuous and one-time queries and \$3.00 for self-queries. In addition, as self-query results are now digitally certified, the NPDB will no longer automatically provide a mailed paper copy of self-query results. If self-queriers would like paper copies mailed to them, there will be an additional \$3.00 charge per copy. The change in NPDB user fees is intended to encourage electronic processing while both ensuring sufficient funding to the full cost of NPDB operations and retaining appropriate cash reserves. The cash reserves are used to mitigate risks, cover operational costs should revenue decrease, and cover the cost of reasonable enhancement and maintenance of the NPDB management system. HRSA operational standards require review of NPDB user fees every 2 years. The biennial review of NPDB user fees offers HRSA the opportunity to evaluate its reserves as well as revenue relative to costs. Further, the review provides essential information on whether the fee rates and authorized activities are aligned with actual program costs and activities, and can help promote greater understanding of the fee by NPDB users.

**DATES:** This change will be effective October 1, 2021.

**FOR FURTHER INFORMATION CONTACT:** David Loewenstein, Director, Division of Practitioner Data Bank, Bureau of Health Workforce, HRSA, (301) 443-2300, *NPDBPolicy@hrsa.gov*.

**SUPPLEMENTARY INFORMATION:** The current fee structure (\$2.00/continuous query enrollment, \$2.00/one-time query, and \$4.00/self-query) was announced in the **Federal Register** on July 20, 2016 (81 FR 47173), and became effective on

October 1, 2016. One-time queries, continuous query enrollments, and self-queries are submitted and query responses are received through the NPDB's secure website. Fees are paid via electronic funds transfer, debit card, or credit card.

The NPDB is authorized by the Health Care Quality Improvement Act of 1986 (the Act), Title IV of Public Law 99-660, as amended (42 U.S.C. 11101 *et seq.*). Further, two additional statutes expanded the scope of the NPDB—Section 1921 of the Social Security Act, as amended (42 U.S.C. 1396r-2) and Section 1128E of the Social Security Act, as amended (42 U.S.C. 1320a-7e). Information collected under the Section 1128E authority was consolidated within the NPDB pursuant to Section 6403 of the Affordable Care Act, Public Law 111-148; this consolidation became effective on May 6, 2013.

42 U.S.C. 11137(b)(4), 42 U.S.C. 1396r-2(e), and 42 U.S.C. 1320a-7e(d) authorize the establishment of fees for the costs of processing requests for disclosure of such information. Final regulations at 45 CFR part 60 set forth the criteria and procedures for information to be reported to and disclosed by the NPDB. In determining any changes in the amount of user fees, the Department uses the criteria set forth in section 60.19(b) of the regulations. Section 60.19(b) states: "The amount of each fee will be determined based on the following criteria:

(1) Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement,

(2) Physical overhead, consulting, and other indirect costs (including materials and supplies, utilities, insurance, travel, and rent and depreciation on land, buildings, and equipment),

(3) Agency management and supervisory costs,

(4) Costs of enforcement, research, and establishment of regulations and guidance,

(5) Use of electronic data processing equipment to collect and maintain information—the actual cost of the service, including computer search time, runs and printouts, and

(6) Any other direct or indirect costs related to the provision of services.”

The Department will continue to review the user fees periodically as required by Office of Management and Budget Circular Number A–25 and will revise fees as necessary. Any future changes in user fees and their effective dates will be announced in the **Federal Register**.

**Diana Espinosa,**

*Acting Administrator.*

[FR Doc. 2021–15514 Filed 7–20–21; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Twelfth Meeting of the National Clinical Care Commission

**AGENCY:** Office on Women’s Health, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The National Clinical Care Commission (the Commission) will conduct its twelfth and final meeting virtually on September 8, 2021. The Commission is charged to evaluate and make recommendations to the U.S. Department of Health and Human Services (HHS) Secretary and Congress regarding improvements to the coordination and leveraging of federal programs related to diabetes and its complications.

**DATES:** The final meeting will take place September 8, 2021 from 1 p.m. to approximately 6 p.m. Eastern Time (ET).

**ADDRESSES:** The meeting will be held online via webinar. To register to attend the meeting, please visit the registration website at [https://kauffmaninc.adobeconnect.com/nccc12\\_2021/event/event\\_info.html](https://kauffmaninc.adobeconnect.com/nccc12_2021/event/event_info.html).

**FOR FURTHER INFORMATION CONTACT:** Kara Elam, Ph.D., MPH, MS, Designated Federal Officer, National Clinical Care Commission, U.S. Department of Health and Human Services, Office on Women’s Health, 200 Independence Ave. SW, 7th floor, Washington DC,

20201, Phone: (240) 435–9438, Email: [Kara.Elam@hhs.gov](mailto:Kara.Elam@hhs.gov).

**SUPPLEMENTARY INFORMATION:** The National Clinical Care Commission Act (Pub. L. 115–80) requires the HHS Secretary to establish the National Clinical Care Commission. The Commission consists of representatives of specific federal agencies and non-federal individuals who represent diverse disciplines and views. The Commission will evaluate and make recommendations to the HHS Secretary and Congress regarding improvements to the coordination and leveraging of federal programs related to diabetes and its complications.

During the meeting, the Commission will vote to approve the final report to be submitted to Congress. The final meeting agenda will be available prior to the meeting at <https://health.gov/our-work/health-care-quality/national-clinical-care-commission/meetings>.

**Public Participation at Meeting:** The Commission invites public comment on issues related to the Commission’s charge. There will be an opportunity for limited oral comments (each no more than 3 minutes in length) at this virtual meeting. Virtual attendees who plan to provide oral comments at the Commission meeting during a designated time must register prior to the meeting at [https://kauffmaninc.adobeconnect.com/nccc12\\_2021/event/event\\_info.html](https://kauffmaninc.adobeconnect.com/nccc12_2021/event/event_info.html).

Written comments are welcome throughout the entire development process of the Commission’s work and may be emailed to [OHQ@hhs.gov](mailto:OHQ@hhs.gov). Written comments should not exceed three pages in length.

Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate the special accommodation when registering online or by notifying Jennifer Gillissen at [jennifer.gillissen@kauffmaninc.com](mailto:jennifer.gillissen@kauffmaninc.com) by August 30, 2021.

**Authority:** The National Clinical Care Commission is required under the National Clinical Care Commission Act (Pub. L. 115–80). The Commission is governed by provisions of the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C., App.) which sets forth standards for the formation and use of federal advisory committees.

Dated: July 14, 2021.

**Dorothy A. Fink,**

*Deputy Assistant Secretary for Women’s Health.*

[FR Doc. 2021–15507 Filed 7–20–21; 8:45 am]

**BILLING CODE 4150–32–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** National Institute on Aging Special Emphasis Panel; Clinical Courses.

**Date:** August 30, 2021.

**Time:** 10:00 a.m. to 11:00 a.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

**Contact Person:** Greg Bissonette, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301–402–1622, [bissonettegb@mail.nih.gov](mailto:bissonettegb@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: July 15, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021–15450 Filed 7–20–21; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed 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:* Center for Scientific Review Special Emphasis Panel; Clinical Trials in Alzheimer's Disease.

*Date:* July 27, 2021.

*Time:* 11:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443-7193, [hargravesl@mail.nih.gov](mailto:hargravesl@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. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 15, 2021.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-15449 Filed 7-20-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; RFA Review: Limited Competition to Convert the CNS HIV Antiretroviral Therapy Effects

Research (CHARTER) Study Cohort to a Research Resource.

*Date:* August 6, 2021.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Nicholas Gaiano, Ph.D., Review Branch Chief, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6150/MSB 9606, 6001 Executive Boulevard, Bethesda, MD 20892-9606, 301-443-2742, [nick.gaiano@nih.gov](mailto:nick.gaiano@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.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Mental Health Services Research Special Emphasis Panel.

*Date:* August 11, 2021.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Nicholas Gaiano, Ph.D., Review Branch Chief, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6150/MSB 9606, 6001 Executive Boulevard, Bethesda, MD 20892-9606, 301-443-2742, [nick.gaiano@nih.gov](mailto:nick.gaiano@nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: July 15, 2021.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-15445 Filed 7-20-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; Contraceptive Development Research Centers Program (P50).

*Date:* July 20, 2021.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2125B, Bethesda, MD 20892 (Video Assisted Meeting).

*Contact Person:* Derek J. McLean, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2125B, Bethesda, MD 20892, (301) 443-5082, [derek.mclean@nih.gov](mailto:derek.mclean@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.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; Population Health Improvement.

*Date:* July 27, 2021.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892 (Video Assisted Meeting).

*Contact Person:* Jolanta Maria Topczewska, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2131B, Bethesda, MD 20892, (301) 451-0000, [jolanta.topczewska@nih.gov](mailto:jolanta.topczewska@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. 93.864, Population Research; 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: July 15, 2021.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-15447 Filed 7-20-21; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Initial Review Group; Career Development for Clinicians/Health Professionals Study Section NIA-AGCD-3.

*Date:* October 13-14, 2021.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

*Contact Person:* Maurizio Grimaldi, MD, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Gateway Building, Suite 2W200, Bethesda, MD 20892, 301-496-9374, [grimaldim2@mail.nih.gov](mailto:grimaldim2@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: July 15, 2021.

**Miguelina Perez,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-15444 Filed 7-20-21; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel; Mentored Clinical Scientist Research Career Development Award—Specified Area of Interest: Neurodevelopment.

*Date:* July 28, 2021.

*Time:* 3:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2125D, Bethesda, MD 20892 (Video Assisted Meeting).

*Contact Person:* Jagpreet Singh Nanda, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2125D, Bethesda, MD 20892, (301) 451-4454, [jagpreet.nanda@nih.gov](mailto:jagpreet.nanda@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. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: July 15, 2021.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-15446 Filed 7-20-21; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Eye Institute Special Emphasis Panel; NEI Pathway to Independence Applications (K99).

*Date:* August 10, 2021.

*Time:* 9:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Ashley Fortress, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20817, (301) 451-2020, [ashley.fortress@nih.gov](mailto:ashley.fortress@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: July 15, 2021.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2021-15448 Filed 7-20-21; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given for the meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention National Advisory Council (CSAP NAC) on August 11, 2021.

The Council was established to advise the Secretary, Department of Health and Human Services (HHS); the Assistant Secretary for Mental Health and Substance Use, SAMHSA; and Director, CSAP concerning matters relating to the activities carried out by and through the Center and the policies respecting such activities.

The meeting will be open to the public and will consist of discussions of substance use prevention priorities, including the prevailing Institute of Medicine model, as well as agency practices regarding innovation and evaluation of programs. The meeting will also include updates on CSAP program developments.

The meeting will be held via webcast and phone only. Attendance by the public on-site will not be available. Interested persons may present data,

information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before one week prior to the meeting. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations should notify the contact on or before one week prior to the meeting. A maximum of five minutes will be allotted for each presentation.

To participate in the meeting, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Committees' website, <https://snacregister.samhsa.gov/MeetingList.aspx>, or communicate with the CSAP Council's Designated Federal Officer (see contact information below).

Substantive program information may be obtained after the meeting by accessing the SAMHSA Committee website, <https://www.samhsa.gov/about-us/advisory-councils>, or by contacting the Designated Federal Officer.

**Committee Name:** Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

**Date/Time/Type:** August 11, 2021, from 1:00 p.m. to 5:00 p.m. EDT: (OPEN).

**Place:** SAMHSA, 5600 Fishers Lane, Rockville, MD 20852. Adobe Connect webcast: Please register at the SAMHSA Committees' website, listed above.

**Contact:** Matthew J. Aumen, Designated Federal Officer, SAMHSA CSAP NAC, 5600 Fishers Lane, Rockville, MD 20852, Telephone: 240-276-2440, Fax: 301-480-8480, Email: [matthew.aumen@samhsa.hhs.gov](mailto:matthew.aumen@samhsa.hhs.gov).

Dated: July 15, 2021.

**Carlos Castillo,**

*Committee Management Officer, SAMHSA.*

[FR Doc. 2021-15484 Filed 7-20-21; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG-2020-0278]

### Port Access Route Study: Northern New York Bight; Correction

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice; correction.

**SUMMARY:** The Coast Guard published a document in the *Federal Register* on

July 15, 2021, concerning a Notice of availability of draft report and public meeting; request for comments for the Port Access Route Study: Northern New York Bight. The document contained incorrect date for the public meeting.

**DATES:** This correction is effective July 21, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, contact Mr. Craig Lapiejko, Waterways Management at First Coast Guard District, telephone (617) 223-8351, email [craig.d.lapiejko@uscg.mil](mailto:craig.d.lapiejko@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The document published on July 15, 2021, at 86 FR 37339, contained incorrect meeting date in the **DATES** and **ADDRESSES** sections. The correct date for the meeting is July 30, 2021. The notice incorrectly noted the meeting would be July 30, 2020.

### Correction

In the *Federal Register* of July 15, 2021, in FR Doc. 2021-14757, beginning on page 37339, the following corrections are made:

1. On page 37339, in the second column, in the **DATES** section, remove the text, "July 30, 2020" and insert, in its place, the text "July 30, 2021".

2. On page 37339 in the second column, in the **ADDRESSES** section, remove the text, "July 30, 2020" and insert, in its place, the text "July 30, 2021".

Dated: July 15, 2021.

**M.T. Cunningham,**

*Chief, Office of Regulations and Administrative Law.*

[FR Doc. 2021-15455 Filed 7-20-21; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7036-N-06]

### 60-Day Notice of Proposed Information Collection; Application for Displacement/Relocation/Temporary Relocation Assistance for Persons; OMB Control No.: 2506-0016

**AGENCY:** Office of Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice

is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* September 20, 2021.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-5535 (this is not a toll-free number) or email at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Lori Martin, Relocation Specialist, Relocation and Real Estate Division, CGHR, Department of Housing and Urban Development, 909 First Avenue, Seattle, WA 98104; email [Lori.Martin@hud.gov](mailto:Lori.Martin@hud.gov), (206) 220-5373. 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. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

### A. Overview of Information Collection

#### *Title of Information Collection:*

Application for displacement/relocation/temporary relocation assistance for persons.

*OMB Approval Number:* 2506-0016.

*Type of Request:* Extension of currently approved collection.

*Form Numbers:* HUD-40030, HUD-40054, HUD-40055, HUD-40056, HUD-40057, HUD-40058, HUD-40061, and HUD-40072.

#### *Description of the need for the information and proposed use:*

Application for displacement/relocation assistance for persons (families, individuals, businesses, nonprofit organizations and farms) displaced by, or temporarily relocated for, certain HUD programs. No changes are being made for Forms HUD-40030, HUD-40054, 40055, HUD-40056, HUD-40057, HUD-40058, HUD-40061, and HUD-40072.

*Respondents:* Individuals, households, businesses, farms, non-

profits, state, local and tribal governments.

*Estimated Number of Respondents:* 37,800.

*Estimated Number of Responses:* 61,800.

*Frequency of Response:* 3.

*Average Hours per Response:* .8.

*Total Estimated Burdens:* 56,000 (no change).

## B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

## C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Principal Deputy Assistant Secretary for Community Planning and Development, James A. Jemison II, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Aaron Santa Anna, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

**Aaron Santa Anna,**

*Federal Register Liaison for the Department of Housing and Urban Development.*

[FR Doc. 2021-15454 Filed 7-20-21; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6265-N-01]

### Notice of Waivers and Alternative Requirements for the Pilot Recovery Housing Program

**AGENCY:** Office of Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Updated Program Notice describes the program rules, waivers, and alternative requirements that apply to any and all appropriations authorized under Section 8071 of the SUPPORT for Patients and Communities Act ("SUPPORT Act"), entitled Pilot Program to Help Individuals in Recovery From a Substance Use Disorder Become Stably Housed, herein referred to as the Recovery Housing Program, or RHP. This pilot program authorizes assistance to grantees (states and the District of Columbia) to provide stable, temporary housing to individuals in recovery from a substance use disorder. The assistance is limited, per individual, to a period of not more than two years or until the individual secures permanent housing, whichever is earlier. This notice also extends the deadline for submission of fiscal year (FY) 2020 RHP Action Plans provided in HUD's November 25, 2020, notice entitled, "Notice of FY 2020 Allocations, Waivers, and Alternative Requirements for the Pilot Recovery Housing Program" ("Program Notice") and provides instructions for submitting RHP Action Plans for FYs 2020 and 2021.

**DATES:** *Applicable Date:* July 13, 2021.

**FOR FURTHER INFORMATION CONTACT:** Jessie Handforth Kome, Director, Office of Block Grant Assistance, Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW, Room 7282, Washington, DC 20410, telephone number 202-708-3587 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number). Facsimile inquiries may be sent to Ms. Kome at 202-708-0033 (this is not a toll-free number). Email inquiries may be sent to [RecoveryHousing@hud.gov](mailto:RecoveryHousing@hud.gov).

## SUPPLEMENTARY INFORMATION:

### I. Background

#### A. Authorization and Appropriations

Section 8071 of the SUPPORT for Patients and Communities Act (Pub. L.

115-271, approved Oct. 24, 2018) ("SUPPORT Act") authorizes the appropriation of funds, as may be necessary, for each fiscal year of 2019 to 2023 for assistance to states to provide stable, temporary housing to individuals in recovery from a substance use disorder. The SUPPORT Act requires amounts appropriated or amounts otherwise made available to grantees for RHP be treated as though such funds are CDBG funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) ("HCD Act") and authorizes the Secretary of HUD to waive or specify alternative requirements to any provision of title I of the HCD Act necessary to facilitate or expedite the use of RHP funds, except for requirements related to fair housing, nondiscrimination, labor standards, the environment, and requirements that activities benefit persons of low- and moderate-income.

The SUPPORT Act authorized HUD to establish a funding formula based on specific factors listed in section 8071 of the SUPPORT Act and to allocate funds appropriated or otherwise made available for RHP according to the established funding formula. HUD published the funding formula in the **Federal Register** on April 17, 2019 (84 FR 16027) (the "Formula Notice"). In accordance with the SUPPORT Act, HUD distributes amounts appropriated for RHP according to the Formula Notice unless the appropriation act directs HUD to do otherwise. Following an appropriation of funds, HUD determines the RHP grantees and publishes their allocation amounts online at [https://www.hud.gov/program\\_offices/comm\\_planning/budget](https://www.hud.gov/program_offices/comm_planning/budget) in accordance with the Formula Notice and requirements of the appropriation. Congress appropriated \$25,000,000 for RHP in fiscal year (FY) 2020 and \$25,000,000 for RHP in FY 2021. HUD allocated the RHP funds to 25 grantees in FY 20 and 27 grantees in FY 21.

#### B. Notice of Program Rules, Waivers, and Alternative Requirements

HUD published the "Notice of FY2020 Allocations, Waivers, and Alternative Requirements for the Pilot Recovery Housing Program" (85 FR 75361) (the "Program Notice") on its website on November 4, 2020, and in the **Federal Register** on November 25, 2020. The Program Notice imposed the rules, waivers, and alternative requirements and provided specific program deadlines that apply for fiscal year 2020 (FY 20). The Program Notice describes requirements on the use of RHP funds and the applicable waivers



and alternative requirements to title I of the HCD Act and 24 CFR part 570 necessary to expedite or facilitate the use of RHP funds. This Updated Program Notice imposes the Program Notice's rules, waivers and alternative requirements, as amended by this Updated Program Notice, on the use of all existing and future RHP allocations and revises the FY 20 RHP Action Plan submission deadline. Grantees must comply with the applicable requirements at 2 CFR part 200, as amended. Amendments to 2 CFR part 200 may renumber some subparts and regulations. Where RHP notices (with applicability dates preceding the amendments' effective dates) refer to specific regulations of 2 CFR part 200 that are renumbered or revised by amendments to 2 CFR part 200, the requirements that apply to the grant are the requirements in 2 CFR part 200, as amended, notwithstanding the renumbered regulatory reference.

## II. Applicable Rules, Waivers, and Alternative Requirements

This Updated Program Notice is based on the applicable waivers and alternative requirements to the CDBG program requirements included in the November 25, 2020, Program Notice. The Secretary has determined that those statutory and regulatory waivers and alternative requirements will apply to this Updated Program Notice because they are necessary to expedite or facilitate the use of RHP funds. The waivers and alternative requirements are only applicable to the use of RHP funds and do not apply to CDBG funds used in conjunction with RHP funds or other sources of CDBG funds (*i.e.*, from other grants or guaranteed loan funds) used for RHP-eligible activities.

All RHP allocations are subject to the requirements in the Program Notice, as amended by this Updated Program Notice and any subsequent notices (collectively, the "RHP notices"). The applicable rules, statutory and regulatory waivers, and alternative requirements described in the RHP notices apply to fiscal year allocations as of the applicability date of each RHP notice. Grantees may use funds from different FY allocations for the same RHP-eligible activity, however, grantees should be aware that each allocation has a distinct period of performance and distinct limitations on administrative and technical assistance costs.

### A. Submission Deadlines

Section I.B. of the Program Notice requires RHP Grantees to submit a RHP Action Plan for FY 20 allocations, including the Form SF-424, application

for federal funds, by August 16, 2021. This Updated Program Notice amends section I.B. and extends the submission deadline for RHP Action Plans for FY 20 allocations to December 31, 2021. Grantees with FY 21 allocations must submit a RHP Action Plan or amendment for FY 21 funds by August 16, 2022, according to the requirements in the Program Notice, as amended by section II.B. of this Updated Program Notice.

Grantees will have a single, combined RHP Action Plan for the use of RHP funds, including any and all allocations from existing and future appropriations authorized under the SUPPORT Act. For future allocations, grantees must submit a RHP Action Plan or amendment, including a Form SF-424, application for federal funds, for the allocated funds by August 16 of the fiscal year following the fiscal year in which the funds were authorized. For example, a grantee with an allocation in fiscal year 2022 must submit a RHP Action Plan or RHP Action Plan amendment, as well as any required submissions, by August 16, 2023.

A grantee's RHP Action Plan must meet the specific requirements in the Program Notice, as amended by this Updated Program Notice. If a grantee receiving an allocation fails to submit a RHP Action Plan for its allocation by the deadline(s) provided in this Updated Program Notice or submits a RHP Action Plan for less than the total allocation amount, HUD may simultaneously notify the grantee of the reduction in its allocation amount and reallocate those funds in accordance with the SUPPORT Act's requirements.

### B. Overview of Grant Process and Modified RHP Action Plan Requirements

The following sections describe the RHP Action Plan requirements and process that RHP grantees must complete to access RHP grant funds. These requirements and processes amend those provided in section II.H. of the Program Notice. Grantees that receive a RHP allocation must submit a RHP Action Plan according to the requirements in the Program Notice, as amended by this Updated Program Notice and described below.

A grantee will have a single RHP Action Plan that describes the use(s) of RHP funds for all of its allocations. While each fiscal year allocation will be a separate grant with separate grant numbers and agreements, this combined administrative approach of a single RHP Action Plan is intended to expedite and facilitate the use of RHP funds by grantees while reducing administrative

burden. (*Note:* RHP Action Plan submissions or substantial amendments for less than the amount of the allocation amount may result in allocation amount reductions. For example, a grantee's submission for its FY 20 allocation must have activity budgets that amount to its FY 20 funds.)

*i. Initial RHP Action Plan Submission:* A grantee must submit an initial RHP Action Plan pursuant to the requirements in section II.H. of the Program Notice, not later than August 16 of the fiscal year following the fiscal year in which the funds were allocated. (*Note:* RHP Action Plans for FY 20 allocations have an extended deadline of December 31, 2021, as provided by section II.A. of this Updated Program Notice.) For example, a grantee must submit a RHP Action Plan for its FY 21 allocation not later than August 16, 2022. All requirements of section II.H. of the Program Notice related to Action Plan requirements, as amended by this Updated Program Notice, apply to all initial RHP Action Plans, and RHP Action Plans must be submitted to HUD via the Disaster Recovery Grants Reporting (DRGR) system. As a reminder, the citizen participation plan (CPP) may be amended in accordance with 24 CFR 91.105(a)(3) and 91.115(a)(3) concurrently to address RHP funds, and to allow no less than 15 calendar days of public comment and encourage participation by organizations interested in residential recovery programs for individuals with substance use disorders.

A grantee may submit an initial RHP Action Plan for multiple allocations. A grantee that submits an initial RHP Action Plan for multiple allocations must submit its RHP Action Plan no later than the deadline for the earliest fiscal year allocation. For example, the deadline for an initial RHP Action Plan that includes both FY 20 and FY 21 allocations is December 31, 2021 (the submission deadline for FY 20 allocations). If submitting a RHP action plan for multiple allocations, the grantee must set up project and activity budgets in the DRGR system for the total of the allocations and submit the RHP Action Plan via the DRGR system in accordance with the requirements in the Program Notice, as amended by this Updated Program Notice.

*ii. Substantial Amendment Process for Additional Allocation(s):* A grantee with a HUD-approved Action Plan for any RHP allocation(s) must submit a substantial amendment to its RHP Action Plan to incorporate any subsequent allocation(s). For example, a grantee that has a HUD-approved RHP Action Plan for its FY 20 allocation

must submit a substantial amendment to incorporate its FY 21 allocation or any future allocations. The grantee must submit the substantial amendment via the DRGR system by the deadline in section II.A. of this Updated Program Notice. In the DRGR system, grantees must ensure any subsequent allocation(s) are fully budgeted in the amendment to the RHP Action Plan prior to submission to HUD. The process for the substantial amendment to the RHP Action Plan for a subsequent allocation is as follows:

1. The grantee amends its RHP Action Plan to incorporate each substantial amendment. The substantial amendment shall include the HUD-approved RHP Action Plan and the modifications made to it by the substantial amendment. A grantee's substantial amendment(s) to its RHP Action Plan must comply with the requirements in II.H. of the Program Notice, as amended by this Updated Program Notice, and include, at a minimum, the use of the total amount of RHP funds, including prior and new allocations, in the substantial amendment. The grantee may modify existing activities or add new activities to the HUD-approved RHP Action Plan in a substantial amendment.

2. The grantee publishes each substantial amendment to its RHP Action Plan in accordance with the grantee's adopted CPP. The grantee shall provide opportunity for public comment and public hearings, if any, on the substantial amendment and consider and summarize public comments received, in accordance with the requirements described in steps 2 and 3 in section II.H. of the Program Notice.

3. The grantee submits its RHP Action Plan to HUD. A complete action plan submission includes items i through xii in section II.H. of the Program Notice.

4. HUD will review the substantial amendment to the RHP Action Plan in accordance with 24 CFR 91.500 and this Updated Program Notice and the Program Notice.

5. Once HUD accepts the substantial amendment to the RHP Action Plan for the subsequent allocation(s), HUD and the grantee will enter into a grant agreement for each new allocation described in the substantial amendment. HUD transmits the RHP grant agreement to the grantee, and the grantee signs and returns the grant agreement for HUD's signature.

6. HUD will establish the grantee's line(s) of credit to reflect the amount of new RHP funds.

7. The grantee may draw down funds from each grant's line of credit, consistent with the applicable draw

down requirements, after the Responsible Entity completes applicable environmental review(s) pursuant to 24 CFR part 58 and, as applicable, receives from HUD or the State the Authority to Use Grant Funds (AUGF) form.

### *C. Timeliness, Period of Performance, and Closeout*

RHP funds for FY 21 and any subsequent allocations are subject to the same requirements as those for FY 20 allocations provided in the Program Notice, as amended by this Updated Program Notice. Each grant is subject to its RHP expenditure deadline in accordance with the applicable executed grant agreement. Pursuant to the grant agreement, a grantee must expend RHP funds for each RHP grant before the end of the grant's period of performance. All RHP funds must be expended before the end of the period of performance on September 1 of the seventh Federal fiscal year from the fiscal year of the appropriation, which is 29 days before the RHP appropriation account is cancelled in accordance with 31 U.S.C. 1552(a), 24 CFR 570.200(k), and 24 CFR 570.480(h). For example, if Congress appropriates funds under Section 8071 of the SUPPORT Act for fiscal year 2022, all FY 22 funds must be expended before the end of the period of performance on September 1, 2029. Grant funds are not available for obligation and expenditure after the period of performance.

HUD, via the DRGR system, will block remaining RHP funds after the grant expenditure deadline to prevent grantees from drawing down funds past the grant's period of performance. The grantee will be able to continue drawing down funds from its line(s) of credit for grants still within their period of performance until the expenditure deadline for each such grant has been reached.

Additionally, section 8071(c)(1) of the SUPPORT Act requires grantees to "expend at least 30 percent of such funds within one year of the date funds become available to the grantee for obligation." The date of HUD's execution of the grant agreement is used for this purpose. Pursuant to 24 CFR 570.496(b) (states) and 570.910(b)(5) (District of Columbia), any amount of funds that exceeds 70% of a grant allocation not expended by such date is subject to cancellation.

Pursuant to section II.P. of the Program Notice, HUD will close out RHP grants in accordance with the 24 CFR 570.489(o), which imposes the closeout requirements of 2 CFR part 200. HUD notes that those closeout

requirements are now located at 2 CFR 200.344.

## **III. Findings and Certifications**

### *Paperwork Reduction Act*

The information collection requirements in this Updated Program Notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB Control Number 2506–0165. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

### *Catalog of Federal Domestic Assistance*

The Catalog of Federal Domestic Assistance numbers for RHP grants under the SUPPORT Act are 14.218 (Community Development Block Grants/Entitlement Grants), 14.225 (Community Development Block Grants/Special Purpose Grants/Insular Areas, and 14.228 (Community Development Block Grants/State's Program and Non-Entitlement Grants in Hawaii) (formerly CDBG Grant/Small Cities Program).

### *Finding of No Significant Impact*

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for inspection at *HUD's Funding Opportunities* web page.

Principal Deputy Assistant Secretary for Community Planning and Development, James Arthur Jemison II, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Aaron Santa Anna, who is the Federal Register Liaison for HUD, for purposes of publication in the **Federal Register**.

**Aaron Santa Anna,**

*Federal Register Liaison, Department of Housing and Urban Development.*

[FR Doc. 2021–15515 Filed 7–20–21; 8:45 am]

**BILLING CODE 4210–67–P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-7036-N-03]

**60-Day Notice of Proposed Information Collection: Data Collection and Reporting for HUD’s Homeless Assistance Programs—Annual Performance Report and System Performance Report; OMB Control No.: 2506-0145**

**AGENCY:** Office of Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* September 20, 2021.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-5535 (this is not a toll-free number) or email at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** William Snow, Office of Community Planning and Development, Department

of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email at [William.Snow@hud.gov](mailto:William.Snow@hud.gov) or telephone 202-402-4541. 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. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

**A. Overview of Information Collection**

*Title of Information Collection:* Data Collection and Reporting for HUD’s Continuum of Care Program—Annual Performance Report and System Performance Report.

*OMB Approval Number:* 2506-0145.

*Type of Request:* Reinstatement.

*Form Number:* N/A.

*Description of the need for the information and proposed use:* This request is for clearance of data collection and reporting to enable the U.S. Department of Housing and Urban Development (HUD) Office of Community Planning and Development (CPD) to continue to manage and assess the effectiveness of its homeless assistance projects on an annual basis. Per 24 CFR 578.103(e), HUD requires recipients and subrecipients that receive funding through the CoC Program (authorized by the McKinney-Vento Homeless Assistance Act, as amended by the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act) to prepare and submit annual project-level reports on performance and spending.

This request will also enable the HUD CPD Office to initiate a process to assess the effectiveness of local coordinated

systems of homeless assistance. The McKinney-Vento Homeless Assistance Act, as amended, now requires communities to measure their performance as a coordinated system, in addition to analyzing performance by specific projects or project types. Section 427 of the Act established a set of selection criteria for HUD to use in awarding CoC Program funding. These selection criteria require CoCs to report to HUD their system-level performance. The intent of these selection criteria are to encourage CoCs, in coordination with Emergency Solutions Grant (ESG) Program recipients and all other homeless assistance stakeholders in the community, to regularly measure their progress in meeting the needs of people experiencing homelessness in their community and to report this progress to HUD. This request is for HUD to collect system-level performance measure data from CoCs on an annual basis, as described in Appendix B of this document.

The project APR and system-level performance measures both rely on a primary data source in each CoC—a local Homeless Management Information System (HMIS). An HMIS is an electronic data collection system that stores person-level information about homeless persons who access a community’s homeless service system. Over the past decade, HUD has supported the development of local HMIS by funding their development and implementation, by providing technical assistance, and by developing national data standards that enable the collection of standardized information on the characteristics, service patterns and service needs of homeless persons within a jurisdiction and across jurisdictions. These standards are described in HUD’s HMIS Data Standards.

**ANNUAL PERFORMANCE REPORT**

Information collection	Number of respondents	Frequency of response	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Annual Performance Report (CoC Program)—Non-profit Recipients .....	4,000	1	4	16,000	\$39.89	\$638,240.00
Annual Performance Report (YHDP)—Non-profit Recipients .....	200	5	5	5,000	39.89	199,450.00
Performance Report (Unsheltered Grants)—Non-profit Recipients .....	25	5	4	500	39.89	19,945.00
Annual Performance Report—State and Local Recipients .....	4,000	1	4	16,000	39.89	638,240.00
Annual Performance Report (YHDP)—State and Local Recipients .....	200	5	5	5,000	39.89	199,450.00
Performance Report (Unsheltered Grants)—State and Local Recipients ...	25	5	4	500	39.89	19,945.00
<b>Total .....</b>	<b>8,450</b>	<b>10,250</b>	<b>.....</b>	<b>43,000</b>	<b>.....</b>	<b>1,715,270.00</b>

SYSTEM PERFORMANCE MEASURES REPORT

Information collection	Number of respondents	Frequency of response	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Group 1: CoCs with Automated Software Report .....	385	1	13	5,005	\$39.89	\$199,649.45
Group 2: CoCs with Manual Software Report .....	15	1	15	225	39.89	8,975.25
Total .....	400	400	.....	5,230	.....	208,624.70

PERFORMANCE DATA CHECK-UP

Information collection	Number of respondents	Frequency of response	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
CoCs .....	400	4	1	1,600	\$35.52	\$56,832.00
HMS Lead Agency .....	400	1	1	400	35.52	14,208.00
Project Recipients .....	600	1	1	300	35.52	10,656.00
Total .....	1,400	2,600	.....	2,300	.....	81,696.00

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. HUD encourages interested parties to submit comment in response to these questions.

**C. Authority**

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Principal Deputy Assistant Secretary for Community Planning and Development, James Arthur Jemison II, having reviewed and approved this document, is delegating the authority to electronically sign this document to submitter, Aaron Santa Anna, who is the Federal Register Liaison for HUD,

for purposes of publication in the **Federal Register**.

**Aaron Santa Anna**,  
Federal Register Liaison for the Department of Housing and Urban Development.  
[FR Doc. 2021-15461 Filed 7-20-21; 8:45 am]  
**BILLING CODE 4210-67-P**

**DEPARTMENT OF LABOR**

**Employee Benefits Security Administration**

**Revision of a Currently Approved Information Collection Request Submitted for Public Comment; EBSA Participant Assistance Program Customer Survey**

**AGENCY:** Employee Benefits Security Administration, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995, provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed information collection request (ICR) described below. A copy of the ICRs may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office shown in the **ADDRESSES** section on or before September 20, 2021.

**ADDRESSES:** James Butikofer, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, N-5718, Washington, DC 20210, or *ebsa.opr@dol.gov*.

**SUPPLEMENTARY INFORMATION:** This notice requests public comment on the Department's revision of a currently approved collection of information regarding a customer survey that solicits inquirers' feedback on the applicability and utility of EBSA's Participant Assistance Program. A summary of the ICR and the current burden estimates follows:

*Agency:* Employee Benefits Security Administration (EBSA), Department of Labor.

*Title:* EBSA Participant Assistance Program Customer Survey.

*OMB Number:* 1210-0161.

*Respondents:* (Annual) 11,200.

*Number of Annual Responses:* 11,200.

*Total Annual Burden Hours:* 1,867 hours.

*Total Annual Costs:* \$0.

*Description:* The demographic questions in the EBSA Participant Assistance Program Customer Survey are being updated in response to Executive Order 13985—Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.<sup>1</sup> The new demographic survey information will be used to provide additional training to EBSA benefits advisors in order to better

<sup>1</sup> Presidential Documents, 86 FR 7009 (Jan. 25, 2021).

serve the underserved populations that the Department assists.

The Participant Assistance Program Customer Survey collects customer satisfaction data for a sample of private citizens who call into the participant assistance program to ask about their private sector employer provided benefits such as pensions, retirement savings, and health benefits. Three types of callers are queried: (1) Those who need benefit claim assistance; (2) those who have a valid benefit claim; and (3) those who have an invalid benefit claim. The results of the survey are analyzed to provide actionable data that could be used to improve program performance. Examples of improved performance that may result from that study include, but are not limited to:

- Being more attuned to inquirers' needs—Benefits Advisors should be more adept at identifying issues that lead to benefits recoveries and enforcement leads
- Survey data will enable National and Regional management to identify potential training needs
- Satisfaction scores will guide EBSA leadership to determine which Regions need assistance improving customer service
- Scores on individual BAs will reveal high performers and allow the agency to use those BAs' techniques as best practices for program-wide improvement.

The study will include survey data from regional offices in Atlanta, Boston, Chicago, Cincinnati, Dallas, Kansas City, Los Angeles, New York, Philadelphia and San Francisco and District offices in Miami, Seattle and Washington.

#### Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the collections of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., by permitting electronic submissions of responses.

- Evaluate the effectiveness of the additional demographic questions.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the information collection; they will also become a matter of public record.

Signed at Washington, DC, this 14th day of July, 2021.

**Ali Khawar,**

*Acting Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.*

[FR Doc. 2021-15457 Filed 7-20-21; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### 207th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Teleconference Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 207th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held via a teleconference on Thursday, August 26 and Friday, August 27, 2021.

The two-day meeting will begin at 9:00 a.m. and end at approximately 5:30 p.m. (ET) each day with a one-hour break for lunch. The purpose of the open meeting is for Advisory Council members to hear testimony from invited witnesses and to receive an update from the Employee Benefits Security Administration (EBSA).

The Advisory Council will study the following topics: (1) Gaps in Retirement Savings Based on Race, Ethnicity and Gender, and (2) Understanding Brokerage Windows in Self-Directed Retirement Plans. Descriptions of these topics are available on the ERISA Advisory Council's web page at <https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council>.

The agenda and instructions for public access to the teleconference meeting will be available on the ERISA Advisory Council's web page at <https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council> approximately one week prior to the meeting.

Organizations or members of the public wishing to submit a written statement may do so on or before Thursday, August 19, 2021, to Christine Donahue, Executive Secretary, ERISA

Advisory Council. Statements should be transmitted electronically as an email attachment in text or pdf format to [donahue.christine@dol.gov](mailto:donahue.christine@dol.gov). Statements transmitted electronically that are included in the body of the email will not be accepted. Relevant statements received on or before Thursday, August 19, 2021, will be included in the record of the meeting. No deletions, modifications, or redactions will be made to the statements received as they are public records.

Individuals or representatives of organizations wishing to address the ERISA Advisory Council should forward their requests to the Executive Secretary on or before Thursday, August 19, 2021, via email to [donahue.christine@dol.gov](mailto:donahue.christine@dol.gov) or by telephoning (202) 693-8641. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record.

Individuals who need special accommodations should contact the Executive Secretary on or before Thursday, August 19, 2021, via email to [donahue.christine@dol.gov](mailto:donahue.christine@dol.gov) or by telephoning (202) 693-8641.

For more information about the meeting, contact the Executive Secretary at the address or telephone number above.

Signed at Washington, DC.

**Ali Khawar,**

*Acting Assistant Secretary, Employee Benefits Security Administration.*

[FR Doc. 2021-15462 Filed 7-20-21; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Shipyard Employment Standards

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-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 August 20, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

*Comments are invited on:* (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](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The standard for shackles and hooks (29 CFR 1915.113(b)(1)) requires that all hooks for which no applicable manufacturer’s recommendations are available be tested and that the employer retain a certification record. The standard on portable air receivers (29 CFR 1915.172(d)) requires that portable, unfired pressure vessels be examined quarterly and subjected to a yearly hydrostatic pressure test and that a certification record be maintained. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 27, 2021 (86 FR 22279).

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–OSHA.

*Title of Collection:* Shipyard Employment Standards.

*OMB Control Number:* 1218–0220.

*Affected Public:* Private Sector:

Businesses or other for-profits.

*Total Estimated Number of*

*Respondents:* 4,726.

*Total Estimated Number of*

*Responses:* 27,342.

*Total Estimated Annual Time Burden:*

10,379 hours.

*Total Estimated Annual Other Costs*

*Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Crystal Rennie,**

*Senior PRA Analyst.*

[FR Doc. 2021–15466 Filed 7–20–21; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219–0088]

#### Proposed Extension of Information Collection; Ventilation Plans, Tests, and Examinations in Underground Coal Mines

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Request for public comments.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: Requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Ventilation Plans, Tests, and Examinations in Underground Coal Mines.

**DATES:** All comments must be received on or before September 20, 2021.

**ADDRESSES:** You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

*Electronic Submissions:* Submit electronic comments in the following way:

• *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for docket number MSHA–2021–0018. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else’s Social Security number or confidential business information.

• If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

*Written/Paper Submissions:* Submit written/paper submissions in the following way:

• *Mail/Hand Delivery:* Mail or visit DOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452.

• MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Jessica Senk, Director, Office of Standards, Regulations, and Variances, MSHA, at [MSHA.information.collections@dol.gov](mailto:MSHA.information.collections@dol.gov) (email); (202) 693–9440 (voice); or (202) 693–9441 (facsimile).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. In addition, section 303 of the Mine Act requires that all underground coal mines be ventilated by mechanical ventilation equipment installed and operated in a manner approved by an authorized representative of the Secretary and that such equipment be examined daily and a record be kept of such examination.

Underground coal mines usually present harsh and hostile working

environments. The ventilation system is the most vital life support system in underground mining and a properly operating ventilation system is essential for maintaining a safe and healthful working environment. Lack of adequate ventilation in underground mines has resulted in fatalities from asphyxiation and explosions.

An underground mine is a maze of tunnels that must be adequately ventilated with fresh air to provide a safe environment for miners. Methane is liberated from the strata, and noxious gases and dusts from blasting and other mining activities may be present. The explosive and noxious gases and dusts must be diluted, rendered harmless, and carried to the surface by the ventilating currents. Sufficient air must be provided to maintain the level of respirable dust at or below specific exposure limits and air quality must be maintained in accordance with MSHA standards. Mechanical ventilation equipment of sufficient capacity must operate at all times while miners are in the mine. Ground conditions are subject to frequent changes; thus, sufficient tests and examinations are necessary to ensure the integrity of the ventilation system and to detect any changes that may require adjustments in the system. Records of tests and examinations are necessary to ensure that the ventilation system is being maintained and that changes which could adversely affect the integrity of the system or the safety of the miners are not occurring. These examination, reporting, and recordkeeping requirements of sections 75.310, 75.312, 75.342, 75.351, 75.360 through 75.364, 75.370, 75.371, and 75.382 also incorporate examinations of other critical aspects of the underground work environment such as roof conditions and electrical equipment which have historically caused numerous fatalities when not properly maintained and operated.

Section 75.362, On-shift Examinations, was revised at subsection 75.362(a)(2) and (g)(2)–(4) by MSHA's rule titled "Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors," published May 1, 2014. This rule also revised subsection 75.371(f) and (j).

Subsection 75.362(a)(2) requires that a person designated by the operator conduct an examination and record the results and the corrective actions taken to ensure compliance with the respirable dust control parameters specified in the approved mine ventilation plan.

Under subsection 75.362(g)(2)(i), the certified person directing the on-shift examination must certify by initials,

date, and time, on a board maintained at the section load out or similar location showing that the examination was made prior to resuming production. No increased burden is estimated for section 75.362(g)(2)(i) in this Information Collection Request (ICR) because MSHA does not expect the burden to be different from the burden in existing section 75.362(g)(2).

Under section 75.362(g)(2)(ii), the certified person directing the on-shift examination must verify, by initials, date, and time, the record of the results of the examination required under section 75.362(a)(2) to ensure compliance with the respirable dust control parameters specified in the mine ventilation plan. Further, section 75.362(g)(3) requires a mine foreman or equivalent mine official to countersign each examination record required under section 75.362(a)(2) after it is verified by the certified person under section 75.362(g)(2)(ii), and no later than the end of the mine foreman's or equivalent mine official's next regularly scheduled working shift. Section 75.362(g)(2)(ii) and (g)(3) are additional burdens that are accounted for in this ICR and 75.362(g)(2)(ii)(4) requires that records be retained at a surface location at the mine for at least 1 year and must be made available for inspection by authorized representatives of the Secretary and the representative of miners.

Paragraph (a)(2) in section 75.370, Mine ventilation plan; submission and approval, contains the burden for underground coal mine operators to submit mine ventilation plan revisions for District Manager approval. Each mine ventilation plan must include information that is specified by section 75.371, Mine ventilation plan; contents.

Section 75.371(f) adds the following information that a mine operator must include in the mine ventilation plan: The minimum quantity of air that will be delivered to the working section for each mechanized mining unit (MMU), and the identification by make and model, of each different dust suppression system used on equipment on each working section, including: (1) The number, types, location, orientation, operating pressure, and flow rate of operating water sprays; (2) the maximum distance that ventilation control devices will be installed from each working face when mining or installing roof bolts in entries and crosscuts; (3) procedures for maintaining the roof bolter dust collection system in approved condition; and (4) recommended best work practices for equipment operators to minimize dust exposure.

Section 75.371(j) adds a requirement that for machine mounted dust collectors, the ventilation plan must include the type and size of dust collector screens used and a description of the procedures to be followed to properly maintain dust collectors used on the equipment.

Section 75.370(a)(2) requires all underground coal mine operators to submit revisions for mine ventilation plans to MSHA. The burden to submit the additional information required by section 75.371(f) and (j) as proposed revisions to the plan is accounted for in this package under section 75.370(a)(2). In addition, section 75.370(a)(3)(i) requires underground coal mine operators to notify the miners' representative at least 5 days prior to submission of mine ventilation plan revisions and, if requested, provide a copy of the revisions to the miners' representative at the time of notification. Section 75.370(a)(3)(iii) and (f)(3) require the operator to post a copy of the plan revisions, and section 75.370(f)(1) requires that the operator provide a copy of the revisions to the miners' representative, if requested. MSHA assumes that a copy of the revisions will be requested. The burdens for notification, providing requested copies, and posting associated with mine ventilation plan revisions resulting from section 75.371(f) and (j) are accounted for in this package under section 75.370(a)(3)(i), (f)(1), (a)(3)(iii), and (f)(3), respectively.

## II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Ventilation Plans, Tests, and Examinations in Underground Coal Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
  - Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
  - Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Background documents related to this information collection request are available at <https://regulations.gov> and at DOL-MSHA located at 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

### III. Current Actions

This information collection request concerns provisions for Ventilation Plans, Tests, and Examinations in Underground Coal Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

*Type of Review:* Extension, without change, of a currently approved collection.

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219-0088.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 153.

*Frequency:* On occasion.

*Number of Responses:* 10,926.

*Annual Burden Hours:* 115,874 hours.

*Annual Respondent or Recordkeeper Cost:* \$26,004.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

Jessica Senk,  
Certifying Officer.

[FR Doc. 2021-15459 Filed 7-20-21; 8:45 am]

BILLING CODE 4510-43-P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

[OMB Control No. 1219-0073]

#### Proposed Extension of Information Collection; Mine Mapping and Records of Opening, Closing, and Reopening of Mines

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Request for public comments.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance request for

comment to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995. This request helps to ensure that: Requested data can be provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Mine Mapping and Records of Opening, Closing, and Reopening of Mines.

**DATES:** All comments must be received on or before September 20, 2021.

**ADDRESSES:** You may submit comment as follows. Please note that late, untimely filed comments will not be considered.

*Electronic Submissions:* Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for docket number MSHA-2021-0021. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket, with no changes. Because your comment will be made public, you are responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as your or anyone else's Social Security number or confidential business information.

- If your comment includes confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission.

*Written/Paper Submissions:* Submit written/paper submissions in the following way:

- *Mail/Hand Delivery:* Mail or visit DOL-MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, VA 22202-5452.

- MSHA will post your comment as well as any attachments, except for information submitted and marked as confidential, in the docket at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Jessica Senk, Director, Office of Standards, Regulations, and Variances, MSHA, at [MSHA.information.collections@dol.gov](mailto:MSHA.information.collections@dol.gov) (email); (202) 693-9440 (voice); or (202) 693-9441 (facsimile).

## SUPPLEMENTARY INFORMATION:

### I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines.

The information collection addressed by this notice is intended to protect miners by ensuring that up-to-date, accurate mine maps contain the information needed to clarify the best alternatives for action during an emergency operation. Coal mine operators routinely use maps to create safe and effective development plans.

Mine maps are schematic depictions of critical mine infrastructure, such as water, power, transportation, ventilation, and communication systems. Using accurate, up-to-date maps during a disaster, mine emergency personnel can locate refuges for miners and identify sites of explosion potential. Emergency personnel use the maps to know where stationary equipment was placed, where ground was secured, and where they can best begin a rescue operation. During a disaster, maps can be crucial to the safety of the emergency personnel who must enter a mine to begin a search for survivors.

Mine maps may describe the current status of an operating mine or provide crucial information about a closed mine that is being reopened.

Title 30 CFR 75.1200 requires each underground coal mine operator to have an accurate and up-to-date map of such mine drawn to scale and stored in a fireproof repository in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazards. Sections 75.1200-1, 75.1201, 75.1202, 75.1202-1, and 75.1203 specify the information which must be shown on the map. The maps must be certified by a registered engineer or surveyor and be kept up-to-date by temporary notations and revised and supplemented to include the temporary notations at intervals of not more than 6 months. Maps must be made available for inspection by a representative of the Secretary, State coal mine inspectors, miners and their representatives, operators of adjacent coal mines, and persons owning, leasing, or residing on surface areas of such mines or areas



adjacent to such mines. Mine maps are essential to the planning and safe operation of the mine. In addition, these maps provide a graphic presentation of the locations of working sections and the locations of fixed surface and underground mine facilities and equipment, escapeway routes, coal haulage and man and materials haulage entries and other information essential to mine rescue or mine firefighting activities in the event of mine fires, explosions or inundations of gas or water. The information is essential to the safe operation of adjacent mines and mines approaching the worked out areas of active or abandoned mines. Section 75.372 requires underground mine operators to submit three copies of an up-to-date mine map to the District Manager at intervals not exceeding 12 months during the operating life of the mine.

Title 30 CFR 75.1204 and 75.1204–1 require that whenever an underground coal mine operator permanently closes or abandons a coal mine, or temporarily closes a coal mine for a period of more than 90 days, the operator must file with MSHA a copy of the mine map revised and supplemented to the date of closure. Maps are retained in a repository and are made available to mine operators of adjacent properties. The maps are necessary to provide an accurate record of underground areas that have been mined to help prevent active mine operators from mining into abandoned areas that may contain water or harmful gases.

Title 30 CFR 77.1200, 77.1201, and 77.1202 require surface coal mine operators to maintain an accurate and up-to-date map of the mine and specifies the information to be shown on the map, the acceptable range of map scales, that the map be certified by a registered engineer or surveyor, and that the map be available for inspection by the Secretary or his authorized representative. These maps are essential for the safe operation of the mine and provide essential information to operators of adjacent surface and underground mines. Properly prepared and effectively utilized surface mine maps can prevent outbursts of water impounded in underground mine workings and/or inundations of underground mines by surface impounded water or water and/or gases impounded in surface auger mining worked-out areas.

Title 30 CFR 75.373 and 75.1721 require that after a mine is abandoned or declared inactive and before it is reopened, mine operations must not begin until MSHA has been notified and has completed an inspection. Section

75.1721 specifies that once the mine operator notifies the MSHA District Manager of the intent to reopen a mine all preliminary plans must be submitted in writing and approved prior to development of the coalbed.

## II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Mine Mapping and Records of Opening, Closing, and Reopening of Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Background documents related to this information collection request are available at <https://regulations.gov> and at DOL–MSHA located at 201 12th Street South, Suite 4E401, Arlington, VA 22202–5452. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

## III. Current Actions

This information collection request concerns provisions for Mine Mapping and Records of Opening, Closing, and Reopening of Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

*Type of Review:* Extension, without change, of a currently approved collection.

*Agency:* Mine Safety and Health Administration.

*OMB Number:* 1219–0073.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 580.

*Frequency:* On occasion.

*Number of Responses:* 1,190.

*Annual Burden Hours:* 6,274 hours.

*Annual Respondent or Recordkeeper Cost:* \$3,204,898.

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

**Jessica Senk,**  
*Certifying Officer.*

[FR Doc. 2021–15458 Filed 7–20–21; 8:45 am]

**BILLING CODE 4510–43–P**

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

#### Subject 60-Day Notice for the “2021 Final Descriptive Report Update” Proposed Collection; Comment Request

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and the Humanities.

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection in final descriptive reports. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

**DATES:** Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**.

**ADDRESSES:** Send comments to Sunil Iyengar, National Endowment for the Arts, via email ([research@arts.gov](mailto:research@arts.gov)).

**SUPPLEMENTARY INFORMATION:** The NEA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Dated: July 16, 2021.

**Meghan Jugder,**

*Support Services Specialist, Office of Administrative Services & Contracts, National Endowment for the Arts.*

[FR Doc. 2021-15500 Filed 7-20-21; 8:45 am]

**BILLING CODE 7537-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2020-0255]

### Implementation of Aging Management Requirements for Spent Fuel Storage Renewals

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Regulatory guide; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing a new Regulatory Guide (RG) 3.76 (Revision 0), "Implementation of Aging Management Requirements for Spent Fuel Storage Renewals." This new guidance describes an approach that is acceptable to the staff of the NRC to meet the regulatory requirements for spent fuel storage renewals. It addresses requirements for the renewal of specific licenses for independent spent fuel storage installations (ISFSIs) and certificates of compliance (CoCs) for spent fuel storage cask designs pursuant to NRC requirements.

**DATES:** Revision 0 to RG 3.76 is available on July 21, 2021.

**ADDRESSES:** Please refer to Docket ID NRC-2020-0255 when contacting the NRC about the availability of

information regarding this document.

You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0255. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **Attention:** The PDR, where you may examine, and order copies of public documents is currently closed. You may submit your request to the PDR via email at [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

Revision 0 to RG 3.76 and the regulatory analysis may be found in ADAMS under Accession Nos. ML21098A022 and ML20282A299, respectively.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

**FOR FURTHER INFORMATION CONTACT:** Kristina Banovac, telephone: 301-415-7116, email: [Kristina.Banovac@nrc.gov](mailto:Kristina.Banovac@nrc.gov), and Harriet Karagiannis, telephone: 301-415-2493, email: [Harriet.Karagiannis@nrc.gov](mailto:Harriet.Karagiannis@nrc.gov). Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

The NRC is issuing a new guide in the NRC's "Regulatory Guide" series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in

evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 0 of RG 3.76 was issued with a temporary identification of Draft Regulatory Guide, DG-3055. It describes an approach that is acceptable to the staff of the NRC by endorsing, with clarifications, the Nuclear Energy Institute (NEI) guidance in NEI 14-03, Revision 2, "Format, Content and Implementation Guidance for Dry Cask Storage Operations-Based Aging Management," issued December 2016.

##### II. Additional Information

The NRC published a notice of the availability of DG-3055 (ADAMS Accession No. ML20282A298), in the **Federal Register** on December 11, 2020 (85 FR 80193), for a 45-day public comment period. The public comment period closed on January 25, 2021. The staff received one public comment submission on DG-3055.

This RG is a new RG 3.76 that describes an approach that is acceptable to the staff of the NRC by endorsing, with clarifications, the Nuclear Energy Institute (NEI) guidance in NEI 14-03, Revision 2, "Format, Content and Implementation Guidance for Dry Cask Storage Operations-Based Aging Management," issued December 2016.

This new RG provides guidance to industry for complying with and implementing the requirements for spent fuel storage renewals in Part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), "Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste." This guidance addresses renewal of ISFSI specific licenses and CoCs for spent fuel storage cask designs in 10 CFR 72.42, "Duration of license; renewal," and 10 CFR 72.240, "Conditions for spent fuel storage cask renewal," respectively.

The guidance specifically addresses the format and content of spent fuel storage renewal applications and the implementation of aging management programs (AMPs). The guidance uses an operations-focused approach to aging management, in which operating experience is shared through an industry database and continually assessed to adjust AMPs, as needed and within regulatory limits, to ensure the effectiveness of aging management activities during the period of extended operation and the continued safe storage of spent fuel.

**III. Congressional Review Act**

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

**IV. Backfitting, Forward Fitting, and Issue Finality**

This regulatory guide, RG 3.76, endorses, with clarifications, NEI 14–03, which provides guidance on the format and content of spent fuel storage renewal applications and implementation of aging management programs under 10 CFR part 72. As explained in RG 3.76, licensees are not required to comply with the positions set forth in this regulatory guide. Therefore, RG 3.76 does not constitute backfitting as defined in 10 CFR 72.62, “Backfitting,” and as described in NRC Management Directive (MD) 8.4, “Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests”; or constitute forward fitting as that term is defined and described in MD 8.4. If, in the future, the NRC were to impose a position in RG 3.76 in a manner that would constitute backfitting or forward fitting, then the NRC would address the backfitting provision in 10 CFR 72.62 or the forward fitting provision of MD 8.4, respectively.

Dated: July 15, 2021.

For the Nuclear Regulatory Commission.

**Meraj Rahimi,**

*Chief, Regulatory Guidance and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2021–15442 Filed 7–20–21; 8:45 am]

**BILLING CODE 7590–01–P**

**RAILROAD RETIREMENT BOARD**

**Proposed Collection; Comment Request**

*Summary:* In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data

collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB’s estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*1. Title and purpose of information collection:* Railroad Service and Compensation Reports/System Access Application; OMB 3220–0008.

Under Section 9 of the Railroad Retirement Act (RRA) (45 U.S.C. 231h) and Section 6 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 356), the Railroad Retirement Board (RRB) maintains for each railroad employee, a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during such period(s) covered by the report(s) of the compensation by the employee’s railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in Section 9 of the RRA and Section 6 of the RUIA.

To enable the RRB to establish and maintain the record of compensation, employers are required to file with the RRB, reports of their employees’ compensation, in such manner and form and at such times as the RRB prescribes. Railroad employers’ reports and responsibilities are prescribed in 20 CFR 209. The RRB currently utilizes Form BA–3, *Annual Report of Creditable Compensation*, and Form BA–4, *Report*

*of Creditable Compensation Adjustments*, to secure the required information from railroad employers. Form BA–3 provides the RRB with information regarding annual creditable service and compensation for each individual who worked for a railroad employer covered by the RRA and RUIA in a given year. Form BA–4 provides for the adjustment of any previously submitted reports and also the opportunity to provide any service and compensation that had been previously omitted. Requirements specific to Forms BA–3 and BA–4 are prescribed in 20 CFR 209.8 and 209.9.

Employers currently have the option of submitting BA–3 and BA–4 reports electronically by CD–ROM, secure Email, File Transfer Protocol (FTP), or online via the RRB’s Employer Reporting System (ERS).

The information collection also includes RRB Form BA–12, Application for Employer Reporting internet Access, and Form G–440, Report Specifications Sheet. Form BA–12 is completed by railroad employers to obtain system access to ERS. Once access is obtained, authorized employees may submit reporting forms online to the RRB. The form determines what degree of access (view/only, data entry/modification or approval/submission) is appropriate for that employee. It is also used to terminate an employee’s access to ERS. Form G–440, Report Specifications Sheet, serves as a certification document for Forms BA–3 and BA–4 as well as other RRB employer reporting forms (Form BA–6a, BA–6 Address Report (OMB 3220–0005), Form BA–9, Report of Separation Allowance or Severance Pay (OMB 3220–0173) and Form BA–11, Report of Gross Earnings (OMB 3220–0132). It records the type of medium the report was submitted on, and serves as a summary recapitulation sheet for reports filed on paper. The RRB proposes no changes to Forms BA–3 (internet), BA–4 (internet), BA–12, and G–440. The RRB proposes to remove Form BA–3 (Paper) and BA–4 (Paper) from the Information Collection due to less than 10 responses per year.

**ESTIMATE OF ANNUAL RESPONDENT BURDEN  
CURRENT BURDEN**

Reporting	Responses	Time (minutes)	Burden (hours)
BA–3:			
Electronic Media 2/ .....	96	46.25 (2,775 min) .....	4,440
BA–3 (Internet) .....	617	46.25 (2,775 min) .....	28,536
Total BA–3 .....	713	.....	32,976
BA–4:			

ESTIMATE OF ANNUAL RESPONDENT BURDEN—Continued  
CURRENT BURDEN

Reporting	Responses	Time (minutes)	Burden (hours)
Electronic Media 2/ .....	355	1.00 (60 min) .....	355
BA-4 (Internet) .....	3,942	.33 (20 min) .....	1,314
Total BA-4 .....	4,297	.....	1,669
BA-12:			
Initial Access .....	295	.33 (20 min) .....	98
Access Termination .....	38	.166 (10 min) .....	7
Total BA-12 .....	333	.....	105
G-440 (certification):			
Form BA-3 (no employees) .....	19	.25 (15 min) .....	5
Form BA-11 (no employees) .....	60	.25 (15 min) .....	15
Paper forms (without recap) .....	7	.25 (15 min) .....	1
Form BA-15 .....	600	.25 (15 min) .....	150
Electronic transactions .....	94	.50 (30 min) .....	47
BA-3 and BA-4 (with recap) .....	125	1.25 (75 min) .....	156
Total G-440 .....	905	.....	374
Grand Total .....	6,248	.....	35,194

2. Evidence for Application of Overall Minimum: OMB 3220-0083.

Under Section 3(f)(2) of the Railroad Retirement Act (RRA) (45 U.S.C. 231b), the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act. This is referred to as the Social Security

Overall Minimum Guarantee, which is prescribed in 20 CFR 229. To administer this provision, the Railroad Retirement Board (RRB) requires information about a retired employee's spouse and child(ren) who would not be eligible for benefits under the RRA but would be eligible for benefits under the Social Security Act if the employee's railroad service had been covered by that Act. The RRB obtains the required

information by the use of Forms G-319, Statement Regarding Family and Earnings for Special Guaranty Computation, and G-320, Student Questionnaire for Special Guaranty Computation. One response is required of each respondent. Completion is required to obtain or retain benefits. The RRB proposes no changes to Forms G-319 and G-320.

ESTIMATE OF ANNUAL RESPONDENT BURDEN  
CURRENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
G-319 (completed by the employee):			
With assistance .....	5	26 .....	2
Without assistance: .....	230	55 .....	211
G-319 (completed by spouse):			
With assistance .....	5	30 .....	2
Without assistance .....	10	60 .....	10
G-320:			
(Age 18 at Special Guaranty Begin Date or Special Guaranty Age 18 Attainments).	30	15 .....	7
G-320:			
(Student Monitoring done in Sept, March and at end of school year)	10	15 .....	2
Total .....	290	.....	234

3. Title and purpose of information collection: Gross Earnings Report; OMB 3220-0132.

In order to carry out the financial interchange provisions of Section 7(c)(2) of the Railroad Retirement Act (RRA) (45 U.S.C. 231f), the RRB obtains annually from railroad employer's the gross earnings for their employees on a one-percent basis, i.e., 1% of each employer's railroad employees. The

gross earnings sample is based on the earnings of employees whose social security numbers end with the digits "30." The gross earnings are used to compute payroll taxes under the financial interchange.

The gross earnings information is essential in determining the tax amounts involved in the financial interchange with the Social Security Administration and Centers for

Medicare & Medicaid Services. Besides being necessary for current financial interchange calculations, the gross earnings file tabulations are also an integral part of the data needed to estimate future tax income and corresponding financial interchange amounts. These estimates are made for internal use and to satisfy requests from other government agencies and interested groups. In addition, cash flow

projections of the social security equivalent benefit account, railroad retirement account and cost estimates made for proposed amendments to laws administered by the RRB are dependent on input developed from the information collection.

The RRB utilizes Form BA-11 to obtain gross earnings information from railroad employers. Employers have the option of preparing and submitting BA-11 reports online via the RRB's Employer Reporting System or on paper (or in like format) by File Transfer Protocol (FTP) or secure Email. The

online BA-11 includes the option to file a "negative report" (no employees, or no employees with the digits "30"). Completion is mandatory. One response is requested of each respondent. The RRB proposes no changes to Form BA-11.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
BA-11 CD-ROM .....	0	30	0
BA-11 File Transfer Protocol .....	11	300	55
BA-11 Secure Email .....	0	30	0
BA-11 (Internet)—Positive .....	154	30	77
BA-11 (Internet)—Negative .....	424	15	106
Total .....	589	.....	238

**Additional Information or Comments:**  
To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Tucker at (312) 469-2591 or [Kennisha.Tucker@rrb.gov](mailto:Kennisha.Tucker@rrb.gov). Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-1275 or emailed to [Brian.Foster@rrb.gov](mailto:Brian.Foster@rrb.gov). Written comments should be received within 60 days of this notice.

**Brian D. Foster,**  
*Clearance Officer.*  
[FR Doc. 2021-15479 Filed 7-20-21; 8:45 am]  
**BILLING CODE 7905-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[OMB Control No. 3235-0422, SEC File No. 270-373]

**Proposed Collection; Comment Request**

*Extension:*

Rule 23c-3 and Form N-23c-3

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget ("OMB") for extension and approval.

Rule 23c-3 (17 CFR 270.23c-3) under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) permits a registered closed-end investment

company ("closed-end fund" or "fund") that meets certain requirements to repurchase common stock of which it is the issuer from shareholders at periodic intervals, pursuant to repurchase offers made to all holders of the stock. The rule enables these funds to offer their shareholders a limited ability to resell their shares in a manner that previously was available only to open-end investment company shareholders.

There have been recent regulatory developments put forth by the Commission that will provide shareholders of closed-end funds with additional benefits. Effective August 1, 2021, rule 23c-3 will be amended by including a new subparagraph (e) that will permit a fund that relies on rule 23c-3 to register an indefinite amount of securities, under Section 24 of the Investment Company Act upon the effectiveness of a fund's registration statement.<sup>1</sup> In addition, concurrent with the implementation of rule 23c-3(e), the Commission adopted an amendment to rule 24f-2 under the Investment Company Act, permitting closed-end funds to compute registration fees on an annual net basis.<sup>2</sup> The Commission's intent in proposing and adopting rules 23c-3(e) and 24f-2(a) respectively, was to avoid the possibility a closed-end fund of inadvertently selling more shares than it had registered.<sup>3</sup> These revisions to rule 23c-3 do not impose additional collections of information.

Notwithstanding these recent regulatory developments, a closed-end fund that relies on rule 23c-3 must send shareholders a notification that contains

specified information each time the fund makes a repurchase offer (on a quarterly, semi-annual, or annual basis, or, for certain funds, on a discretionary basis not more often than every two years). The fund also must file copies of the shareholder notification with the Commission (electronically through the Commission's Electronic Data Gathering, Analysis, and Retrieval System ("EDGAR")) on Form N-23c-3, a filing that provides certain information about the fund and the type of offer the fund is making.<sup>4</sup> The fund must describe in its annual report to shareholders the fund's policy concerning repurchase offers and the results of any repurchase offers made during the reporting period. The fund's board of directors must adopt written procedures designed to ensure that the fund's investment portfolio is sufficiently liquid to meet its repurchase obligations and other obligations under the rule. The board periodically must review the composition of the fund's portfolio and change the liquidity procedures as necessary. The fund also must file copies of advertisements and other sales literature with the Commission as if it were an open-end investment company subject to Section 24 of the Investment Company Act (15 U.S.C. 80a-24) and the rules that implement Section 24. Rule 24b-3 under the Investment Company Act (17 CFR 270.24b-3), however, exempts the fund from that requirement if the materials are filed instead with the

<sup>1</sup> 17 CFR 270.23c-3(e).

<sup>2</sup> 17 CFR 270.24f-2(a).

<sup>3</sup> Securities Offering Reform for Closed-End Investment Companies (SEC Rel. No. IC-33427) (Mar. 20, 2019) [84 FR 14448 (Apr. 10, 2019)] at 64.

<sup>4</sup> Form N-23c-3, entitled "Notification of Repurchase Offer Pursuant to Rule 23c-3," requires the fund to state its registration number, its full name and address, the date of the accompanying shareholder notification, and the type of offer being made (periodic, discretionary, or both).

Financial Industry Regulatory Authority (“FINRA”).

The requirement that the fund send a notification to shareholders of each offer is intended to ensure that a fund provides material information to shareholders about the terms of each offer. The requirement that copies be sent to the Commission is intended to enable the Commission to monitor the fund’s compliance with the notification requirement. The requirement that the shareholder notification be attached to Form N-23c-3 is intended to ensure that the fund provides basic information necessary for the Commission to process the notification and to monitor the fund’s use of repurchase offers. The requirement that the fund describe its current policy on repurchase offers and the results of recent offers in the annual shareholder report is intended to provide shareholders current information about the fund’s repurchase policies and its recent experience. The requirement that the board approve and review written procedures designed to maintain portfolio liquidity is intended to ensure that the fund has enough cash or liquid securities to meet its repurchase obligations, and that written procedures are available for review by shareholders and examination by the Commission. The requirement that the fund file advertisements and sales literature as if it were an open-end fund is intended to facilitate the review of these materials by the Commission or FINRA to prevent incomplete, inaccurate, or misleading disclosure about the special characteristics of a closed-end fund that makes periodic repurchase offers.

The Commission staff estimates that 60 funds make use of rule 23c-3 annually, including 32 funds that are relying upon rule 23c-3 for the first time. The Commission staff estimates that on average a fund spends 89 hours annually in complying with the requirements of the Rule and Form N-23c-3, with funds relying upon rule 23c-3 for the first time incurring an additional one-time burden of 28 hours. The Commission therefore estimates the total annual hour burden of the rule’s and form’s paperwork requirements to be 6,236 hours. In addition to the burden hours, the Commission staff estimates that the average yearly cost to each fund that relies on rule 23c-3 to print and mail repurchase offers to shareholders is about \$32,744.13. The Commission estimates total annual cost is therefore about \$1,964,647.

Estimates of average burden hours and costs are made solely for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or

even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of the rule and form is mandatory only for those funds that rely on the rule in order to repurchase shares of the fund. The information provided to the Commission on Form N-23c-3 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

All submissions should refer to File Number 270-373. This file number should be included on the subject line if email is used. The Commission will post all comments on the Commission’s internet website (<http://www.sec.gov>). All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
*Assistant Secretary.*

[FR Doc. 2021-15427 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34331; 812-15180]

### Uncommon Investment Funds Trust and Uncommon Investment Advisors LLC

July 15, 2021.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (“Act”) for an exemption from section 15(a) of the Act, as well as from certain disclosure requirements in rule 20a-1 under the Act, Item 19(a)(3) of Form N-1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934 (“1934 Act”), and sections 6-07(2)(a), (b), and (c) of Regulation S-X (“Disclosure Requirements”).

**APPLICANTS:** Uncommon Investment Funds Trust (“Trust”), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series (each a “Fund”) and Uncommon Investment Advisors LLC (“Initial Adviser”), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (“Advisers Act”) that serves as an investment adviser to the Uncommon Generosity 50 Equity ETF and Uncommon Portfolio Design Core Equity ETF (collectively with the Trust, the “Applicants”).

**SUMMARY OF APPLICATION:** The requested exemption would permit Applicants to enter into and materially amend subadvisory agreements with subadvisers without shareholder approval and would grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

**FILING DATES:** The application was filed on November 25, 2020, and amended on March 12, 2021, and June 10, 2021.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission’s Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov) and serving Applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on August 9, 2021, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule

0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

**ADDRESSES:** The Commission: *Secretarys-Office@sec.gov*. Applicants: Thaddeus Leszczynski, Uncommon Investment Funds Trust, by email: *tlesec@csacompliance.com* (with a copy to *agoldberg@stradley.com*).

**FOR FURTHER INFORMATION CONTACT:** Christine Y. Greenlees, Senior Counsel, at (202) 551–6879, or Lisa Reid Ragen, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number or an Applicant using the "Company" name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551–8090.

### I. Requested Exemptive Relief

1. Applicants request an order to permit the Adviser,<sup>1</sup> subject to the approval of the board of trustees of the Trust (collectively, the "Board"),<sup>2</sup> including a majority of the trustees who are not "interested persons" of the Trust or the Adviser, as defined in section 2(a)(19) of the Act (the "Independent Trustees"), without obtaining shareholder approval, to: (i) Select investment subadvisers ("Subadvisers") for all or a portion of the assets of one or more of the Funds pursuant to an investment subadvisory agreement with each Subadviser (each a "Subadvisory Agreement"); and (ii) materially amend Subadvisory Agreements with the Subadvisers.

2. Applicants also request an order exempting the Subadvised Funds (as defined below) from the Disclosure Requirements, which require each Fund

<sup>1</sup> The term "Adviser" means (i) the Initial Adviser, (ii) its successors, and (iii) any entity controlling, controlled by or under common control with, the Initial Adviser or its successors that serves as the primary adviser to a Subadvised Fund. For the purposes of the requested order, "successor" is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization. Any other Adviser also will be registered with the Commission as an investment adviser under the Advisers Act.

<sup>2</sup> The term "Board" also includes the board of trustees or directors of a future Subadvised Fund (as defined below), if different from the board of trustees ("Trustees") of the Trust.

to disclose fees paid to a Subadviser. Applicants seek relief to permit each Subadvised Fund to disclose (as a dollar amount and a percentage of the Fund's net assets): (i) The aggregate fees paid to the Adviser and any Wholly-Owned Subadvisers; and (ii) the aggregate fees paid to Affiliated and Non-Affiliated Subadvisers ("Aggregate Fee Disclosure").<sup>3</sup> Applicants seek an exemption to permit a Subadvised Fund to include only the Aggregate Fee Disclosure.<sup>4</sup>

3. Applicants request that the relief apply to Applicants, as well as to any other existing or future registered open-end management investment company or series thereof that intends to rely on the requested order in the future and that: (i) Is advised by the Adviser; (ii) uses the multi-manager structure described in the application; and (iii) complies with the terms and conditions of the application (each, a "Subadvised Fund").<sup>5</sup>

### II. Management of the Subadvised Funds

4. The Adviser serves or will serve as the investment adviser to each Subadvised Fund pursuant to an investment advisory agreement with the Fund (each an "Investment Advisory Agreement"). Each Investment Advisory Agreement has been or will be approved by the Board, including a majority of the Independent Trustees, and by the shareholders of the relevant Subadvised Fund in the manner required by sections 15(a) and 15(c) of the Act. The terms of these Investment Advisory Agreements comply or will comply with section 15(a) of the Act. Applicants are not seeking an exemption from the Act

<sup>3</sup> A "Wholly-Owned Subadviser" is any investment adviser that is (1) an indirect or direct "wholly-owned subsidiary" (as such term is defined in the Act) of the Adviser, (2) a "sister company" of the Adviser that is an indirect or direct "wholly-owned subsidiary" of the same company that indirectly or directly wholly owns the Adviser (the Adviser's "parent company"), or (3) a parent company of the Adviser. An "Affiliated Subadviser" is any investment subadviser that is not a Wholly-Owned Subadviser, but is an "affiliated person" (as defined in section 2(a)(3) of the Act) of a Subadvised Fund or the Adviser for reasons other than serving as investment subadviser to one or more Funds. A "Non-Affiliated Subadviser" is any investment adviser that is not an "affiliated person" (as defined in the Act) of a Fund or the Adviser, except to the extent that an affiliation arises solely because the Subadviser serves as a subadviser to one or more Funds.

<sup>4</sup> Applicants note that all other items required by sections 6–07(2)(a), (b) and (c) of Regulation S–X will be disclosed.

<sup>5</sup> All registered open-end investment companies that currently intend to rely on the requested order are named as Applicants. Any entity that relies on the requested order will do so only in accordance with the terms and conditions contained in the application.

with respect to the Investment Advisory Agreements. Pursuant to the terms of each Investment Advisory Agreement, the Adviser, subject to the oversight of the Board, will provide continuous investment management for each Subadvised Fund. For its services to each Subadvised Fund, the Adviser receives or will receive an investment advisory fee from that Fund as specified in the applicable Investment Advisory Agreement.

5. Consistent with the terms of each Investment Advisory Agreement, the Adviser may, subject to the approval of the Board, including a majority of the Independent Trustees, and the shareholders of the applicable Subadvised Fund (if required by applicable law), delegate portfolio management responsibilities of all or a portion of the assets of a Subadvised Fund to a Subadviser. The Adviser will retain overall responsibility for the management and investment of the assets of each Subadvised Fund. This responsibility includes recommending the removal or replacement of Subadvisers, allocating the portion of that Subadvised Fund's assets to any given Subadviser and reallocating those assets as necessary from time to time.<sup>6</sup> The Subadvisers will be "investment advisers" to the Subadvised Funds within the meaning of Section 2(a)(20) of the Act and will provide investment management services to the Funds subject to, without limitation, the requirements of Sections 15(c) and 36(b) of the Act.<sup>7</sup> The Subadvisers, subject to the oversight of the Adviser and the Board, will determine the securities and other investments to be purchased, sold or entered into by a Subadvised Fund's portfolio or a portion thereof, and will place orders with brokers or dealers that they select.<sup>8</sup>

6. The Subadvisory Agreements will be approved by the Board, including a majority of the Independent Trustees, in accordance with sections 15(a) and 15(c)

<sup>6</sup> Applicants represent that if the name of any Subadvised Fund contains the name of a subadviser, the name of the Adviser that serves as the primary adviser to the Fund, or a trademark or trade name that is owned by or publicly used to identify the Adviser, will precede the name of the subadviser.

<sup>7</sup> The Subadvisers will be registered with the Commission as an investment adviser under the Advisers Act or not subject to such registration.

<sup>8</sup> A "Subadviser" also includes an investment subadviser that will provide the Adviser with a model portfolio reflecting a specific strategy, style or focus with respect to the investment of all or a portion of a Subadvised Fund's assets. The Adviser may use the model portfolio to determine the securities and other instruments to be purchased, sold or entered into by a Subadvised Fund's portfolio or a portion thereof, and place orders with brokers or dealers that it selects.

of the Act. In addition, the terms of each Subadvisory Agreement will comply fully with the requirements of section 15(a) of the Act. The Adviser may compensate the Subadvisers or the Subadvised Funds may compensate the Subadvisers directly.

7. Subadvised Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (“Modified Notice and Access Procedures”): (a) Within 90 days after a new Subadviser is hired for any Subadvised Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Information Statement;<sup>9</sup> and (b) the Subadvised Fund will make the Multi-manager Information Statement available on the website identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that website for at least 90 days.<sup>10</sup>

### III. Applicable Law

8. Section 15(a) of the Act states, in part, that it is unlawful for any person to act as an investment adviser to a registered investment company “except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company.”

9. Form N-1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N-1A

<sup>9</sup> A “Multi-manager Notice” will be modeled on a Notice of internet Availability as defined in Rule 14a-16 under the 1934 Act, and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser (except as modified to permit Aggregate Fee Disclosure); (b) inform shareholders that the Multi-manager Information Statement is available on a website; (c) provide the website address; (d) state the time period during which the Multi-manager Information Statement will remain available on that website; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Subadvised Fund. A “Multi-manager Information Statement” will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the 1934 Act for an information statement, except as modified by the requested order to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed with the Commission via the EDGAR system.

<sup>10</sup> In addition, Applicants represent that whenever a Subadviser is hired or terminated, or a Subadvisory Agreement is materially amended, the Subadvised Fund’s prospectus and statement of additional information will be supplemented promptly pursuant to rule 497(e) under the Securities Act of 1933.

requires a registered investment company to disclose in its statement of additional information the method of computing the “advisory fee payable” by the investment company with respect to each investment adviser, including the total dollar amounts that the investment company “paid to the adviser (aggregated with amounts paid to affiliated advisers, if any), and any advisers who are not affiliated persons of the adviser, under the investment advisory contract for the last three fiscal years.”

10. Rule 20a-1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the 1934 Act. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the “rate of compensation of the investment adviser,” the “aggregate amount of the investment adviser’s fee,” a description of the “terms of the contract to be acted upon,” and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

11. Regulation S-X sets forth the requirements for financial statements required to be included as part of a registered investment company’s registration statement and shareholder reports filed with the Commission. Sections 6-07(2)(a), (b), and (c) of Regulation S-X require a registered investment company to include in its financial statements information about investment advisory fees.

12. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

### IV. Arguments in Support of the Requested Relief

13. Applicants assert that, from the perspective of the shareholder, the role of the Subadvisers is substantially equivalent to the limited role of the individual portfolio managers employed by an investment adviser to a traditional investment company. Applicants also assert that the shareholders expect the Adviser, subject to review and approval

of the Board, to select a Subadviser who is in the best position to achieve the Subadvised Fund’s investment objective. Applicants believe that permitting the Adviser to perform the duties for which the shareholders of the Subadvised Fund are paying the Adviser—the selection, oversight and evaluation of the Subadviser—without incurring unnecessary delays or expenses of convening special meetings of shareholders is appropriate and in the interest of the Fund’s shareholders, and will allow such Fund to operate more efficiently. Applicants state that each Investment Advisory Agreement will continue to be fully subject to section 15(a) of the Act and approved by the relevant Board, including a majority of the Independent Trustees, in the manner required by section 15(a) and 15(c) of the Act.

14. Applicants submit that the requested relief meets the standards for relief under section 6(c) of the Act. Applicants state that the operation of the Subadvised Fund in the manner described in the Application must be approved by shareholders of that Fund before it may rely on the requested relief. Applicants also state that the proposed conditions to the requested relief are designed to address any potential conflicts of interest or economic incentives, and provide that shareholders are informed when new Subadvisers are hired.

15. Applicants contend that, in the circumstances described in the application, a proxy solicitation to approve the appointment of new Subadvisers provides no more meaningful information to shareholders than the proposed Multi-manager Information Statement. Applicants state that, accordingly, they believe the requested relief is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

16. With respect to the relief permitting Aggregate Fee Disclosure, Applicants assert that disclosure of the individual fees paid to the Subadvisers does not serve any meaningful purpose. Applicants contend that the primary reasons for requiring disclosure of individual fees paid to Subadvisers are to inform shareholders of expenses to be charged by a particular Subadvised Fund and to enable shareholders to compare the fees to those of other comparable investment companies. Applicants believe that the requested relief satisfies these objectives because the Subadvised Fund’s overall advisory fee will be fully disclosed and,



therefore, shareholders will know what the Subadvised Fund's fees and expenses are and will be able to compare the advisory fees a Subadvised Fund is charged to those of other investment companies. In addition, Applicants assert that the requested relief would benefit shareholders of the Subadvised Fund because it would improve the Adviser's ability to negotiate the fees paid to Subadvisers. In particular, Applicants state that if the Adviser is not required to disclose the Subadvisers' fees to the public, the Adviser may be able to negotiate rates that are below a Subadviser's "posted" amounts. Applicants assert that the relief will also encourage Subadvisers to negotiate lower subadvisory fees with the Adviser if the lower fees are not required to be made public.

#### V. Relief for Affiliated Subadvisers

17. The Commission has granted the requested relief with respect to Wholly-Owned and Non-Affiliated Subadvisers through numerous exemptive orders. The Commission also has extended the requested relief to Affiliated Subadvisers.<sup>11</sup> Applicants state that although the Adviser's judgment in recommending a Subadviser can be affected by certain conflicts, they do not warrant denying the extension of the requested relief to Affiliated Subadvisers. Specifically, the Adviser faces those conflicts in allocating fund assets between itself and a Subadviser, and across Subadvisers, as it has an interest in considering the benefit it will receive, directly or indirectly, from the fee the Subadvised Fund pays for the management of those assets. Applicants also state that to the extent the Adviser has a conflict of interest with respect to the selection of an Affiliated Subadviser, the proposed conditions are protective of shareholder interests by ensuring the Board's independence and providing the Board with the appropriate resources and information to monitor and address conflicts.

18. With respect to the relief permitting Aggregate Fee Disclosure, Applicants assert that it is appropriate to disclose only aggregate fees paid to Affiliated Subadvisers for the same reasons that similar relief has been granted previously with respect to Wholly-Owned and Non-Affiliated Subadvisers.

#### VI. Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Subadvised Fund may rely on the order requested in the Application, the operation of the Subadvised Fund in the manner described in the Application will be, or has been, approved by a majority of the Subadvised Fund's outstanding voting securities as defined in the Act, or, in the case of a Subadvised Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder before such Subadvised Fund's shares are offered to the public.

2. The prospectus for each Subadvised Fund will disclose the existence, substance and effect of any order granted pursuant to the Application. In addition, each Subadvised Fund will hold itself out to the public as employing the multi-manager structure described in the Application. The prospectus will prominently disclose that the Adviser has the ultimate responsibility, subject to oversight by the Board, to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. The Adviser will provide general management services to each Subadvised Fund, including overall supervisory responsibility for the general management and investment of the Subadvised Fund's assets, and subject to review and oversight of the Board, will (i) set the Subadvised Fund's overall investment strategies, (ii) evaluate, select, and recommend Subadvisers for all or a portion of the Subadvised Fund's assets, (iii) allocate and, when appropriate, reallocate the Subadvised Fund's assets among Subadvisers, (iv) monitor and evaluate the Subadvisers' performance, and (v) implement procedures reasonably designed to ensure that Subadvisers comply with the Subadvised Fund's investment objective, policies and restrictions.

4. Subadvised Funds will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

5. At all times, at least a majority of the Board will be Independent Trustees, and the selection and nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Independent Legal Counsel, as defined in Rule 0-1(a)(6) under the Act,

will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then-existing Independent Trustees.

7. Whenever a Subadviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the profitability of the Adviser.

8. The Board must evaluate any material conflicts that may be present in a subadvisory arrangement. Specifically, whenever a subadviser change is proposed for a Subadvised Fund ("Subadviser Change") or the Board considers an existing Subadvisory Agreement as part of its annual review process ("Subadviser Review"):

(a) The Adviser will provide the Board, to the extent not already being provided pursuant to section 15(c) of the Act, with all relevant information concerning:

(i) Any material interest in the proposed new Subadviser, in the case of a Subadviser Change, or the Subadviser in the case of a Subadviser Review, held directly or indirectly by the Adviser or a parent or sister company of the Adviser, and any material impact the proposed Subadvisory Agreement may have on that interest;

(ii) any arrangement or understanding in which the Adviser or any parent or sister company of the Adviser is a participant that (A) may have had a material effect on the proposed Subadviser Change or Subadviser Review, or (B) may be materially affected by the proposed Subadviser Change or Subadviser Review;

(iii) any material interest in a Subadviser held directly or indirectly by an officer or Trustee of the Subadvised Fund, or an officer or board member of the Adviser (other than through a pooled investment vehicle not controlled by such person); and

(iv) any other information that may be relevant to the Board in evaluating any potential material conflicts of interest in the proposed Subadviser Change or Subadviser Review.

(b) the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board minutes, that the Subadviser Change or continuation after Subadviser Review is in the best interests of the Subadvised Fund and its shareholders and, based on the information provided to the Board, does not involve a conflict of interest from which the Adviser, a Subadviser, any officer or Trustee of the Subadvised Fund, or any officer or board member of the Adviser derives an inappropriate advantage.

<sup>11</sup> *Carillon Series Trust, et al., Investment Co.*, Act Rel. Nos. 33464 (May 2, 2019) (notice) and 33494 (May 29, 2019) (order).

9. Each Subadvised Fund will disclose in its registration statement the Aggregate Fee Disclosure.

10. In the event that the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the Application, the requested order will expire on the effective date of that rule.

11. Any new Subadvisory Agreement or any amendment to an existing Investment Advisory Agreement or Subadvisory Agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Subadvised Fund will be submitted to the Subadvised Fund's shareholders for approval.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15463 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-776, OMB Control No. 3235-0730]

### Submission for OMB Review; Comment Request

#### Extension:

Form N-PORT

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is "Form N-PORT under the Investment Company Act of 1940." Form N-PORT requires funds to report portfolio holdings information in a structured, XML format. The form is filed electronically using the Commission's electronic filing system (Electronic Data Gathering, Analysis and Retrieval or "EDGAR"). The purpose of Form N-PORT is to satisfy the filing and disclosure requirements of Section 30(b) of the Investment Company Act, and of Rule 30b1-9 thereunder.

We estimate that 11980 entities will be required to submit reports on Form N-PORT. We estimate that 35% of funds will file reports on Form N-PORT in house and the remaining 65% of funds will retain the services of a third party to prepare and file reports on Form N-PORT on the fund's behalf. The

estimated annual hourly burden associated with Form N-PORT 1,839,903 hours for an average of 153.6 hours per entity. The total annual internal time cost associated with Form N-PORT is \$654,658,288. The total annual external cost associated with Form N-PORT is \$113,858,133.

The requirements of this collection of information are mandatory. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, [www.reginfo.gov](http://www.reginfo.gov). Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: [Lindsay.M.Abate@omb.eop.gov](mailto:Lindsay.M.Abate@omb.eop.gov); and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to OMB within 60 days of this notice.

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15432 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-663, OMB Control No. 3235-0724]

### For Submission; Comment Request

*Upon Written Request Copies Available From:* U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

#### Extension:

Supplier Diversity Business Management System

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for extension of the previously approved collection of information summarized below.

The Commission is required under Section 342 of the Dodd-Frank Wall Street and Reform Act to develop standards and processes for ensuring the fair inclusion of women-owned and minority-owned businesses in all of the Commission's business activities. In addition, the Commission is required to develop standards for coordinating technical assistance to minority-owned and women-owned businesses. 12 U.S.C. 5452(b)(2)(B). To help implement these requirements, the Office of Minority and Women Inclusion (OMWI) developed and maintains an electronic Supplier Diversity Business Management System (SDBMS) to collect up-to-date business information and capabilities statements from diverse suppliers interested in doing business with the Commission. The information collected in SDBMS assists the Commission with its market research efforts, enables the Commission to assess the effectiveness of its technical assistance and outreach efforts and identify target areas for additional program efforts, and facilitates the Commission's compliance with its Congressionally-mandated reporting obligations on the Commission's contract awards.

The Commission invited comments on SDBMS. Information is collected in SDBMS via web-based, e-filed, dynamic form-based technology. The company point of contact completes a profile consisting of basic contact data and information on the capabilities of the business. The profile includes a series of questions, some of which are based on the data that the individual enters. Drop-down lists are included where appropriate to increase ease of use.

The information collection is voluntary. There are no costs associated with this collection. SDBMS allows suppliers to self-register via a secure web portal that is accessible through a hyperlink on the Commission's public website.

*Estimated number of annual responses:* 300.

*Estimated annual reporting burden:* 150 hours (30 minutes per submission).

Other than a recent decrease in the number of respondents, presumably due to the COVID-19 pandemic, the estimated number of respondents overall remains the same at 300 per year, based on the actual response rate prior to the pandemic. As such, the total burden estimate also remains the same at 150 hours.

On May 11, 2021, the Commission published a notice in the **Federal Register** (86 FR 25931) of its intention to request an extension of this currently approved collection of information, and

allowed the public 60 days to submit comments. The Commission received no comments.

Written comments continued to be invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov). Comments must be submitted to OMB within 30 days of this notice.

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15428 Filed 7-20-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92420; File No. SR-CBOE-2021-040]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Rules Relating to Trading Halts During the Global Trading Hours Session

July 15, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on July 8, 2021, Cboe Exchange, Inc. ("Exchange" or "Cboe Options") filed with the

Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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 Exchange, Inc. (the "Exchange" or "Cboe Options") proposes to amend its rules relating to trading halts during the Global Trading Hours session. 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://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), 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 purpose of the proposed rule change is to automate the Exchange's process for the halting and resumption of trading in certain circumstances during the Exchange's Global Trading Hours ("GTH") session.

###### Background

By way of background, Cboe Rule 5.20 describes the Exchange's process for determining if and when to halt trading in any security, including the process

for the resumption of trading after a halt. Rule 5.20(a) provides that any two Floor Officials, in consultation with a designated senior executive officer of the Exchange, may halt trading in any security in the interests of a fair and orderly market and to protect investors. Rule 5.20(a) also sets forth various factors that may be considered in making the forgoing determination, including whether there has been an activation of price limits on futures exchanges or the halt of trading in related futures with respect to index options.<sup>5</sup> Additionally, Rule 5.20(b) provides that trading in a security that has been the subject of a halt under subparagraph (a) may be resumed as described in Rule 5.31(g)<sup>6</sup> upon a determination by two Floor Officials, in consultation with a designated senior executive officer of the Exchange, that the interests of a fair and orderly market are best served by a resumption of trading. Among the factors to be considered in making this determination are whether the conditions which led to the halt are no longer present.

By way of further background, the Chicago Mercantile Exchange ("CME") recently amended its rules to (1) adopt Dynamic Special Price Fluctuation Limits and trading halt rules for certain CME equity index futures<sup>7</sup> during CME's Overnight Trading Hours session ("OTH"<sup>8</sup>) and (2) modify its hard OTH Price Limits.<sup>9</sup> Specifically, CME amended its rules to provide that if a contract market moves beyond the lower or above the upper dynamic price fluctuation limit during OTH (currently set at 3.5%), CME will trigger a Dynamic Circuit Breaker and halt trading for two

<sup>5</sup> See Cboe Options Rule 5.20(a)(6).

<sup>6</sup> Cboe Options Rule 5.31(g) governs the opening auction process that follows a trading halt. Particularly, it provides that the Exchange will open series using the same opening auction process described in Rule 5.31 following a trading halt in the class declared by the Exchange pursuant to Rule 5.20, except: (1) The Queuing Period will begin immediately when the Exchange halts trading in the class; (2) if a User has orders or quotes resting on the Book at the time of a trading halt, the System queues those orders and quotes in the Queuing Book for participation in the opening rotation following the trading halt, unless the User entered instructions to cancel its resting orders and quotes; and (3) the System will initiate the opening rotation for a class upon the Exchange's determination to resume trading pursuant to Rule 5.20. See Cboe Options Rule 5.31(g).

<sup>7</sup> See CME Rule 589, Special Price Fluctuation Limits and Daily Price Limits Table, which provides the Dynamic Price Fluctuation Limits apply to, among other products, S&P 500 Futures, E-mini S&P Futures, and Micro E-mini S&P 500 Index Futures.

<sup>8</sup> CME's current OTH hours are from 6:00 p.m.–9:30 a.m. EST.

<sup>9</sup> See CME Submission No. 20-392.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

(2) minutes.<sup>10</sup> CME also amended its OTH Price Limits for certain CME equity index futures from 5% hard limits to 7% hard limits.<sup>11</sup>

Currently, the Exchange employs a manual process to initiate the halting or resumption of trading during GTH. This manual process requires personnel from the Exchange's Trade Desk to become aware of, and react to, any trading halts in related futures, including Dynamic Circuit Breaker-triggered halts, and activation of CME OTH Price Limits, as well as any determination to lift the trading halts in related futures or identify whether the futures are no longer in a limit state. Particularly, the Trade Desk performs proactive monitoring of halt notifications from CME and checks internal tools to identify whether future products have reached a limit state. If Trade Desk personnel become aware that a related future is halted by CME or if it reaches CME's prescribed OTH Price Limit (*i.e.*, reaches a "limit state"<sup>12</sup>) during GTH, current practice is such that Trade Desk personnel would generally, upon determination by two Floor Officials in consultation with a designated senior executive officer, manually implement a trading halt pursuant to the authority provided under Rule 5.20(a)(6). Similarly, Trade Desk personnel will monitor internal tools to identify whether CME has lifted the trading halt or whether the futures are no longer in a limit state. If such determination is made, Trade Desk personnel would generally, upon determination by two Floor Officials in consultation with a designated senior executive officer, manually initiate the reopening process to resume trading pursuant to the authority provided under Rule 5.20(b). Even with the proactive monitoring performed by the Trade Desk, there may be instances where the Exchange has not immediately identified a trading halt, activation of price limits, lifting of a trading halt or whether related futures are no longer in a limit state. As such, there may not be an immediate initiation of a trading halt or manual reopening of a related index option in such cases. The Exchange believes an automated process would be more efficient than this current manual process and accordingly proposes to

<sup>10</sup> *Id.* See also CME Rule 589.D (Dynamic Price Fluctuation Limits).

<sup>11</sup> See CME Submission No. 20–392.

<sup>12</sup> For purposes of this rule, CME futures are defined to be in a Limit State when CME futures reach the OTH Price Limits (currently 7%) and are bid at their upper limit price or offered at their lower limit price. CME futures are not considered to be in a limit state if CME futures are trading at prices above their lower limit price or below their upper limit price.

adopt an automated halt and reopening process, which would avoid the need for manual intervention by Exchange staff.

#### Proposal

The proposed rule change would adopt new Rule 5.20(f) to implement an automated process for both the halting and resumption of trading during the GTH session if certain events transpire on CME. The Exchange notes the proposed automated process is consistent with authority the Exchange currently has today to halt or resume trading under its existing rules. Particularly, the proposed circumstances that will trigger an automated halt or resumption of trading are circumstances and factors that the Exchange already considers and acts upon today (albeit using a manual process). The Exchange believes automating these processes in these situations eliminates potential inefficiencies with the manual process, as well as provides further transparency in the rules. Particularly, the Exchange proposes to adopt an automated process for the halting and resumption of trading when (1) there is a halt of trading in related futures on CME during the CME OTH session due to the activation of a Dynamic Price Fluctuation Limit (*i.e.*, whenever a "Dynamic Circuit Breaker" is triggered on CME during OTH) (proposed Rule 5.20(f)(1)) or (2) when a related future is in a limit state on CME due to an activation of the CME OTH Price Limit (proposed Rule 5.20(f)(2)), as further described below.

#### Dynamic Circuit Breakers

With respect to a Dynamic Circuit Breaker, the Exchange proposes to specify that upon its System receiving notice from CME that a Dynamic Circuit Breaker has been triggered during OTH, the Exchange will automatically halt trading for two (2) minutes in the related index options. The proposed trading halt period would coincide with the trading halt period on CME that is triggered by the Dynamic Circuit Breaker.<sup>13</sup> Particularly, the two-minute

<sup>13</sup> If the lead contract month (as identified by CME) of the primary futures contract is traded, bid or offered on Globex at a price below the lower or above the upper dynamic price fluctuation limit, it is considered a triggering event which begins a two (2) minute temporary trading halt in all contract months of the primary futures contract and in all contract months of associated products of the primary futures contract as provided in the Special Price Fluctuation Limits and Daily Price Limits Table. If a non-lead contract month of the primary futures contract is traded, bid or offered on Globex at a price below the lower or above the upper dynamic price fluctuation limit, it shall be considered a triggering event which begins a two (2)

halt period on the Exchange would be triggered when the Exchange's system detects a halt message from CME. Once detected, the System will queue any orders or quotes resting on the Book at the time of a trading halt in the Queuing Book for participation in the opening rotation following the trading halt, unless the user entered instructions to cancel its resting orders and quotes.<sup>14</sup> New orders/quotes, modifications to orders/quotes and cancellations for orders/quotes, would be accepted during the halt period.

The Exchange next proposes to provide that at the conclusion of the two-minute Dynamic Circuit Breaker-triggered halt, the Exchange would automatically resume trading as described in Rule 5.31(g). The proposed rule change results in the Exchange being able to re-open trading in the same manner that it is able to under Rule 5.31(g) today but enables the Exchange to not have to rely on manual procedures to do so.

#### CME OTH Price Limits

With respect to activation of CME's OTH Price Limits (*i.e.*, if the primary futures contract has reached a limit state), the Exchange proposes to specify that upon receiving notice from CME indicating a limit state condition or upon the Exchange's determination that CME futures are in a limit state, the Exchange will halt trading for ten (10) minutes in the related index options. Particularly, the Exchange's System will read CME data feed messages continuously during GTH hours and identify when CME futures are at a limit state. Alternatively, the Exchange's System may receive a message from CME indicating a limit state condition.<sup>15</sup> Under either scenario, the Exchange would automatically halt trading, and the System will queue any orders or quotes resting on the Book at the time of a trading halt in the Queuing Book for participation in the opening rotation following the trading halt, unless the user entered instructions to cancel its resting orders and quotes.<sup>16</sup> New orders/quotes, modifications to orders/quotes

minute temporary trading halt in that non-lead contract month of the primary futures contract. See CME Rule 589.D(b)(1).

<sup>14</sup> See Cboe Options Rule 5.31(g)(2).

<sup>15</sup> The Exchange notes that unlike the messages issued by CME relating to Dynamic Circuit Breaker-triggered halts, CME does not currently issue any messages that explicitly indicate that its futures have reached a limit state. However, should CME provide such notice in the future, the Exchange could determine to halt upon receipt of any such notice in addition to or in lieu of its own determination that CME futures have reached a limit state.

<sup>16</sup> See Cboe Options Rule 5.31(g)(2).

and cancellations for orders/quotes, would be accepted during the halt period.

The Exchange next proposes to automate the process for resuming trading following a trading halt during CME futures reaching a limit state. Particularly, the Exchange shall resume trading as described in Rule 5.31(g) once the following two conditions have been satisfied: (1) The 10-minute halt period has passed and (2), the relate CME futures have not been in a limit state for the entirety of a rolling period of time (which the Exchange determines) which begins prior to the conclusion of the halt period.<sup>17</sup> Resumption of trading will occur in the same manner that it is able to under Rule 5.31(g) today, but the Exchange would no longer have to rely on manual procedures for initiating the resumption of trading.

#### Manual Determinations

The Exchange notes that notwithstanding proposed Rules 5.20(f)(1) and (f)(2), the Exchange would retain the ability to manually resume trading at any time during a trading halt triggered by either a Dynamic Circuit Breaker or activation of CME OTH Price Limits at its discretion pursuant to current Rule 5.20(b) if it believes the interests of a fair and orderly market are best served by doing so. The Exchange also retains the ability to manually implement a trading halt at any time other than described under proposed paragraphs (f)(1) and (f)(2) if it is determined to be in the interests of a fair and orderly market and to protect investors pursuant to paragraph 5.20(a). To maintain clarity and transparency in the rules, the Exchange therefore also proposes to adopt Rule 5.20(f)(3) to directly reference this continuing authority to manually halt and resume trading during GTH, notwithstanding the proposed provisions under Rule 5.20(f)(1) and (f)(2).

In sum, the Exchange believes a trading halt is generally necessary to maintain a fair and orderly market whenever there is a trading halt or activation of price limits in related

futures products with respect to index options during GTH. Indeed, upon becoming aware of a halt of trading in related futures with respect to index options or activation of a OTH price limit, current practice is such that two Floor Officials in consultation with a designated senior executive officer of the Exchange would likely determine to halt trading in related index options, as permitted pursuant to current Rule 5.20(a)(6). Although the Exchange currently has discretion to halt trading in these circumstances, the Exchange wishes to automate this process and make it clear in the rules that a trading halt shall automatically be triggered in certain circumstances as detailed above. Similarly, for efficiency and transparency in the rules, the Exchange also wishes to specify when and how the Exchange shall automatically resume trading following a trading halt triggered by a Dynamic Circuit Breaker on CME or activation of a CME OTH Price Limit.<sup>18</sup> As noted above, pursuant to Rule 5.20(b), when the conditions which led to the halt are no longer present, trading in a halted security may be resumed on the Exchange at its discretion. The Exchange notes that when a trading halt in related futures with respect to index options has ended, or a futures product is no longer in a limit state, the Exchange usually determines to resume trading. Accordingly, the Exchange believes its proposal to automatically halt trading when CME employs a Dynamic Circuit Breaker or there is an activation of CME OTH Price Limits is consistent with the Exchange's current authority to consider halting when there is a halt of trading or activation of price limits in related futures.<sup>19</sup> The Exchange similarly believes the proposals relating to automatic resumption of trading following the two-minute Dynamic Circuit Breaker-triggered halt or ten-minute limit state-triggered halt period is consistent with the Exchange's authority to consider resuming trading when the conditions that led to the halt are no longer present.<sup>20</sup>

#### Implementation Date

The Exchange proposes to announce the implementation date of the proposed rule change in an Exchange

Notice, to be published no later than sixty (60) days following the operative date. The implementation date will be no later than ninety (90) days following the operative date.

#### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the requirements of Section 6(b) of the Act,<sup>21</sup> in general, and Section 6(b)(5) of the Act,<sup>22</sup> in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and not to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes its proposal is consistent with the Exchange's current authority to determine when to halt and resume trading pursuant to Rules 5.20(a) and (b). Today, two Floor Officials, in consultation with a designated senior executive officer of the Exchange, may halt trading in any security in the interests of a fair and orderly market and to protect investors. As discussed above, in making their determination, they may consider whether unusual conditions or circumstances are present, which may include the activation of price limits on futures exchanges or the halt of trading in related futures with respect to index options.<sup>23</sup> Similarly, two Floor Officials, in consultation with a designated senior executive officer of the Exchange, may determine when in the interests of a fair and orderly market are best served by a resumption of trading. Among the factors to be considered in this determination are whether the conditions which led to the halt are no longer present.<sup>24</sup> Although the Exchange's current rules provide the Exchange discretion to (i) halt trading when there is a halt of trading in related futures or activation of price limits and (2) resume when the conditions that led to a halt are no longer present, the Exchange historically was likely to halt and reopen in such situations. The Exchange believes that adopting an automated process in these situations would be more consistent and reliable for market participants and investors as such a process would be more efficient and not rely on manual processing by Exchange personnel. Moreover, the Exchange believes the proposed rule

<sup>17</sup> For example, if the Exchange determines that the period of consecutive time that CME futures must not be in a limit state is thirty consecutive seconds and the CME OTH Price Limit is activated at 4:00:00 a.m., then the Exchange shall initiate its reopening process at 4:10:00 a.m. so long as the futures were not in a limit state at any point during 4:09:30 and 4:10:00 a.m. Alternatively, for example, if the futures returned to a limit state at 4:09:45 a.m., trading in the related index options shall remain halted until at least 4:10:15 a.m. or until such time thirty consecutive seconds have passed in which CME futures were off the limit price (e.g., if futures hit the limit price again at 4:09:55 a.m., then the earliest trading could resume is at 4:10:25 a.m.).

<sup>18</sup> The Exchange notes that notwithstanding the proposed automated procedures for reopening, the Exchange would retain the ability to manually resume trading prior to the end of either trading halt period at its discretion pursuant to current Rule 5.20(b). Similarly, the Exchange retains the ability to manually extend the halting period pursuant to current Rule 5.20(a).

<sup>19</sup> See Cboe Options Rule 5.20(a)(6).

<sup>20</sup> See Cboe Options Rule 5.20(a)(6).

<sup>21</sup> 15 U.S.C. 78f(b).

<sup>22</sup> 15 U.S.C. 78f(b)(5).

<sup>23</sup> See Rule 5.20(a)(6).

<sup>24</sup> See Rule 5.20(b).

change provides further transparency to investors with respect to the process the Exchange will use in the event the circumstances discussed above transpire.

The proposed rule change would promote the public interest and the protection of investors by eliminating the need for manual determinations and replacing it with a more consistent and transparent procedure that would be applied by the Exchange's trading systems on an automated basis. Indeed, instead of relying on Trade Desk staff to manually halt or re-open trading, the trading halt or resumption of trading would automatically take place in the manner detailed above. Additionally, notwithstanding the proposed automated processes, the Exchange would continue to have the authority to manually halt and resume trading outside of these processes if it's determined to be in the interests of a fair and orderly market or under other enumerated circumstances set forth under Rules 5.20(a) and (b).

The Exchange believes the proposed rule change is designed to help ensure that halting and resumption of trading happens in an automated and efficient fashion, while also maintaining the important link between the trading of index options on the Exchange and the trading of related futures on CME during GTH.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to facilitate a more efficient and automated halting of trading and resumption of trading in limited circumstances during the Exchange's GTH session and is not designed to address any competitive issues. The Exchange therefore does not believe that the proposed rule change would have any significant impact on competition. Rather than impact the competitive environment, the proposed rule change would benefit members and investors by eliminating the need for manual processes under certain circumstances and provide further transparency in the rules.

#### *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 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:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>25</sup> and Rule 19b-4(f)(6)<sup>26</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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](mailto:rule-comments@sec.gov). Please include File Number SR-CBOE-2021-040 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-CBOE-2021-040. 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-CBOE-2021-040 and should be submitted on or before August 11, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>27</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-15441 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[SEC File No. 270-638, OMB Control No. 3235-0690]**

### **Submission for OMB Review; Comment Request**

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

#### *Extension:*

Form SF-3

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form SF-3 (17 CFR 239.45) is a short form registration statement used for non-shelf issuers of asset-backed securities to register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). Form

<sup>25</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>26</sup> 17 CFR 240.19b-4(f)(6).

<sup>27</sup> 17 CFR 200.30-3(a)(12).

SF-3 takes approximately 1,380 hours per response and is filed by approximately 71 issuers annually. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information in the asset-backed securities market. We estimate that 25% of the 1,383.21 hours per response (345.80 hours) is prepared by the issuer for a total annual reporting burden of 24,552 hours (345.80 hours per response × 71 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: July 1, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15435 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-334, OMB Control No. 3235-0380]

### Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

*Extension:*  
Form F-10

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) has submitted to the Office of Management and Budget this request for extension of the previously

approved collection of information discussed below.

Form F-10 (17 CFR 239.40) is a registration statement under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) that may be used by a foreign private issuer that: Is incorporated or organized in Canada; has been subject to, and in compliance with, Canadian reporting requirements for at least 12 months; and has an aggregate market value of common stock held by non-affiliates of at least \$75 million. The purpose of this information collection is to permit verification of compliance with securities law requirements and assure the public availability of such information. We estimate that Form F-10 takes 28.98 hours per response and is filed by 77 respondents. We further estimate that 25% of the 28.98 hours per response (7.25 hours) is prepared by the issuer for an annual reporting burden of 558 hours (7.25 hours per response × 77 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15431 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-541, OMB Control No. 3235-0620]

### Proposed Collection; Comment Request; Extension: Rule 22c-2

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the “Commission”) is soliciting comments

on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 22c-2 (17 CFR 270.22c-2) under the Investment Company Act of 1940 (15 U.S.C. 80a) (the “Investment Company Act” or “Act”) requires the board of directors (including a majority of independent directors) of most registered open-end investment companies (“funds”) to either approve a redemption fee of up to two percent or determine that imposition of a redemption fee is not necessary or appropriate for the fund. Rule 22c-2 also requires a fund to enter into written agreements with their financial intermediaries (such as broker-dealers and retirement plan administrators) under which the fund, upon request, can obtain certain shareholder identity and trading information from the intermediaries. The written agreement must also allow the fund to direct the intermediary to prohibit further purchases or exchanges by specific shareholders that the fund has identified as being engaged in transactions that violate the fund’s market timing policies. These requirements enable funds to obtain the information that they need to monitor the frequency of short-term trading in omnibus accounts and enforce their market timing policies.

The rule includes three “collections of information” within the meaning of the Paperwork Reduction Act of 1995 (“PRA”).<sup>1</sup> First, the rule requires boards to either approve a redemption fee of up to two percent or determine that imposition of a redemption fee is not necessary or appropriate for the fund. Second, funds must enter into information sharing agreements with all of their “financial intermediaries”<sup>2</sup> and maintain a copy of the written information sharing agreement with each intermediary in an easily

<sup>1</sup> 44 U.S.C. 3501-3520.

<sup>2</sup> The rule defines a Financial Intermediary as: (i) Any broker, dealer, bank, or other person that holds securities issued by the fund in nominee name; (ii) a unit investment trust or fund that invests in the fund in reliance on section 12(d)(1)(E) of the Act; and (iii) in the case of a participant directed employee benefit plan that owns the securities issued by the fund, a retirement plan’s administrator under section 316(A) of the Employee Retirement Security Act of 1974 (29 U.S.C. 1002(16)(A)) or any person that maintains the plans’ participant records. Financial Intermediary does not include any person that the fund treats as an individual investor with respect to the fund’s policies established for the purpose of eliminating or reducing any dilution of the value of the outstanding securities issued by the fund. Rule 22c-2(c)(1).

accessible place for six years. Third, pursuant to the information sharing agreements, funds must have systems that enable them to request frequent trading information upon demand from their intermediaries, and to enforce any restrictions on trading required by funds under the rule.

The collections of information created by rule 22c-2 are necessary for funds to effectively assess redemption fees, enforce their policies in frequent trading, and monitor short-term trading, including market timing, in omnibus accounts. These collections of information are mandatory for funds that redeem shares within seven days of purchase. The collections of information also are necessary to allow Commission staff to fulfill its examination and oversight responsibilities.

Rule 22c-2(a)(1) requires the board of directors of all registered open-end management investment companies and series thereof (except for money market funds, ETFs, or funds that affirmatively permit short-term trading of its securities) to approve a redemption fee for the fund, or instead make a determination that a redemption fee is either not necessary or appropriate for the fund. Commission staff understands that the boards of all funds currently in operation have undertaken this process for the funds they currently oversee, and the rule does not require boards to review this determination periodically once it has been made. Accordingly, we expect that only boards of newly registered funds or newly created series thereof would undertake this determination. Commission staff estimates that 36 funds (excluding money market funds and ETFs) are newly formed each year and would need to make this determination.<sup>3</sup>

Based on conversations with fund representatives,<sup>4</sup> Commission staff estimates that it takes 2 hours of the board's time as a whole (at a rate of \$4,465 per hour)<sup>5</sup> to approve a redemption fee or make the required determination on behalf of all series of the fund. In addition, Commission staff estimates that it takes compliance personnel of the fund 8 hours (at a rate

of \$72 per hour)<sup>6</sup> to prepare trading, compliance, and other information regarding the fund's operations to enable the board to make its determination, and takes internal compliance counsel of the fund 3 hours (at a rate of \$373 per hour)<sup>7</sup> to review this information and present its recommendations to the board. Therefore, for each fund board that undertakes this determination process, Commission staff estimates it expends 13 hours<sup>8</sup> at a cost of \$10,625.<sup>9</sup> As a result, Commission staff estimates that the total time spent for all funds on this process is 468 hours at a cost of \$382,500.<sup>10</sup>

Rule 22c-2(a)(2) also requires a fund to enter into information-sharing agreements with each of its financial intermediaries. Commission staff understands that all currently registered funds have already entered into such agreements with their intermediaries. Funds enter into new relationships with intermediaries from time to time, however, which requires them to enter into new information sharing agreements. Commission staff understands that, in general, funds enter into information-sharing agreement when they initially establish a relationship with an intermediary, which is typically executed as an addendum to the distribution agreement. The Commission staff understands that most shareholder information agreements are entered into by the fund group (a group of funds with a common investment adviser), and estimates that there are currently 840 currently active fund groups.<sup>11</sup> Commission staff estimates that, on average, each active fund group enters into relationships with 3 new

intermediaries each year. Commission staff understands that funds generally use a standard information sharing agreement, drafted by the fund or an outside entity, and modifies that agreement according to the requirements of each intermediary. Commission staff estimates that negotiating the terms and entering into an information sharing agreement takes a total of 4 hours of attorney time (at a rate of \$425 per hour)<sup>12</sup> per intermediary (representing 2.5 hours of fund attorney time and 1.5 hours of intermediary attorney time). Accordingly, Commission staff estimates that it takes 12 hours at a cost of \$5,100 each year<sup>13</sup> to enter into new information sharing agreements, and all existing market participants incur a total of 10,080 hours at a cost of \$4,284,000.<sup>14</sup> In addition, newly created funds advised by new entrants (effectively new fund groups) must enter into information sharing agreements with all of their financial intermediaries. Commission staff estimates that there are 41 new fund groups that form each year that will have to enter into information sharing agreements with each of their intermediaries.<sup>15</sup> Commission staff estimates that fund groups formed by new advisers typically have relationships with significantly fewer intermediaries than existing fund groups, and estimates that new fund groups will typically enter into 100 information sharing agreements with their intermediaries when they begin operations.<sup>16</sup> As discussed previously, Commission staff estimates that it takes 4 hours of attorney time (at a rate of \$425 per hour)<sup>17</sup> per intermediary to enter into information sharing agreements. Therefore, Commission staff

<sup>6</sup> The \$72 per hour figure for a compliance clerk is from SIFMA's *Office Salaries in the Securities Industry 2013*, modified by Commission staff to account for an 1,800-hour work-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

<sup>7</sup> The \$373 per hour figure for internal compliance counsel is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, modified by Commission staff to account for an 1,800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

<sup>8</sup> This calculation is based on the following estimates: (2 hours of board time + 3 hours of internal compliance counsel time + 8 hours of compliance clerk time = 13 hours).

<sup>9</sup> This calculation is based on the following estimates: (\$8,930 (\$4,465 board time × 2 hours = \$8,930) + \$576 (\$72 compliance time × 8 hours = \$576) + \$1,119 (\$373 attorney time × 3 hours = \$1,119) = \$10,625).

<sup>10</sup> This calculation is based on the following estimates: (13 hours × 36 funds = 468 hours); (\$10,625 × 36 funds = \$382,500).

<sup>11</sup> ICI, 2020 Investment Company Fact Book at Fig 2.12 (2020) (<https://www.ici.org/research/stats/factbook>).

<sup>12</sup> The \$425 per hour figure for attorneys is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, modified by Commission staff to account for an 1,800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

<sup>13</sup> This estimate is based on the following calculations: (4 hours × 3 new intermediaries = 12 hours); (12 hours × \$425 = \$5,100).

<sup>14</sup> This estimate is based on the following calculations: (12 hours × 840 fund groups = 10,080 hours); (10,080 hours × \$425 = \$4,284,000).

<sup>15</sup> ICI, 2020 Investment Company Fact Book at Fig 2.12 (2020) (<https://www.ici.org/research/stats/factbook>).

<sup>16</sup> Commission staff understands that funds generally use a standard information sharing agreement, drafted by the fund or an outside entity, and then modifies that agreement according to the requirements of each intermediary.

<sup>17</sup> The \$425 per hour figure for an attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, modified by Commission staff to account for an 1,800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

<sup>3</sup> This estimate is based on the number of registrants filing initial Form N-1A or N-3 from 2017 to 2019. This estimate does not carve out money market funds, ETFs, or funds that affirmatively permit short-term trading of their securities, so this estimate corresponds to the outer limit of the number of registrants that would have to make this determination.

<sup>4</sup> Unless otherwise stated, estimates throughout this analysis are derived from a survey of funds and conversations with fund representatives.

<sup>5</sup> The estimate of \$4,465 per hour for the board's time as a whole is based on conversations with representatives of funds and their legal counsel.



estimates that each newly formed fund group will incur 400 hours of attorney time at a cost of \$170,000<sup>18</sup> and that all newly formed fund groups will incur a total of 16,400 hours at a cost of \$6,970,000 to enter into information sharing agreements with their intermediaries.<sup>19</sup>

Rule 22c-2(a)(3) requires funds to maintain records of all information-sharing agreements for 6 years in an easily accessible place. Commission staff understands that most shareholder information agreements are stored at the fund group level and estimates that there are currently approximately 840 fund groups.<sup>20</sup> Commission staff understands that information-sharing agreements are generally included as addendums to distribution agreements between funds and their intermediaries, and that these agreements would be stored as required by the rule as a matter of ordinary business practice. Therefore, Commission staff estimates that maintaining records of information-sharing agreements requires 10 minutes of time spent by a general clerk (at a rate of \$64 per hour)<sup>21</sup> per fund, each year. Accordingly, Commission staff estimates that all funds will incur 140 hours at a cost of \$8,960<sup>22</sup> in complying with the recordkeeping requirement of rule 22c-2(a)(3).

Therefore, Commission staff estimates that to comply with the information sharing agreement requirements of rule 22c-2(a)(2) and (3), it requires a total of 26,620 hours at a cost of \$11,262,960.<sup>23</sup>

The Commission staff estimates that on average, each fund group requests shareholder information once a week, and gives instructions regarding the restriction of shareholder trades every day, for a total of 417 responses related to information sharing systems per fund group each year, and a total 350,280 responses for all fund groups

<sup>18</sup> This estimate is based on the following calculations: (4 hours × 100 intermediaries = 400 hours); (400 hours × \$425 = \$170,000).

<sup>19</sup> This estimate is based on the following calculations: (41 fund groups × 400 hours = 16,400 hours) (\$425 × 16,400 = 6,970,000).

<sup>20</sup> ICI, 2020 Investment Company Fact Book at Fig 2.12 (2020) (<https://www.ici.org/research/stats/factbook>).

<sup>21</sup> The \$64 per hour figure for a general clerk is derived from SIFMA's Office Salaries in the Securities Industry 2013 modified to account for an 1,800-hour work-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits, and overhead.

<sup>22</sup> This estimate is based on the following calculations: (10 minutes × 840 fund groups = 8,400 minutes); (8,400 minutes/60 = 140 hours); (140 hours × \$64 = \$8,960).

<sup>23</sup> This estimate is based on the following calculations: (10,080 hours + 16,400 hours + 140 hours = 26,620 hours); (\$4,284,000 + \$6,970,000 + \$8,960 = \$11,262,960).

annually.<sup>24</sup> In addition, as described above, the staff estimates that funds make 36 responses related to board determinations, 2,520 responses related to new intermediaries of existing fund groups, 4,100 responses related to new fund group information sharing agreements, and 840 responses related to recordkeeping, for a total of 7,496 responses related to the other requirements of rule 22c-2. Therefore, the Commission staff estimates that the total number of responses is 357,776 (350,280 + 7,496 = 357,776).

The Commission staff estimates that the total hour burden for rule 22c-2 is 27,088 hours at a cost of \$11,645,460.<sup>25</sup> Responses provided to the Commission will be accorded the same level of confidentiality accorded to other responses provided to the Commission in the context of its examination and oversight program. Responses provided in the context of the Commission's examination and oversight program are generally kept confidential. Complying with the information collections of rule 22c-2 is mandatory for funds that redeem their shares within 7 days of purchase. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

<sup>24</sup> This estimate is based on the following calculations: (52 + 365 = 417); (417 × 840 fund groups = 350,280).

<sup>25</sup> This estimate is based on the following calculations: (468 hours (board determination) + 26,620 hours (information sharing agreements) = 27,088 total hours); (\$382,500 (board determination) + \$11,262,960 (information sharing agreements) = \$11,645,460).

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15426 Filed 7-20-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-92418; File No. SR-ICEEU-2021-010]

### Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Partial Amendment No. 1 and Designation of Longer Period for Commission Action on Proposed Rule Change Relating to the Clearing Rules, Clearing Procedures, Finance Procedures, Delivery Procedures, CDS Procedures, Membership Procedures, Complaint Resolution Procedures, and General Contract Terms

July 15, 2021.

#### I. Introduction

On May 13, 2021, ICE Clear Europe Limited ("ICE Clear Europe") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend its Clearing Rules, Clearing Procedures, Finance Procedures, Delivery Procedures, CDS Procedures, Membership Procedures, Complaint Resolution Procedures, and General Contract Terms to make various updates and enhancements. The proposed rule change was published for comment in the *Federal Register* on June 2, 2021.<sup>3</sup> To date, the Commission has not received comments on the proposed rule change. On June 16, 2021, ICE Clear Europe filed Partial Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on Partial Amendment No. 1 and to designate a longer period for action on the proposed rule change, as modified by Partial Amendment No. 1.

#### II. Notice of Partial Amendment No. 1 and Solicitation of Comments

On June 16, 2021, ICE Clear Europe filed Partial Amendment No. 1 to update Exhibit 5D, the Delivery

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change Relating to the Clearing Rules, Clearing Procedures, Finance Procedures, Delivery Procedures, CDS Procedures, Membership Procedures, Complaint Resolution Procedures and General Contract Terms, Exchange Act Release No. 34-92020 (May 26, 2021); 86 FR 29612 (June 2, 2021) (SR-ICEEU-2021-010).

Procedures, to correct a formatting error that resulted in the omission of several proposed definitions to update references to ICE Clear Europe systems.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Partial Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>) or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ICEEU-2021-010 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-ICEEU-2021-010. 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, as modified by Partial Amendment No. 1, that are filed with the Commission, and all written communications relating to the proposed rule change, as modified by Partial Amendment No. 1, between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at <https://www.theice.com/clear-europe/regulation>. 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-ICEEU-

2021-010 and should be submitted on or before August 11, 2021.

### **III. Designation of Longer Period for Action on the Proposed Rule Change, as Modified by Partial Amendment No. 1**

Section 19(b)(2) of the Act<sup>4</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day from the publication of notice of filing of this proposed rule change is July 17, 2021.

The Commission is extending the 45-day time period for Commission action on the proposed rule change, as modified by Partial Amendment No. 1. The Commission finds it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider ICE Clear Europe's proposed rule change, as modified by Partial Amendment No. 1.

Accordingly, pursuant to Section 19(b)(2)<sup>5</sup> of the Act, and for the reasons discussed above, the Commission designates August 31, 2021, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Partial Amendment No. 1. (File No. SR-ICEEU-2021-010).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2021-15443 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[SEC File No. 270-237, OMB Control No. 3235-0226]**

### **Proposed Collection; Comment Request**

#### *Extension:*

Rule 10f-3

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> 17 CFR 200.30-3(a)(31).

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission ("Commission") is soliciting comments on the collections of information discussed below. The Commission plans to submit these existing collections of information to the Office of Management and Budget ("OMB") for extension and approval.

Section 10(f) of the Investment Company Act of 1940 (15 U.S.C. 80a) (the "Act") prohibits a registered investment company ("fund") from purchasing any security during an underwriting or selling syndicate if the fund has certain affiliated relationships with a principal underwriter for the security.<sup>1</sup> Congress enacted this provision in 1940 to protect funds and their shareholders by preventing underwriters from "dumping" unmarketable securities on affiliated funds.

Rule 10f-3 under the Act permits a fund to engage in a securities transaction that otherwise would violate Section 10(f) if, among other things: (i) The fund's directors have approved procedures for purchases made in reliance on the rule, regularly review fund purchases to determine whether they comply with these procedures, and approve necessary changes to the procedures; and (ii) a written record of each transaction effected under the rule is maintained for six years, the first two of which in an easily accessible place.<sup>2</sup> The written record must state: (i) From whom the securities were acquired; (ii) the identity of the underwriting syndicate's members; (iii) the terms of the transactions; and (iv) the information or materials on which the fund's board of directors has determined that the purchases were made in compliance with procedures established by the board.

Rule 10f-3 also conditionally allows managed portions of fund portfolios to purchase securities offered in otherwise off-limits primary offerings. To qualify for this exemption, Rule 10f-3 requires that the subadviser that is advising the purchaser be contractually prohibited from providing investment advice to any other portion of the fund's portfolio and consulting with any other of the fund's advisers that is a principal underwriter or affiliated person of a principal underwriter concerning the fund's securities transactions.

These requirements provide a mechanism for fund boards to oversee compliance with the rule. The required

<sup>1</sup> 15 U.S.C. 80a-10(f).

<sup>2</sup> 17 CFR 270.10f-3.

recordkeeping facilitates the Commission staff's review of Rule 10f-3 transactions during routine fund inspections and, when necessary, in connection with enforcement actions.

The staff estimates that approximately 953 funds engage in at least one Rule 10f-3 transaction each year, for a total of 953 such transactions.<sup>3</sup> Rule 10f-3 requires that the purchasing fund create a written record of each transaction that includes, among other things, from whom the securities were purchased and the terms of the transaction. The staff estimates that it takes an average fund approximately 30 minutes per transaction and, in the aggregate, approximately 477 hours<sup>4</sup> for funds to comply with this portion of the rule.

The funds also must maintain and preserve these transactional records in accordance with the rule's recordkeeping requirement, and the staff estimates that it takes a fund approximately 20 minutes per transaction, and, in the aggregate, approximately 318 hours<sup>5</sup> annually for funds to comply with this portion of the rule.

In addition, fund boards must, no less than quarterly, examine each of these transactions to ensure that they comply with the fund's policies and procedures. The information or materials upon which the board relied to come to this determination also must be maintained and the staff estimates that it takes a fund 1 hour per quarter and, in the aggregate, approximately 3,812 hours<sup>6</sup> annually for funds to comply with this rule requirement.

The staff estimates that reviewing and revising as needed written procedures for Rule 10f-3 transactions takes, on average for each fund, two hours of a compliance attorney's time per year.<sup>7</sup> Thus, annually, in the aggregate, the staff estimates that funds spend a total of approximately 1,906 hours<sup>8</sup> on monitoring and revising Rule 10f-3 procedures.

Based on an analysis of Form N-CEN filings, the staff estimates that approximately 146 new funds enter into

subadvisory agreements each year.<sup>9</sup> The staff estimates that it will require approximately 0.75 hours to draft and execute additional clauses in subadvisory contracts in order for new funds and subadvisers to be able to rely on the exemptions in Rule 10f-3.<sup>10</sup> Assuming that all 146 funds that enter into new subadvisory contracts each year make the modification to their contract required by the rule, we estimate that the rule's contract modification requirement will result in 110 burden hours annually for new funds.<sup>11</sup>

The staff estimates, therefore, that Rule 10f-3 imposes an information collection burden of 6,623 hours.<sup>12</sup>

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, C/O Cynthia Roscoe, 100 F Street NE, Washington, DC 20549; or send an email to: [PRAMailbox@sec.gov](mailto:PRAMailbox@sec.gov).

<sup>9</sup> Based on information in Form N-CEN filings, we estimate that approximately 139 new open-end funds and 7 new closed-end funds, or a total of 146 new funds enter into new subadvisory agreements each year (139 + 7 = 146 new funds). We understand that existing funds may also enter into new subadvisory agreements, but in many cases would benefit from having previously drafted Rule 10f-3 clauses in prior or existing subadvisory contracts.

<sup>10</sup> Because such clauses are identical to the clauses that a fund would need to insert in their subadvisory contracts to rely on Rules 12d3-1, 17a-10, and 17e-1, and because we believe that funds that use one such rule generally use all of these rules, we apportion this 3 hour time burden equally to all four rules. Therefore, we estimate that the burden allocated to Rule 10f-3 for this contract change would be 0.75 hours (3 hours ÷ 4 rules = 0.75 hours).

<sup>11</sup> These estimates are based on the following calculations: (0.75 hours × 146 portfolios = 110 burden hours).

<sup>12</sup> This estimate is based on the following calculation: (477 hours + 318 hours + 3,812 hours + 1,906 hours + 110 hours = 6,623 total burden hours).

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15437 Filed 7-20-21; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-66, OMB Control No. 3235-0066]

### Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

#### Extension:

Form S-8

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form S-8 (17 CFR 239.16b) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) is the primary registration statement used by eligible registrants to register securities to be issued in connection with an employee benefit plan. Form S-8 provides verification of compliance with securities law requirements and assures the public availability and dissemination of such information. The likely respondents will be companies. The information must be filed with the Commission on occasion. Form S-8 is a public document. All information provided is mandatory. We estimate that Form S-8 takes approximately 24 hours per response to prepare and is filed by approximately 2,140 respondents. In addition, we estimate that 50% of the preparation time (13.5 hours) is completed in-house by the filer for a total annual reporting burden of 28,890 hours (13.5 hours per response × 2,140 responses).

An agency may conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and

<sup>3</sup> These estimates are based on data from Form N-CEN filings with the Commission.

<sup>4</sup> This estimate is based on the following calculation: (0.5 hours × 953 = 477 hours).

<sup>5</sup> This estimate is based on the following calculations: (20 minutes × 953 transactions = 19,060 minutes; 19,060 minutes/60 = 318 hours).

<sup>6</sup> This estimate is based on the following calculation: (1 hour per quarter × 4 quarters × 953 funds = 3,812 hours).

<sup>7</sup> These averages take into account the fact that in most years, fund attorneys and boards spend little or no time modifying procedures and in other years, they spend significant time doing so.

<sup>8</sup> This estimate is based on the following calculation: (953 funds × 2 hours = 1,906 hours).

recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15433 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-50, OMB Control No. 3235-0060]

### Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

*Extension:*  
Form 8-K

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Form 8-K (17 CFR 249.308) is filed by issuers to satisfy their current reporting obligations pursuant to Section 13 and 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78o(d)) in connection with the occurrence of significant corporate events. The purpose of Form 8-K is to provide investors with prompt disclosure of material information so that investors will be able to make investment and voting decisions better informed and receive information more timely. We estimate that Form 8-K takes 9.2145 hours per response and is filed by 118,387 responses annually. We estimate that 75% of the 9.2145 hours per response (6.91087 hours) is prepared by the issuer for a total annual reporting burden of 818,158 hours (6.91087 hours per response × 118,387 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15429 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-610, OMB Control No. 3235-0707]

### Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

*Extension:*  
Form SF-1

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form SF-1 (17 CFR 239.44) is the registration statement for non-shelf issuers of assets-backed securities register a public offering of their securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information in the asset-backed securities market. Form SF-1 takes approximately 1,384 hours per response and is filed by approximately 6 respondents. We estimate that 25% of the 1,384 hours per response (346 hours) is prepared by the registrant for

a total annual reporting burden of 2,076 hours (346 hours per response × 6 responses).

An agency may conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: July 15, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021-15434 Filed 7-20-21; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-544, OMB Control No. 3235-0604]

### Submission for OMB Review; Comment Request

*Upon Written Request Copies Available From:* Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

*Extension:*  
Form 10-D

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form 10-D is a periodic report used by asset-backed issuers to file distribution and pool performance information pursuant to Rule 13a-17 (17 CFR 240.13a-17) or Rule 15d-17 (17 CFR 240.15d-17) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a *et seq.*). The form is required to be filed within 15 days after each required distribution date on the asset-backed securities, as specified in

the governing documents for such securities. The information provided by Form 10–D is mandatory and all information is made available to the public upon request. Form 10–D takes approximately 39.0 hours per response to prepare and is filed by approximately 8,258 respondents. We estimate that 75% of the 39.0 hours per response (29.25 hours) is prepared by the company for a total annual reporting burden of 241,547 hours (29.25 hours per response × 8,258 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: [www.reginfo.gov](http://www.reginfo.gov). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) [www.reginfo.gov/public/do/PRAmain](http://www.reginfo.gov/public/do/PRAmain) and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: [PRA\\_Mailbox@sec.gov](mailto:PRA_Mailbox@sec.gov).

Dated: July 14, 2021.

**J. Matthew DeLesDernier,**  
Assistant Secretary.

[FR Doc. 2021–15430 Filed 7–20–21; 8:45 am]

**BILLING CODE 8011–01–P**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #17039 and #17040; MICHIGAN Disaster Number MI–00099]

**Presidential Declaration of a Major Disaster for the State of Michigan**

**AGENCY:** Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Michigan (FEMA–4607–DR), dated 07/15/2021.

*Incident:* Severe Storms, Flooding, and Tornadoes.

*Incident Period:* 06/25/2021 through 06/26/2021.

**DATES:** Issued on 07/15/2021.

*Physical Loan Application Deadline Date:* 09/13/2021.

*Economic Injury (EIDL) Loan Application Deadline Date:* 04/15/2022.

**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 President’s major disaster declaration on 07/15/2021, applications for disaster loans may be filed at the address listed above or other locally announced locations. The following areas have been determined to be adversely affected by the disaster:

*Primary Counties (Physical Damage and Economic Injury Loans):*  
Washtenaw, Wayne.

*Contiguous Counties (Economic Injury Loans Only):*  
Michigan: Jackson, Lenawee, Livingston, Macomb, Monroe, Oakland.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	3.250
Homeowners without Credit Available Elsewhere .....	1.625
Businesses with Credit Available Elsewhere .....	5.760
Businesses without Credit Available Elsewhere .....	2.880
Non-Profit Organizations with Credit Available Elsewhere .....	2.000
Non-Profit Organizations without Credit Available Elsewhere .....	2.000
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere .....	2.880
Non-Profit Organizations without Credit Available Elsewhere .....	2.000

The number assigned to this disaster for physical damage is 17039 6 and for economic injury is 17040 0.

(Catalog of Federal Domestic Assistance Number 59008)

**James Rivera,**  
Associate Administrator for Disaster Assistance.

[FR Doc. 2021–15501 Filed 7–20–21; 8:45 am]

**BILLING CODE 8026–03–P**

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #17037 and #17038; ILLINOIS Disaster Number IL–00064]

**Administrative Declaration of a Disaster for the State of Illinois**

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Illinois dated 07/16/2021.

*Incident:* Tornado.

*Incident Period:* 06/21/2021.

**DATES:** Issued on 07/16/2021.

*Physical Loan Application Deadline Date:* 09/14/2021.

*Economic Injury (EIDL) Loan Application Deadline Date:* 04/18/2022.

**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 Administrator’s disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* DuPage.

*Contiguous Counties:*  
Illinois: Cook, Kane, Kendall, Will.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	3.250
Homeowners without Credit Available Elsewhere .....	1.625
Businesses with Credit Available Elsewhere .....	5.760
Businesses without Credit Available Elsewhere .....	2.880
Non-Profit Organizations with Credit Available Elsewhere ...	2.000
Non-Profit Organizations without Credit Available Elsewhere .....	2.000
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere .....	2.880
Non-Profit Organizations without Credit Available Elsewhere .....	2.000

The number assigned to this disaster for physical damage is 17037 C and for economic injury is 17038 0.

The State which received an EIDL Declaration # is Illinois.

(Catalog of Federal Domestic Assistance Number 59008)

**Isabella Guzman,**  
Administrator.

[FR Doc. 2021-15524 Filed 7-20-21; 8:45 am]

BILLING CODE 8026-03-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; BMW of North America, LLC

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full the BMW of North America, LLC's (BMW) petition for exemption from the Federal Motor Vehicle Theft Prevention Standard (theft prevention standard) for its Toyota Supra vehicle line beginning in model year (MY) 2022. The petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard. BMW also requested confidential treatment for specific information in its petition. Therefore, no confidential information provided for purposes of this notice has been disclosed.

**DATES:** The exemption granted by this notice is effective beginning with the 2022 model year.

**FOR FURTHER INFORMATION CONTACT:** Carlita Ballard, Office of International Policy, Fuel Economy, and Consumer Programs, NHTSA, West Building, W43-439, NRM-310, 1200 New Jersey Avenue SE, Washington, DC 20590. Ms. Ballard's phone number is (202) 366-5222. Her fax number is (202) 493-2990.

**SUPPLEMENTARY INFORMATION:** Under 49 U.S.C. Chapter 331, the Secretary of Transportation (and the National Highway Traffic Safety Administration (NHTSA) by delegation) is required to promulgate a theft prevention standard to provide for the identification of certain motor vehicles and their major replacement parts to impede motor vehicle theft. NHTSA promulgated regulations at part 541 (theft prevention standard) to require parts-marking for specified passenger motor vehicles and light trucks. Pursuant to 49 U.S.C. 33106, manufacturers that are subject to

the parts-marking requirements may petition the Secretary of Transportation for an exemption for a line of passenger motor vehicles equipped as standard equipment with an antitheft device that the Secretary decides is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements. In accordance with this statute, NHTSA promulgated 49 CFR part 543, which establishes the process through which manufacturers may seek an exemption from the theft prevention standard.

49 CFR 543.5 provides general submission requirements for petitions and states that each manufacturer may petition NHTSA for an exemption of one vehicle line per model year. Among other requirements, manufacturers must identify whether the exemption is sought under section 543.6 or section 543.7. Under section 543.6, a manufacturer may request an exemption by providing specific information about the antitheft device, its capabilities, and the reasons the petitioner believes the device to be as effective at reducing and deterring theft as compliance with the parts-marking requirements. Section 543.7 permits a manufacturer to request an exemption under a more streamlined process if the vehicle line is equipped with an antitheft device (an "immobilizer") as standard equipment that complies with one of the standards specified in that section.

Section 543.8 establishes requirements for processing petitions for exemption from the theft prevention standard. As stated in section 543.8(a), NHTSA processes any complete exemption petition. If NHTSA receives an incomplete petition, NHTSA will notify the petitioner of the deficiencies. Once NHTSA receives a complete petition the agency will process it and, in accordance with section 543.8(b), will grant the petition if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541.

Section 543.8(c) requires NHTSA to issue its decision either to grant or to deny an exemption petition not later than 120 days after the date on which a complete petition is filed. If NHTSA does not make a decision within the 120-day period, the petition shall be deemed to be approved and the manufacturer shall be exempt from the standard for the line covered by the petition for the subsequent model year.<sup>1</sup> Exemptions granted under part 543

apply only to the vehicle line or lines that are subject to the grant and that are equipped with the antitheft device on which the line's exemption was based, and are effective for the model year beginning after the model year in which NHTSA issues the notice of exemption, unless the notice of exemption specifies a later year.

Sections 543.8(f) and (g) apply to the manner in which NHTSA's decisions on petitions are to be made known. Under section 543.8(f), if the petition is sought under section 543.6, NHTSA publishes a notice of its decision to grant or deny the exemption petition in the **Federal Register** and notifies the petitioner in writing. Under section 543.8(g), if the petition is sought under section 543.7, NHTSA notifies the petitioner in writing of the agency's decision to grant or deny the exemption petition.

This grant of petition for exemption considers BMW of North America, LLC's (BMW) petition for its Toyota Supra vehicle line beginning in MY 2022. BMW's petition is granted under 49 U.S.C. 33106 and 49 CFR 543.8(c), which state that if the Secretary of Transportation (NHTSA, by delegation) does not make a decision about a petition within 120 days of the petition submission, the petition shall be deemed to be approved and the manufacturer shall be exempt from the standard for the line covered by the petition for the subsequent model year. Separately, based on the information provided in BMW's petition, NHTSA has determined that the antitheft device to be placed on its vehicle line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard.

#### I. Specific Petition Content Requirements Under 49 CFR 543.6

Pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention*, BMW petitioned for an exemption for its specified vehicle line from the parts-marking requirements of the theft prevention standard, beginning in MY 2022. BMW petitioned under 49 CFR 543.6, *Petition: Specific content requirements*, which, as described above, requires manufacturers to provide specific information about the antitheft device installed as standard equipment on all vehicles in the line for which an exemption is sought, the antitheft device's capabilities, and the reasons the petitioner believes the device to be as effective at reducing and deterring theft as compliance with the parts-marking requirements.

<sup>1</sup> 49 U.S.C. 33106(d).

More specifically, section 543.6(a)(1) requires petitions to include a statement that an antitheft device will be installed as standard equipment on all vehicles in the line for which the exemption is sought. Under section 543.6(a)(2), each petition must list each component in the antitheft system, and include a diagram showing the location of each of those components within the vehicle. As required by section 543.6(a)(3), each petition must include an explanation of the means and process by which the device is activated and functions, including any aspect of the device designed to: (1) Facilitate or encourage its activation by motorists; (2) attract attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key; (3) prevent defeating or circumventing the device by an unauthorized person attempting to enter a vehicle by means other than a key; (4) prevent the operation of a vehicle which an unauthorized person has entered using means other than a key; and (5) ensure the reliability and durability of the device.<sup>2</sup>

In addition to providing information about the antitheft device and its functionality, petitioners must also submit the reasons for their belief that the antitheft device will be effective in reducing and deterring motor vehicle theft, including any theft data and other data that are available to the petitioner and form a basis for that belief,<sup>3</sup> and the reasons for their belief that the agency should determine that the antitheft device is likely to be as effective as compliance with the parts-marking requirements of part 541 in reducing and deterring motor vehicle theft. In support of this belief, the petitioners should include any statistical data that are available to the petitioner and form the basis for the petitioner's belief that a line of passenger motor vehicles equipped with the antitheft device is likely to have a theft rate equal to or less than that of passenger motor vehicles of the same, or a similar, line which have parts marked in compliance with part 541.<sup>4</sup>

The following sections describe BMW's petition information provided pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention*. To the extent that specific information in BMW's petition is subject to a properly filed confidentiality request, that information was not disclosed as part of this notice.<sup>5</sup>

In a petition dated November 9, 2020, BMW requested an exemption from the parts-marking requirements of the theft prevention standard for the Toyota Supra vehicle line beginning with MY 2022.

In its petition, BMW provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its Toyota Supra vehicle line. Under 543.6(a)(3), BMW stated that its Toyota Supra vehicle line will be installed with a passive, electronically-coded, vehicle immobilizer system (EWS) as standard equipment that will prevent the vehicle from being driven away under its own engine power. Key features of the antitheft device will include a remote-control w/high frequency (HF) receiver, mechanical keys, low frequency antenna (LF), radio frequency remote control w/transponder, engine control unit (DME) with encoded start release input, transmission control unit (EGS) and an EWS (BDC) control unit. BMW stated that it will not offer an audible or visible alarm feature on the proposed device.

Pursuant to section 543.6(a)(3), BMW explained the means and process by which the immobilizer device is activated and functions. BMW stated that activation of its antitheft device occurs automatically when the engine is shut off and the vehicle key is removed from the ignition system. BMW stated that a transponder (transmitter/receiver) in the radio frequency remote control communicates with the EWS (BDC) control unit providing the interface to the HF receiver, LF antenna and ring antenna, engine control unit and starter. After an initial starting value, the authentication uses the challenge response technique with symmetric secret key. BMW further stated that when the control unit identifies the correct release signal, the ignition signal and fuel supply are released allowing operation of the vehicle. BMW stated that deactivation may not be carried out with the mechanical key, but rather must occur by electronic means.

BMW also stated that the vehicle is equipped with a central-locking system that can be operated to lock and unlock all doors or to unlock only the driver's door, preventing forced entry into the vehicle through the passenger doors. BMW further stated that the vehicle can be further secured by locking the doors and hood using either the key-lock cylinder on the driver's door or the remote frequency remote control. BMW stated that the frequency for the remote control constantly changes to prevent an unauthorized person from opening the vehicle by intercepting the signals of its remote control.

As required in section 543.6(a)(3)(v), BMW provided information on the reliability and durability of its proposed device. To ensure reliability and durability of its device, BMW stated that it conducted tests on the antitheft device which complied with its own specific standards. BMW further stated that its antitheft device fulfills the requirements of the January 1995 European vehicle insurance companies. In further addressing the reliability and durability of its device, BMW provided information on the uniqueness of its mechanical keys to be used on the Toyota Supra vehicle line. Specifically, BMW stated that the vehicle's mechanical keys are unique because they require a special key blank, cutting machine and a unique vehicle code to allow for key duplication. BMW further stated that the new keys will only be issued to authorized persons and will incorporate special guide-way millings, making the locks almost impossible to pick and the keys impossible to duplicate on the open market.

BMW further stated that all of its vehicles are currently equipped with antitheft devices as standard equipment, including its Toyota Supra vehicle line. BMW compared the effectiveness of its antitheft device with devices which NHTSA has previously determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements of Part 541. BMW stated that its antitheft system on the Toyota Supra vehicle line is the same system employed on its existing 2 series vehicle line. BMW also stated that the agency's most recent theft rate data for MY/CY 2014 indicate a minor decrease and downward trend for those vehicles installed with its antitheft device which have been granted parts-marking exemptions by the agency.

### III. Decision To Grant the Petition

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.8(b), the agency grants a petition for exemption from the parts-marking requirements of part 541, either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of part 541, or if deemed approved under 49 U.S.C. 33106(d). As discussed above, in this case, BMW's petition is granted under 49 U.S.C. 33106(d).

However, separately, NHTSA also finds that BMW has provided adequate reasons for its belief that the antitheft device for its vehicle line is likely to be

<sup>2</sup> 49 CFR 543.6(a)(3).

<sup>3</sup> 49 CFR 543.6(a)(4).

<sup>4</sup> 49 CFR 543.6(a)(5).

<sup>5</sup> 49 CFR 512.20(a).

as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard. This conclusion is based on the information BMW provided about its antitheft device. NHTSA believes, based on BMW's supporting evidence, that the antitheft device described for its vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard.

The agency concludes that BMW's antitheft device will provide the four of the five types of performance features listed in section 543.6(a)(3): Promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

The agency notes that 49 CFR part 541, Appendix A-1, identifies those lines that are exempted from the theft prevention standard for a given model year. 49 CFR 543.8(f) contains publication requirements incident to the disposition of all part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the theft prevention standard.

If BMW decides not to use the exemption for its requested vehicle line, the manufacturer must formally notify the agency. If such a decision is made, the line must be fully marked as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if BMW wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.8(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, section 543.10(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in the exemption."

The agency wishes to minimize the administrative burden that section 543.10(c)(2) could place on exempted vehicle manufacturers and itself. The

agency did not intend in drafting part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be de minimis. Therefore, NHTSA suggests that if BMW contemplates making any changes, the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

For the foregoing reasons, the agency hereby grants in full BMW's petition for exemption for the Toyota Supra vehicle line from the parts-marking requirements of 49 CFR part 541, beginning with its MY 2022 vehicles.

Issued under authority delegated in 49 CFR 1.95 and 501.8.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2021-15522 Filed 7-20-21; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket Number NHTSA-2011-0084]

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Compliance Labeling of Retroreflective Materials for Heavy Trailer Conspicuity

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice and request for comment on the reinstatement of a previously approved collection of information.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below, regarding the reinstatement of a previously approved collection of information on Federal Motor Vehicle Safety Standard (FMVSS) No. 108, will be submitted to the Office of Management and Budget (OMB) for review and approval. The ICR describes the labeling requirement for retroreflective sheeting material and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on July 7, 2020. No comments were received regarding this information collection.

**DATES:** Comments must be submitted on or before August 20, 2021.

**ADDRESSES:** Written comments and recommendations for the proposed information collection, including suggestions for reducing the burden, should be submitted to the Office of Management and Budget at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). To find this particular information collection, select "Currently under Review—Open for Public Comment" or use the search function.

**FOR FURTHER INFORMATION CONTACT:** For additional information or access to background documents, contact Andrei Denes, U.S. Department of Transportation, NHTSA, 1200 New Jersey Avenue SE, Washington, DC 20590. Mr. Denes's telephone number is (202) 366-1810, and fax number is (202) 366-7002. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501 *et seq.*), a Federal agency must receive approval from the Office of Management and Budget (OMB) before it collects certain information from the public and a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In compliance with these requirements, this notice announces that the following information collection request will be submitted OMB.

A **Federal Register** notice with a 60-day comment period soliciting public comments on the following information collection was published on July 7, 2020 (85 FR 40735).

*Title:* 49 CFR 571.108, Standard No. 108; Lamps, reflective devices, and associated equipment; Compliance Labeling of Retroreflective Materials for Heavy Trailer Conspicuity

*OMB Control Number:* 2127-0569.

*Type of Request:* Reinstatement of a previously approved collection.

*Type of Review Requested:* Regular.

*Length of Approval Requested:* Three years.

*Summary of the Collection of Information:* The National Traffic and Motor Vehicle Act, authorizes the Secretary of Transportation (NHTSA by delegation), at 49 U.S.C. 30111, to issue Federal Motor Vehicle Safety Standards (FMVSS) that set performance standards for motor vehicles and items of motor vehicle equipment. Further, the Secretary (NHTSA by delegation) is authorized, at 49 U.S.C. 30117, to require manufacturers to provide information to first purchasers of motor vehicles or items of motor vehicle equipment related to performance and safety in printed materials that are



attached to or accompany the motor vehicle or item of motor vehicle equipment. Under this authority, the agency issued FMVSS No. 108, specifying labeling requirements to aid the agency in achieving many of its safety goals.

FMVSS No. 108, "Lamp, reflective devices and associated equipment," requires that the inscription "DOT-C2", "DOT-C3", or "DOT-C4", as appropriate, constituting a certification that the retroreflective sheeting conforms to the requirements of the standard, appear at least once on the exposed surface of each white or red segment of retroreflective sheeting, and at least once every 300 mm on retroreflective sheeting that is white only. The characters must be not less than 3 mm high, and must be permanently stamped, etched, molded, or printed in indelible ink.

*Description of the Need for the Information and Proposed Use of the Information:* Crashes can be reduced if retroreflective material having certain essential properties is used to mark trailers. The permanent labeling is used to identify retroreflective material having the minimum properties required for effective conspicuity of trailers at night.

*Affected Public:* Manufacturers of conspicuity grade retroreflective materials.

*Estimated Number of Respondents:* 3.

The respondents are likely to be manufacturers of the conspicuity material. The agency estimates that currently there are three manufacturers producing conspicuity material.

*Frequency:* On Occasion.

*Number of Responses:* 190,000,000.

It is estimated that there are 2.34 million trailers and 0.54 million truck tractors that require new conspicuity tape annually. On average, a trailer

requires approximately 60 ft. of reflective tape and a truck tractor requires about 4 ft. The labels are to be placed at intervals varying between 150 mm and 300 mm on rolls of retroreflective conspicuity tape. Considering the length of tape required per trailer and truck tractor, and that the labeling is applied on average every 9 in. (225 mm), a total number of 80 labels per trailer and 6 labels per truck tractor are required. Therefore, it is estimated that 190 million labels will be required annually (2.34 million trailers × 80 labels + 0.54 million truck tractors × 6 labels).

*Estimated Total Annual Burden Hours:* 3 hours.

The compliance symbol labeling program imposes only a minor hour burden per respondent, or three total hours, for the collection or reporting based on a maximum time required to ensure that the correct inscription is being applied to the sheeting by the printing presses. The application of symbols is performed by automated equipment incorporated in the production process of the retroreflective sheeting.

*Estimated Total Annual Burden Cost:* \$4,000.

The cost to respondents is estimated based on information that was supplied by the respondents regarding the cost of supplying or modifying printing rollers to apply the label. The cost to manufacturers of applying the label requirement is the maintenance and amortization of printing rollers and the additional dye or ink consumed. The labels are printed during the normal course of steady flow manufacturing operations and do not add additional time to the production process.

Two methods of printing the label are in use. One method uses the same roller that applies the dye to the red segments

of the material pattern. The roller is resurfaced annually using a computerized etching technique. The label was incorporated in the software to drive the roller resurfacing in 1993, and there is no additional cost to continue the printing of the label. In fact, costs would be incurred to discontinue the label.

The second method uses a separate roller and dye to apply the label. The manufacturer using this technique reported that the rollers have been in service for five years without detectable wear and predicted a service life of at least fifteen years. Four rollers costing about \$2,500 each are used for a total of \$10,000. If all three manufacturers chose to use this method, a total of 12 rollers would be used for a total cost of \$30,000. A straight-line depreciation of the rollers over 15 years (\$30,000 divided by 15 years) equals \$2,000 per year. The total cost of the dye required is derived from the number of labels required to be printed yearly and the dye required for each label. The total number of labels printed annually is about 190 million. Therefore, at a cost of approximately \$40 per gallon of dye and using about 0.001 milliliters of dye per label, the total cost of dye to print all the labels is estimated to be \$2,000 (190 million labels × \$40/gal × 0.001 ml × 0.000264172 ml/gal). With the yearly cost to replace the rollers of \$2,000 and an annual allowance of \$2,000 for dye, the annual total industry cost of maintaining the label is about \$4,000.

*Estimated annual cost burden:*

Additional cost of maintaining printing rollers with added label—\$0  
 Annual cost of separate printing rollers for label (where used)—\$2,000  
 Annual cost of additional dye or ink—\$2,000  
 Total annual respondent cost—\$4,000

Number of rollers	Cost of each roller	Total cost rollers	Depreciation over 15 years	Total annual labels (million)	Annual additional dye allowance	Est. total annual cost to maintain label
12 .....	\$2,500	\$30,000	\$2,000	190	\$2,000	\$4,000

*Public Comments Invited:* You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection, including the validity of the methodology and

assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Authority:* The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as

amended; 49 CFR 1.49; and DOT Order 1351.29.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2021-15521 Filed 7-20-21; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Requesting Comments on Form 8995 and Form 8995-A; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments; correction.

**SUMMARY:** The Internal Revenue Service published a document in the **Federal Register** of June 1, 2021, concerning request for comments on Form 8995 and Form 8995-A.

**FOR FURTHER INFORMATION CONTACT:** Jon Callahan, (737) 800-7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [jon.r.callahan@irs.gov](mailto:jon.r.callahan@irs.gov).

**SUPPLEMENTARY INFORMATION:****Correction**

In the **Federal Register** of June 1, 2021, in FR Doc. 2021-11445, on page 29360, in the second column, correct the “Estimated Time per Respondent” and “Estimated Total Annual Burden Hours” captions to read:

*Estimated Time per Respondent:* 8 hours, 7 minutes.

*Estimated Total Annual Burden Hours:* 336,107,360.

Dated: July 15, 2021.

**Jon R. Callahan,**  
Tax Analyst.

[FR Doc. 2021-15499 Filed 7-20-21; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Government Securities: Call for Large Position Reports**

**AGENCY:** Office of the Assistant Secretary for Financial Markets, Treasury.

**ACTION:** Notice of call for large position reports.

**SUMMARY:** The U.S. Department of the Treasury (Treasury) called for the submission of Large Position Reports by entities whose positions in the 0-7/8% Treasury Notes of November 2030 equaled or exceeded \$4.1 billion as of Monday, November 16, 2020 or Monday, December 14, 2020.

**DATES:** Reports must be received by 5:00 p.m. Eastern Time on Thursday, July 22, 2021.

**ADDRESSES:** Reports may be submitted using Treasury’s webform (available at <https://www.treasurydirect.gov/instit/>

[statreg/gsareg/LPR-form.htm](https://www.treasurydirect.gov/instit/statreg/gsareg/LPR-form.htm)) or by fax to Treasury at (202) 504-3788.

**FOR FURTHER INFORMATION CONTACT:** Lori Santamarena, Kurt Eidemiller, or Kevin Hawkins; Government Securities Regulations Staff, Department of the Treasury, at 202-504-3632.

**SUPPLEMENTARY INFORMATION:** In a public announcement issued on July 15, 2021, and in this **Federal Register** notice, Treasury called for Large Position Reports from entities whose positions in the 0-7/8% Treasury Notes of November 2030 equaled or exceeded \$4.1 billion as of Monday, November 16, 2020 or Monday, December 14, 2020. Entities must submit separate reports for each reporting date on which their positions equaled or exceeded the \$4.1 billion reporting threshold. Entities with positions in this note below the reporting threshold are not required to submit Large Position Reports.

This call for Large Position Reports is pursuant to Treasury’s large position reporting rules under the Government Securities Act regulations (17 CFR part 420), promulgated pursuant to 15 U.S.C. 78o-5(f). Reports must be received by Treasury before 5:00 p.m. Eastern Time on Thursday, July 22, 2021 and must include the required positions and administrative information. Reports may be submitted using Treasury’s webform (available at <https://www.treasurydirect.gov/instit/statreg/gsareg/LPR-form.htm>) or by fax to Treasury at (202) 504-3788.

The 0-7/8% Treasury Notes of November 2030, Series F-2030, have a CUSIP number of 91282CAV3, a STRIPS principal component CUSIP number of 912821FP5, and a maturity date of November 15, 2030.

The public announcement, a copy of a sample Large Position Report which appears in Appendix B of the rules at 17 CFR part 420, and supplementary formula guidance are available at [www.treasurydirect.gov/instit/statreg/gsareg/gsareg.htm](https://www.treasurydirect.gov/instit/statreg/gsareg/gsareg.htm).

Non-media questions about Treasury’s large position reporting rules and the submission of Large Position Reports should be directed to Treasury’s Government Securities Regulations Staff at (202) 504-3632 or [govsecreg@fiscal.treasury.gov](mailto:govsecreg@fiscal.treasury.gov).

The collection of large position information has been approved by the Office of Management and Budget pursuant to the Paperwork Reduction

Act under OMB Control Number 1530-0064.

**Joshua Frost,**

*Deputy Assistant Secretary for Financial Markets.*

[FR Doc. 2021-15439 Filed 7-20-21; 8:45 am]

**BILLING CODE 4810-AS-P**

**UNIFIED CARRIER REGISTRATION PLAN****Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board Subcommittee Meeting**

**TIME AND DATE:** July 22, 2021, 12:00 p.m. to 2:00 p.m., Eastern time.

**PLACE:** This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1-929-205-6099 (US Toll) or 1-669-900-6833 (US Toll) or (ii) 1-877-853-5247 (US Toll Free) or 1-888-788-0099 (US Toll Free), Meeting ID: 938 9711 8410, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/j/93897118410>.

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:** The Unified Carrier Registration Plan Education and Training Subcommittee (the “Subcommittee”) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

**Proposed Agenda****I. Call to Order—Subcommittee Chair**

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

**II. Verification of Publication of Meeting Notice—UCR Executive Director**

The UCR Executive Director will verify the publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

**III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Subcommittee Chair**

*For Discussion and Possible Subcommittee Action*

The Agenda will be reviewed, and the Subcommittee will consider adoption.

**Ground Rules**

➤ Subcommittee action only to be taken in designated areas on agenda.

#### IV. Review and Approval of Subcommittee Minutes From the May 21, 2021 Meeting—Subcommittee Chair

##### *For Discussion and Possible Subcommittee Action*

Draft minutes from the May 21, 2021 Subcommittee meeting via teleconference will be reviewed. The Subcommittee will consider action to approve.

#### V. Audit Module Development Discussion With the Education and Training Subcommittee—UCR Operations Director

##### *For Discussion and Possible Subcommittee Action*

The Subcommittee will discuss and provide updates on development of the Audit Module. The Subcommittee may take action to approve the Audit Module for posting on the Education and Training Center on the UCR Plan website.

#### VI. Other Business—Subcommittee Chair

The Subcommittee Chair will call for any other items Subcommittee members would like to discuss.

#### VII. Adjournment—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, July 16, 2021 at: <https://plan.ucr.gov>.

**CONTACT PERSON FOR MORE INFORMATION:** Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305-3783, [eleaman@board.ucr.gov](mailto:eleaman@board.ucr.gov).

##### **Alex B. Leath,**

*Chief Legal Officer, Unified Carrier Registration Plan.*

[FR Doc. 2021-15563 Filed 7-19-21; 11:15 am]

**BILLING CODE 4910-YL-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0068]

### Agency Information Collection Activity Under OMB Review: Application for Service-Disabled Veterans Insurance

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

**DATES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Refer to “OMB Control No. 2900-0068.”

**FOR FURTHER INFORMATION CONTACT:** Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266-4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to “OMB Control No. 2900-0068” in any correspondence.

#### **SUPPLEMENTARY INFORMATION:**

*Authority:* 44 U.S.C. 3501-21.

*Title:* Application for Service-Disabled Veterans Insurance VA Form 29-4364 and VA Form 29-0151.

*OMB Control Number:* 2900-0068.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* These forms are used by veterans to apply for Service-Disabled Veterans Insurance, to designate a beneficiary and to select an optional settlement. The information is required by law, 38 U.S.C., Section 1922.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 26780 on May 17, 2021, pages 26780 and 26781.

*Affected Public:* Individuals and Households.

*Estimated Annual Burden:* 8,333.

*Estimated Average Burden per Respondent:* 20 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 25,000.

By direction of the Secretary.

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2021-15493 Filed 7-20-21; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; Matching Program

**AGENCY:** Department of Veterans Affairs (VA).

**ACTION:** Notice of a new matching program.

**SUMMARY:** VA is providing notice of a new matching program between VA Financial Services Center (FSC), Commercial Operations Division and Department of the Treasury (Treasury), Bureau of the Fiscal Service (Fiscal Service), Do Not Pay (DNP) Business Center. The information will be used to determine whether an individual or entity is eligible to receive federal payments, contract awards, or other benefits, including reducing duplicate payments to vendors and beneficiaries, verifying that beneficiaries submitting claims are not deceased, collecting debt owed to federal or state governments, and suspending or revoking payments as needed.

**DATES:** Comments on this matching program must be received no later than August 20, 2021. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will be valid for three years from the effective date of this notice.

**ADDRESSES:** Comments may be submitted through [www.Regulations.gov](http://www.Regulations.gov) or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to Individuals submitting Invoices-Vouchers for Payment-VA, 13VA047 (April 23, 2020). Comments received will be available at [regulations.gov](http://regulations.gov) for public viewing, inspection, or copies.

**FOR FURTHER INFORMATION CONTACT:** Treasury will be the point of contact and can be reached at [donotpay@fiscal.treasury.gov](mailto:donotpay@fiscal.treasury.gov). The Financial

Services Center contact is Rishon Gengezha, Division Chief Internal Controls, Auditing and Risk Division (ICARD), Financial Services Center, 1615 Woodward St., Austin, TX 78741, at phone number 512-460-5175.

**SUPPLEMENTARY INFORMATION:** The purpose of this Computer Matching Agreement (CMA) is to reduce improper payments by authorizing the Treasury, Fiscal Service to provide the Commercial Operations Division, through the Treasury's Working System as defined by OMB Memorandum M-21-19, "Transmittal of Appendix C to OMB Circular A-123, Requirements for Payment Integrity Improvement, identifying information from the Fiscal Service's System of Record (SOR) "Treasury/Fiscal Service.017" about individuals and entities excluded from receiving federal payments, contract awards and other benefits.

**Participating Agencies:** The CMA is between the VA FSC Commercial Operations Division and Fiscal Service, DNP Business Center.

**Authority for Conducting the Matching Program:** This matching agreement between DNP and the VA is executed pursuant to

1. Executive Order 13520 "Reducing Improper Payments and Eliminating Waste in Federal Programs" (November 20, 2009).

2. Payment Integrity Information Act of 2019, 31 U.S.C. 3351 *et seq.* (PIIA).

**Purpose(s):** The purpose of this CMA is to reduce improper payments by authorizing the Treasury, Fiscal Service to provide the Commercial Operations Division, through the Treasury's Working System as defined by OMB Memorandum M-21-19, "Transmittal of Appendix C to OMB Circular A-123, Requirements for Payment Integrity Improvement, identifying information from the Fiscal Service SOR "Treasury/Fiscal Service.017" about individuals and entities excluded from receiving federal payments, contract awards and other benefits.

**Categories of Individuals:** This matching program between VA Financial Service Center, Commercial Operations Division and Fiscal Service' DNP Business Center, will be conducted

with data maintained by the VA in the Individuals submitting Invoices-Vouchers for Payment-VA, 13VA047 (April 23, 2020). The individuals whose information will be used in this match include Veterans, Employees, Contractors, and Vendors.

**Categories of Records:** VA may disclose information to the Department of the Treasury to facilitate payments to physicians, clinics, and pharmacies for reimbursement of services rendered, and to veterans for reimbursements of authorized expenses, or to collect, by set off or otherwise, debts owed the United States.

The following data elements will be sent by VA to Fiscal Service for matching against Treasury's Working System: Tax Identification Number (TIN), Business Name, Person First Person Middle Name, Person Last Name, Address, City Name, State Code, Person Date of Birth, Person Sex, Vendor/Payee Phone Number, Vendor/Payee Email Address.

Fiscal Service will return match results to Commercial Operations Division containing the following data elements: Record Code, Payee Identifier, Agency Location Code, Tax Identification Type, Tax Identification Number (TIN), Business or Individual or Government, DUNS Number, Payee Business Name, Payee Business DBA Name, Person Full Name, Person First Name, Person Middle Name, Person Last Name, Address, Person Date of Birth, Person Sex, Vendor/Payee Status, Phone Type, Vendor/Payee Phone Number, Vendor/Payee FAX Number, Vendor/Payee Email Address, Vendor/Payee Active Date, Vendor/Payee Expiration Date, Agency Record Grouping, Other Agency Data, Match Type, Match Source, Match Level, Match Date/Time, Matched Party Type, Matched Tax ID Number, Matched Tax ID Type Code (alternate), Matched Tax ID Number (alternate), Matched DUNS Number, Matched Full Name, Matched First Name, Matched First Name, Matched Middle Name, Matched Last Name, Matched Business Name, Matched DB A Business Name, Matched Birth Date, Matched Death Date, Matched List Status Code, Matched List

Status Code Description, Matched List Effective Date, Matched Address, Matched City, Matched State Code, Matched Zip Code and Matched Country Code.

**System(s) of Records:** Fiscal Service will provide VA with information extracted from the Treasury, Fiscal Service .017—DNP Payment Verification Records, 85 FR 11776 at 11803 (Feb. 27, 2020). Routine use number 1 will allow Fiscal Service to disclose data to VA for the purpose of identifying, preventing, or recouping improper payments. Routine use number 4 will allow Fiscal Service to disclose data to VA to validate eligibility for an award through a federal program.

This matching program will be conducted with data maintained by the VA in the Individuals submitting Invoices-Vouchers for Payment-VA, 13VA047 (April 23, 2020). Routine Use number 18 VA may disclose information to the Department of the Treasury to facilitate payments to physicians, clinics, and pharmacies for reimbursement of services rendered, and to veterans for reimbursements of authorized expenses, or to collect, by set off or otherwise, debts owed the United States.

### Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Joseph S. Stenaka, Executive Director for Information Security Operations, Chief Privacy Officer and Chair of the VA Data Integrity Board approved this document on June 7, 2021 for publication.

Dated: July 15, 2021.

**Amy L. Rose,**

*Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.*

[FR Doc. 2021-15436 Filed 7-20-21; 8:45 am]

**BILLING CODE P**



# FEDERAL REGISTER

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Vol. 86

Wednesday,

No. 137

July 21, 2021

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Part II

The President

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Proclamation 10233—Captive Nations Week, 2021



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# Presidential Documents

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Title 3—

Proclamation 10233 of July 16, 2021

The President

Captive Nations Week, 2021

**By the President of the United States of America****A Proclamation**

From the founding of our Nation to today, through the crucibles of war and the struggle of successive generations, America has strived to uphold the ideals of freedom and democracy upon which our country was built and expand the ability of people around the world to freely exercise their rights. As the world's longest-standing democracy, we carry a special responsibility to lead at home and abroad, not only by the example of our power, but by the power of our example—to prove to ourselves and to the world that democracy can deliver for all people. Though much has changed in the world since President Eisenhower issued the first Captive Nations Proclamation in 1959, its call for liberty and opportunity still ring true. During Captive Nations Week, we recommit ourselves to those principles which form the foundation of our Nation, and to amplify the voices of courageous individuals around the world who are striving to advance the principles of human rights, justice, and the rule of law.

Today, far too many people are subject to routine abuses of power, as oppressive governments detain, harass, or commit acts of violence against dissenting voices; disseminate disinformation and propaganda; undermine democratic systems; and otherwise violate the public trust. These abuses are not new—but they remain as stern a threat to human rights and freedom as they have ever been.

No nation or person of conscience can ignore the voices of those crying out for liberty. We hear Belarusians peacefully calling for democratic elections, and the courageous people of Hong Kong demanding the autonomy and liberty promised by Beijing under the Sino-British Joint Declaration and Hong Kong's Basic Law. We hear millions of Uyghurs and other ethnic and religious minorities in Xinjiang, China, who have been unjustly interned and subject to surveillance and forced labor. We hear the determination of those rejecting military rule in Burma, resisting dictatorship in Venezuela, taking to streets in Cuba to demand freedom in the face of brutal state repression, and pressing for free and fair elections in Nicaragua—as well as the Crimean Tatars, ethnic Ukrainians, and other ethnic and religious minorities who suffer repression for opposing Russia's illegal occupation of Crimea.

The American creed, which defines our Nation, proclaims that all people are created equal, and deserve to be treated equally, with dignity and respect, throughout their lives. We stand in solidarity with the brave human rights activists and pro-democracy advocates around the world who risk their lives for the rights of others. We are committed to ensuring that all those who are oppressed across the globe—including people with disabilities, women and girls, members of the LGBTQI+ community, indigenous populations, and racial and ethnic minorities—are heard, respected, and protected.

During Captive Nations Week, we recommit ourselves to the timeless, vital work of advancing freedom and justice for all.

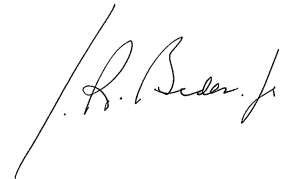
We do that by forging a more equitable and inclusive society, by solving problems and helping to ease the burdens people face, and by fulfilling our role as a global leader for human rights and fundamental freedoms

of expression, association, peaceful assembly, and religion or belief. Together with our allies and partners, we must continue to strengthen democratic institutions, defend independent civil society and media freedom, promote free and fair elections, protect human rights online, insist on accountability for those who commit abuses and foster cultures of corruption, and push back against authoritarianism around the world.

The Congress, by joint resolution approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as "Captive Nations Week."

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim July 18 through July 24, 2021, as Captive Nations Week. I call upon all Americans to reaffirm our commitment to championing those around the world who strive for liberty and justice for all.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of July, 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.







295.....34942	169a.....37676	36227, 36665, 37053, 37918	15 .....35046, 35700, 37982
<b>21 CFR</b>	199 .....36213	62.....35406	73 .....37972, 37982
573.....37035, 37037	<b>33 CFR</b>	80.....37681	74.....35046, 37982
1141.....36509	Ch. I.....37238	81.....37683	90.....35700, 37982
1305.....38230	100 .....35399, 35604, 37045,	180.....36666, 37055	95.....35700, 37982
1308.....37672	37239, 38233	<b>Proposed Rules:</b>	
<b>Proposed Rules:</b>	117.....35402	52 .....35030, 35034, 35042,	
1308.....37719	165 .....34958, 34960, 34961,	35244, 35247, 36673, 37942,	<b>48 CFR</b>
<b>24 CFR</b>	34963, 34964, 35224, 35225,	38433	204.....36229
11.....35391	35403, 36066, 36067, 36068,	62.....35044	212.....36229
92.....34943	36070, 36646, 37047, 37049,	81.....35254	252.....36229
<b>25 CFR</b>	37051, 37242, 37244, 37677,	141.....37948	501.....34966
48.....34943	37910, 37911, 37914, 37916,	<b>42 CFR</b>	552.....34966
<b>26 CFR</b>	38236, 38238	510.....36229	570.....34966
54.....36872	207.....37246	600.....35615	<b>Proposed Rules:</b>
<b>Proposed Rules:</b>	210.....35225	<b>Proposed Rules:</b>	615.....35257
54.....36870	214.....35226	409.....35874	652.....35257
<b>27 CFR</b>	273.....37053	413.....36322	
9.....34952, 34955	274.....37249	424.....35874	<b>49 CFR</b>
70.....34957	326.....37246	484.....35874	381.....35633
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	488.....35874	382.....35633
9.....37260, 37265	100.....35240, 37270	489.....35874	383.....35633
<b>28 CFR</b>	165.....35242	498.....35874	384.....35633
50.....37674	<b>34 CFR</b>	512.....36322	385.....35633
<b>29 CFR</b>	Ch. II.....36217, 36220, 36222,	<b>45 CFR</b>	390.....35633
1910.....37038, 38232	36510, 36648, 37679	144.....36872	391.....35633
2590.....36872	Ch. III.....36656	147.....36872	Ch. XII.....38209
4000.....36598	686.....36070	149.....36872	<b>Proposed Rules:</b>
4262.....36598	<b>36 CFR</b>	155.....36071	385.....35443
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	156.....36872	393.....35449
1910.....36073	7.....37725	<b>Proposed Rules:</b>	
<b>30 CFR</b>	<b>37 CFR</b>	147.....35156	<b>50 CFR</b>
926.....37039	1.....35226, 35229	155.....35156	17.....34979
<b>31 CFR</b>	2.....35229	156.....35156	20.....37854
1.....35396	<b>Proposed Rules:</b>	<b>46 CFR</b>	300.....35653, 38415
589.....37904, 37907	1.....35429	Ch. I.....37238	622.....38416
<b>Proposed Rules:</b>	<b>39 CFR</b>	<b>47 CFR</b>	635.....36669
33.....35156	111.....35606	Ch. I.....37061	648.....36671
520.....35399	233.....38413	54.....37058	660.....36237, 37249
<b>32 CFR</b>	<b>Proposed Rules:</b>	64.....35632	665.....36239
169.....37676	Ch. III.....36246	73 .....34965, 35231, 37058,	679.....36514, 38418
	<b>40 CFR</b>	37935	<b>Proposed Rules:</b>
	51.....37918	74.....37060	17 .....35708, 36678, 37091,
	52 .....35404, 35608, 35610,	<b>Proposed Rules:</b>	37410, 38246
		1.....37972	218.....37790
		2.....35700, 37982	635.....38262
			648.....36519
			665.....37982

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**LIST OF PUBLIC LAWS**

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

**Last List July 8, 2021**

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**Public Laws Electronic Notification Service (PENS)**

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