

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0176; Airspace
Docket No. 21–ACE–8]

RIN 2120–AA66

Amendment of Class D and Class E Airspace; Sioux City, IA

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects the final rule published in the **Federal Register** on June 11, 2021, amending the Class D and Class E airspace at Sioux Gateway Airport/Brigadier General Bud Day Field, Sioux City, IA. The geographic coordinates for Sioux Gateway Airport/Brigadier General Bud Day Field were incorrectly published as “(Lat. 42°24’09” N, long. 96°23’05” W)” vice “(Lat. 42°24’05” N, long. 96°23’04” W)” in the Class D and Class E airspace legal descriptions.

DATES: Effective date 0901 UTC, August 12, 2021. The Director of the Federal Register approves this incorporation by reference action under Title 1 Code of Federal Regulations part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email: fedreg.legal@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (86 FR 31105; June 11, 2021) for Docket No. FAA–2021–0176

amending the Class D and Class E airspace at Sioux Gateway Airport/Brigadier General Bud Day Field, Sioux City, IA. Subsequent to publication, the FAA identified the geographic coordinates for Sioux Gateway Airport/Brigadier General Bud Day Field were incorrectly published as “(Lat. 42°24’09” N, long. 96°23’05” W)” vice “(Lat. 42°24’05” N, long. 96°23’04” W)” in the Class D and Class E airspace legal descriptions. This action corrects that error.

Class D and Class E airspace designations are published in paragraph 5000, 6002, and 6005, respectively, 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 D and Class E airspace designations listed in this document will be subsequently published in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends 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.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, Amendment of Class D and Class E Airspace; Sioux City, IA, published in the **Federal Register** of June 11, 2021 (86 FR 31105), Docket No. FAA–2021–0176, is corrected as follows:

71.1 [Corrected]

■ On page 31107, column 1, line 37, replace “(lat. 42°24’09”N., long. 96°23’05”W.)” with “(Lat. 42°24’05” N, long. 96°23’04” W)”.

■ On page 31107, column 1, line 63, replace “(lat. 42°24’09”N., long. 96°23’05”W.)” with “(Lat. 42°24’05” N, long. 96°23’04” W)”.

■ On page 31107, column 2, line 25, replace “(lat. 42°24’09”N., long. 96°23’05”W.)” with “(Lat. 42°24’05” N, long. 96°23’04” W)”.

Issued in Fort Worth, Texas, on July 12, 2021.

Martin A. Skinner,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2021–15040 Filed 7–15–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–495]

Schedules of Controlled Substances: Extension of Temporary Placement of *N*-Ethylhexedrone, *alpha*- Pyrrolidinoheptaphenone, 4-Methyl- *alpha*-ethylaminopentiphenone, 4’- Methyl-*alpha*- pyrrolidinoheptaphenone, *alpha*- Pyrrolidinoheptaphenone, and 4’- Chloro-*alpha*- pyrrolidinovalerophenone in Schedule I of the Controlled Substances Act

AGENCY: Drug Enforcement
Administration, Department of Justice.

ACTION: Temporary rule; temporary
scheduling order; extension.

SUMMARY: The Administrator of the Drug Enforcement Administration is issuing this order to extend the temporary schedule I status of six synthetic cathinones, as identified in this order. The schedule I status of these six substances currently is in effect until July 18, 2021. This temporary order extends the temporary scheduling of these six substances for one year, or until the permanent scheduling action for these substances is completed, whichever occurs first.

DATES: This order, which extends the temporary scheduling order that DEA previously issued for these substances (84 FR 34291, July 18, 2019), is effective July 18, 2021 and expires on July 18, 2022. If DEA publishes a final rule making this scheduling action permanent, this order will expire on the effective date of that rule, if the effective date is earlier than July 18, 2022.

FOR FURTHER INFORMATION CONTACT: Terrence L. Boos, Ph.D., Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION: In this order, the Drug Enforcement Administration (DEA) extends the temporary scheduling of the following six controlled substances in schedule I of the Controlled Substances Act (CSA), including their optical, positional, and geometric isomers, salts, and salts of isomers:

- *N*-ethylhexedrone (other name: 2-(ethylamino)-1-phenylhexan-1-one),
- *alpha*-pyrrolidinoheptaphenone (other names: α -PHP, *alpha*-pyrrolidinoheptaphenone, 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one),

- 4-methyl-*alpha*-ethylaminopentiophenone (other names: 4-MEAP, 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one),
- 4'-methyl-*alpha*-pyrrolidinoheptaphenone (other names: MPHP, 4'-methyl-*alpha*-pyrrolidinoheptaphenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one),
- *alpha*-pyrrolidinoheptaphenone (other names: PV8, 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one), and
- 4'-chloro-*alpha*-pyrrolidinovalephorphenone (other names: 4-chloro- α -PVP, 4'-chloro-*alpha*-pyrrolidinopentiophenone, 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one).

Background and Legal Authority

On July 18, 2019, the Acting Administrator of DEA (Acting Administrator) published a temporary scheduling order in the **Federal Register** (84 FR 34291) placing *N*-ethylhexedrone (other name: 2-(ethylamino)-1-phenylhexan-1-one); *alpha*-pyrrolidinoheptaphenone (other names: α -PHP, *alpha*-pyrrolidinoheptaphenone, 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one); 4-methyl-*alpha*-ethylaminopentiophenone (other names: 4-MEAP, 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one); 4'-methyl-*alpha*-pyrrolidinoheptaphenone (other names: MPHP, 4'-methyl-*alpha*-pyrrolidinoheptaphenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one); *alpha*-pyrrolidinoheptaphenone (other names: PV8, 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one); and 4'-chloro-*alpha*-pyrrolidinovalephorphenone (other names: 4-chloro- α -PVP, 4'-chloro-*alpha*-pyrrolidinopentiophenone, 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one), synthetic cathinones, in schedule I of the CSA pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h).¹ That order was effective on the date of publication, and was based on findings by the Acting Administrator that the temporary scheduling of these substances was necessary to avoid an imminent hazard to the public safety pursuant to 21 U.S.C. 811(h)(1). Subsection (h)(2) provides that the temporary control of these substances expires two years from the effective date of the temporary scheduling order, *i.e.*, on July 18, 2021. 21 U.S.C. 811(h)(2). However, this same subsection also provides that, during the

pendency of proceedings under 21 U.S.C. 811(a)(1) with respect to the substance, the temporary scheduling of that substance can be extended for up to one year. Proceedings for the scheduling of a substance under 21 U.S.C. 811(a) may be initiated by the Attorney General (delegated to the Administrator of DEA (Administrator) pursuant to 28 CFR 0.100) on his own motion, at the request of the Secretary of Health and Human Services (HHS),² or on the petition of any interested party.

The Administrator, on her own motion, has initiated proceedings under 21 U.S.C. 811(a)(1) to permanently schedule *N*-ethylhexedrone, α -PHP, 4-MEAP, MPHP, PV8, and 4-chloro- α -PVP. DEA is simultaneously publishing a notice of proposed rulemaking for the permanent placement of *N*-ethylhexedrone, α -PHP, 4-MEAP, MPHP, PV8, and 4-chloro- α -PVP in schedule I elsewhere in this issue of the **Federal Register**. If that proposed rule is finalized, DEA will publish a final rule in the **Federal Register** to make permanent the schedule I status of these substances.

Pursuant to 21 U.S.C. 811(h)(2), the Administrator orders that the temporary scheduling of *N*-ethylhexedrone, *alpha*-pyrrolidinoheptaphenone, 4-methyl-*alpha*-ethylaminopentiophenone, 4'-methyl-*alpha*-pyrrolidinoheptaphenone, *alpha*-pyrrolidinoheptaphenone, and 4'-chloro-*alpha*-pyrrolidinovalephorphenone, and their optical, positional, and geometric isomers, salts, and salts of isomers, be extended for one year, or until the permanent scheduling proceeding is completed, whichever occurs first.

Regulatory Matters

The CSA provides for an expedited temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. Under 21 U.S.C. 811(h), the Administrator, as delegated by the Attorney General, may, by order, place a substance in schedule I on a temporary basis. This same subsection provides that the temporary scheduling of a substance shall expire at the end of two years from the date of the issuance of the order scheduling such substance, except that the Administrator may, during the pendency of proceedings under 21 U.S.C. 811(a)(1) to permanently schedule the substance, extend the temporary scheduling for up to one year.

To the extent that section 811(h) directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued and extended, DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this extension of the temporary scheduling order. The specific language chosen by Congress indicates an intention for DEA to proceed through the issuance of an order instead of proceeding by rulemaking. Given that Congress specifically requires the Attorney General to follow rulemaking procedures for other kinds of scheduling actions, see 21 U.S.C. 811(a), it is noteworthy that, in subsection 811(h), Congress authorized the issuance of temporary scheduling actions by order rather than by rule. In the alternative, even assuming that this action might be subject to section 553 of the APA, the Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for extending the temporary scheduling order would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety that these substances would present if scheduling expired, for the reasons expressed in the temporary scheduling order (84 FR 34291, July 18, 2019). Further, DEA believes that this order extending the temporary scheduling action is not a "rule" as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act. The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order (E.O.) 12866 (Regulatory Planning and Review), section 3(f), and the principles reaffirmed in E.O. 13563 (Improving Regulation and Regulatory Review). Accordingly, this action has not been reviewed by the Office of Management and Budget.

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132

¹ Though DEA has used the term "final order" with respect to temporary scheduling orders in the past, this notice adheres to the statutory language of 21 U.S.C. 811(h), which refers to a "temporary scheduling order." No substantive change is intended.

² The Secretary of HHS has delegated to the Assistant Secretary for Health of HHS the authority to make domestic drug scheduling recommendations.

(Federalism), it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA)³ is inapplicable, as it applies only to rules. 5 U.S.C. 801, 804(3). It is in the public interest to maintain the temporary placement of *N*-ethylhexedrone, α -PHP, 4-MEAP, MPHP, PV8, and 4-chloro- α -PVP in schedule I because they pose a public health risk, for the reasons expressed in the temporary scheduling order (84 FR 34291, July 18, 2019). The temporary scheduling action was taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. Under 21 U.S.C. 811(h), temporary scheduling orders are not subject to notice and comment rulemaking procedures. DEA understands that the CSA frames temporary scheduling actions as orders rather than rules to ensure that the process moves swiftly, and this extension of the temporary scheduling order continues to serve that purpose. For the same reasons that underlie 21 U.S.C. 811(h), that is, the need to place these substances in schedule I because they pose an imminent hazard to public safety, it would be contrary to the public interest to delay implementation of this extension of the temporary scheduling order. Therefore, in accordance with section 808(2) of the CRA, this order extending the temporary scheduling order shall take effect immediately upon its publication. DEA will submit a copy of this extension of the temporary scheduling order to both Houses of Congress and to the Comptroller General, although such filing is not required under the CRA, 5 U.S.C. 801–808, because, as noted above, this action is an order, not a rule.

Anne Milgram,
Administrator.

[FR Doc. 2021–15113 Filed 7–15–21; 8:45 am]

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DEPARTMENT OF JUSTICE

28 CFR Part 50

[Docket No. OAG 174; AG Order No. 5077–2021]

RIN 1105–AB61

Processes and Procedures for Issuance and Use of Guidance Documents

AGENCY: Office of the Attorney General, Department of Justice.

ACTION: Interim final rule; request for comments.

SUMMARY: This interim final rule (“rule”) implements Executive Order 13992, which, among other things, revoked Executive Order 13891 and directed the heads of all agencies to promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, implementing or enforcing the revoked Executive Order. By this rule, the Department of Justice (“Department” or “DOJ”) revokes amendments to its regulations that were made during 2020 pursuant to Executive Order 13891, which imposed limitations on the issuance and use of guidance documents. For further information on how the Department intends to address guidance documents going forward, interested parties should consult an Attorney General Memorandum the Department of Justice is issuing on its website in conjunction with this rule.

DATES:

Effective date: This rule is effective July 16, 2021.

Applicability date: July 1, 2021.

Comments: Comments are due on or before August 16, 2021.

ADDRESSES: To ensure proper handling of comments, please reference Docket No. OAG 174 on all electronic and written correspondence. The Department encourages the electronic submission of all comments through <https://www.regulations.gov> using the electronic comment form provided on that site. For ease of reference, an electronic copy of this document is also available at that website. It is not necessary to submit paper comments that duplicate the electronic submission, as comments submitted to <https://www.regulations.gov> will be posted for public review and are part of the official docket record. However, should you wish to submit written comments through regular or express mail, they should be sent to Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, Room 4252 RFK Building, 950

Pennsylvania Avenue NW, Washington, DC 20530. Comments received by mail will be considered timely if they are postmarked on or before August 16, 2021. The electronic Federal eRulemaking portal will accept comments until Midnight Eastern Time at the end of that day.

FOR FURTHER INFORMATION CONTACT:

Robert Hinchman, Senior Counsel, Office of Legal Policy, U.S. Department of Justice, telephone (202) 514–8059 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at <https://www.regulations.gov>. Information made available for public inspection includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

You are not required to submit personal identifying information in order to comment on this rule. Nevertheless, if you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online, you must include the phrase “PERSONAL IDENTIFYING INFORMATION” in the first paragraph of your comment. You must also locate all the personal identifying information that you do not want posted online in the first paragraph of your comment and identify what information you want the agency to redact. Personal identifying information identified and located as set forth above will be placed in the agency’s public docket file, but not posted online.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase “CONFIDENTIAL BUSINESS INFORMATION” in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, the agency may choose not to post that comment (or to post that comment only partially) on <https://www.regulations.gov>. Confidential business information identified and located as set forth above will not be placed in the public docket file, nor will it be posted online.

If you want to inspect the agency’s public docket file in person by appointment, please see the **FOR**

³ This is the colloquial name for Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996.