

(11) After a De Novo request is accepted for review under § 860.230(b), the requester makes significant unsolicited changes to the device's:

(i) Indications for use; or

(ii) Technological characteristics.

(d) An order declining a De Novo request will inform the requester of the deficiencies in the De Novo request, including each applicable ground for declining the De Novo request.

(e) FDA will use the criteria specified in § 860.7 to determine the safety and effectiveness of a device in deciding whether to grant or decline a De Novo request. FDA may use information other than that submitted by the requester in making such determination.

Dated: September 30, 2021.

**Janet Woodcock,**

*Acting Commissioner of Food and Drugs.*

[FR Doc. 2021–21677 Filed 10–4–21; 8:45 am]

BILLING CODE 4164–01–P

## FEDERAL MEDIATION AND CONCILIATION SERVICE

### 29 CFR Part 1400

RIN 3076–AA19

#### Outside Employment, Business Activities, or Interests Regulation

**AGENCY:** Federal Mediation and Conciliation Service.

**ACTION:** Final rule; rescission of regulation.

**SUMMARY:** On August 7, 1992, the Office of Government Ethics (OGE) published a final rule entitled “Supplemental Agency Regulations” requiring Federal agencies creating supplemental ethics regulations to submit such regulations to OGE for concurrence and joint issuance within their regulations. In accordance with “Supplemental Agency Regulations,” this final rule rescinds the current Federal Mediation and Conciliation Service (FMCS) supplemental ethics regulation “Outside employment, business activities, or interests”.

**DATES:** This final rule is effective October 5, 2021.

**FOR FURTHER INFORMATION CONTACT:** Alisa Silverman, Attorney-Advisor, Office of General Counsel, Federal Mediation and Conciliation Service, 250 E St. SW, Washington, DC 20427; Office/Fax/Mobile 202–606–5488; [asilverman@fmcs.gov](mailto:asilverman@fmcs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Discussion

On April 13, 1968, at 33 FR 5765, the Federal Mediation and Conciliation

Service (FMCS) published a final rule entitled “Outside employment, business activities, and interests.” This final rule implemented ethics regulations concerning outside activities.

On August 7, 1992, at 57 FR 35042, the Office of Government Ethics (OGE) published a rule “Supplemental Agency Regulations” requiring Federal agencies creating supplemental ethics regulations to submit such regulations to OGE for concurrence and joint issuance within title 5 of the Code of Federal Regulations.

In accordance with 5 CFR 2635.105, FMCS is working jointly with OGE to develop new supplemental agency regulations to be published by OGE within title 5 of the Code of Federal Regulations. Therefore, FMCS is issuing this final rule, which rescinds the current rule on outside employment, business activities, and interests within title 29 of the Code of Federal Regulations.

## II. Final Rule

FMCS has determined that this rule is suitable for final rulemaking. The revisions to FMCS’ policies and requirements surrounding outside activities are purely internal matters of agency management, as well as the agency’s procedure, and practice. Accordingly, FMCS is not required to engage in a notice and comment process to issue this rule under the Administrative Procedures Act, See U.S.C. 553(a)(2), 553(b)(A). Furthermore, because this rule is procedural rather than substantive, the normal requirement of 5 U.S.C. 553(d) that a rule not be effective until at least 30 days after publication in the **Federal Register** is inapplicable. FMCS also finds good cause to provide an immediate effective date for this rule because it imposes no obligations on parties outside the Federal Government and therefore no advance notice is required to enable employers or other private parties to come into compliance.

#### List of Subjects in 29 CFR Part 1400

Administrative practice and procedure.

For the reasons discussed in the preamble, and under the authority 29 U.S.C. 172 of Taft Harley Act of 1947, and 5 U.S.C. 7301, FMCS amends 29 CFR chapter XII as follows:

#### PART 1400—STANDARDS OF CONDUCT, RESPONSIBILITIES, AND DISCIPLINE

■ 1. The authority citation for part 1400 continues to read as follows:

**Authority:** E.O. 11222, 30 FR 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

#### § 1400.735–12 [Removed]

■ 2. Remove § 1400.735–12.

Issued in Washington, DC.

**Sarah Cudahy,**

*General Counsel.*

[FR Doc. 2021–21716 Filed 10–4–21; 8:45 am]

BILLING CODE 6732–01–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2020–0647]

RIN 1625–AA09

#### Drawbridge Operation Regulation; New Jersey Intracoastal Waterway, Point Pleasant, NJ; Correction

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

**ACTION:** Correcting amendments.

**SUMMARY:** The Coast Guard published a final rule in the **Federal Register** on August 23, 2021, which was effective on September 22, 2021, announcing changes to the Route 88 (Veterans Memorial) Bridge and Route 13 (Lovelandtown) Bridge across the NJICW at Point Pleasant Canal, mile 3.0 and 3.9, respectively at Point Pleasant, NJ. The amendatory instruction within that final rule was incorrect and the changes could not be incorporated into the CFR. This correcting amendment incorporates those changes into the CFR.

**DATES:** The correction is effective on October 5, 2021.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2020–0647. In the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mr. Mickey Sanders, Bridge Administration Branch, Fifth District, U.S. Coast Guard, telephone (757) 398–6587, email [Mickey.D.Sanders2@uscg.mil](mailto:Mickey.D.Sanders2@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### Correction

On August 23, 2021, the Coast Guard published a final rule titled “Drawbridge Operation Regulation; New

Jersey Intracoastal Waterway, Point Pleasant, NJ” (86 FR 46966). This final rule amended 33 CFR 117.733. However, amendatory instruction number 2.c. incorrectly redesignated seven paragraphs into only six paragraphs.

#### List of Subjects in 33 CFR Part 117

Bridges.

Accordingly, 33 CFR part 117 is corrected by making the following correcting amendments:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Amend § 117.733 by:

■ a. Removing paragraphs (i) and (j);

■ b. Redesignating paragraphs (b) through (h) as (d) through (j); and

■ c. Adding new paragraphs (b) and (c).

The additions read as follows:

#### § 117.733 New Jersey Intracoastal Waterway.

\* \* \* \* \*

(b) The draw of the Route 88 Bridge, mile 3.0, across Point Pleasant Canal at Point Pleasant, shall operate as follows:

(1) From 7 a.m. to 11 p.m. the draw shall open on signal.

(2) From 11:01 p.m. to 6:59 a.m. the draw shall open on signal, if at least four hours advance notice is given.

(c) The draw of the Route 13 Bridge, mile 3.9, across Point Pleasant Canal at Point Pleasant, shall operate as follows:

(1) From 7 a.m. to 11 p.m. the draw shall open on signal.

(2) From 11:01 p.m. to 6:59 a.m. the draw shall open on signal, if at least four hours advance notice is given.

\* \* \* \* \*

Dated: September 29, 2021.

**M.T. Cunningham,**

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2021–21628 Filed 10–4–21; 8:45 am]

**BILLING CODE 9110–04–P**

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 1, 73, and 74

[AU Docket No. 21–284; DA 21–1176; FR ID 50840]

#### Auction of Construction Permits for Low Power Television and TV Translator Stations; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 111

**AGENCY:** Federal Communications Commission.

**ACTION:** Final action; requirements and procedures.

**SUMMARY:** This document summarizes the procedures, deadlines, and upfront payment and minimum opening bid amounts for the upcoming auction of construction permits for new or modified low power television and TV translator stations. The *Auction 111 Procedures Public Notice* summarized here is intended to familiarize potential applicants with details of the procedures, terms, and conditions governing participation in Auction 111, as well as an overview of the post-auction application and payment process.

**DATES:** Applications to participate in Auction 111 must be submitted before 6 p.m. Eastern Time (ET) on November 9, 2021. Upfront payments for Auction 111 must be received by 6 p.m. ET on January 25, 2022. Bidding in Auction 111 is scheduled to start on February 23, 2022.

#### FOR FURTHER INFORMATION CONTACT:

*General Auction 111 Information:* FCC Auctions Hotline at 888–225–5322, option two; or 717–338–2868.

*Auction 111 Legal Information:* Lyndsey Grunewald or Scott Mackoul at (202) 418–0660.

*Licensing Information:* Shaun Maher at (202) 418–2324 or Mark Colombo at (202) 418–7611.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s document, *Auction 111 Procedures Public Notice*, in AU Docket No. 21–284; DA 21–1176, released on September 21, 2021. The complete text of this document, including attachments and any related document, is available on the Commission’s website at <http://www.fcc.gov/auction/111> or by using the search function for on the Commission’s Electronic Comment Filing System (ECFS) web page at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs). Alternative formats are available to persons with disabilities by sending an email to [FCC504@fcc.gov](mailto:FCC504@fcc.gov)

or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

#### I. General Information

##### A. Introduction

1. By the *Auction 111 Procedures Public Notice*, the Office of Economics and Analytics (OEA) and the Media Bureau (MB) establish the procedures to be used for Auction 111, a closed auction of construction permits for new or modified low power television (LPTV) stations and TV translator stations (collectively referred to as LPTV/translator stations). Auction 111 is a closed auction; only those parties listed in Attachment A to the *Auction 111 Procedures Public Notice* are eligible to file applications to participate in Auction 111 and to complete the remaining steps to become qualified to bid.

##### B. Background and Relevant Authority

2. Auction 111 will resolve groups of pending mutually exclusive (MX) engineering proposals for up to 17 new or modified LPTV/translator station construction permits. The MX groups and engineering proposals listed in Attachment A to the *Auction 111 Procedures Public Notice* consist of applications for new LPTV/translator stations, or major changes to existing stations, that were accepted on a first-come, first-served basis (*i.e.*, rolling one-day windows), pursuant to 47 CFR 74.787(a)(3) and displacement relief applications filed pursuant to a special filing window for eligible LPTV/translator stations displaced by the broadcast television spectrum incentive auction (Auction 1000). Any LPTV/translator station applications for new facilities, major changes to existing facilities, or displacement relief that are mutually exclusive with one another must be resolved via the Commission’s part 1 and part 73 competitive bidding rules.

3. In 2009, MB began accepting applications for new rural digital LPTV/translator stations on a limited basis and then later froze those filings. All but one of the MX groups listed in Attachment A to the *Auction 111 Procedures Public Notice* consist of applications for new or modified rural digital LPTV/translator stations that were submitted on the first day that MB began accepting such applications. The remaining MX group listed in Attachment A to the *Auction 111 Procedures Public Notice* consists of two displacement relief applications filed pursuant to a special displacement application filing window opened in