

§ 39.13 [Amended]

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

2021-17-07 Airbus Canada Limited Partnership (Type Certificate Previously Held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.): Amendment 39-21690; Docket No. FAA-2021-0669; Project Identifier MCAI-2021-00314-T.

(a) Effective Date

This airworthiness directive (AD) becomes effective August 30, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Canada Limited Partnership (type certificate previously held by C Series Aircraft Limited Partnership (CSALP); Bombardier, Inc.) Model BD-500-1A10 and BD-500-1A11 airplanes, certificated in any category, as identified in Transport Canada Civil Aviation (TCCA) AD CF-2021-09, dated March 11, 2021 (TCCA AD CF-2021-09).

(d) Subject

Air Transport Association (ATA) of America Code 28, Aircraft fuel system.

(e) Reason

This AD was prompted by the potential for the flexible hose assembly of the fuel motive flow (MF), installed between the pylon and wing, to be installed twisted in the shroud, which can restrict the flow of fuel for the MF and cause fuel imbalance and possible damage, including abrasion, to the shroud assembly. The FAA is issuing this AD to address this condition, which could result in abrasion of the fuel line and a possible fuel leak; as a result, the electrical harness connectors in the wing area could be a potential ignition source and pose a risk of fire.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, TCCA AD CF-2021-09.

(h) Exception to TCCA AD CF-2021-09

(1) Where TCCA AD CF-2021-09 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where TCCA AD CF-2021-09 specifies replacing MF fuel line assemblies, this AD requires that replacement before further flight after any damage (including any permanent deformity) is detected.

(i) No Return of Parts

Although the service information referenced in TCCA AD CF-2021-09 specifies to return certain parts to the manufacturer, this AD does not include that requirement.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Airbus Canada's TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

For more information about this AD, contact Jiwan Karunatilake, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531; email 9-avs-nyaco-cos@faa.gov.

(l) Material Incorporated by Reference

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

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

(i) Transport Canada Civil Aviation (TCCA) AD CF-2021-09, dated March 11, 2021.

(ii) [Reserved]

(3) For TCCA AD CF-2021-09, contact TCCA, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888-663-3639; email AD-CN@tc.gc.ca; internet <https://tc.canada.ca/en/aviation>.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0669.

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

Issued on August 10, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-17483 Filed 8-11-21; 4:15 pm]

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DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 73**

[Docket No. FAA-2019-0111; Airspace Docket No. 19-ASO-23]

RIN 2120-AA66

Establishment of Restricted Area R-5306F; Cherry Point, NC

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action establishes restricted area R-5306F at Marine Corps Air Station (MCAS) Cherry Point, NC. R-5306F extends from flight level (FL) 180 to FL 290. Restricted area R-5306F overlies the existing restricted area R-5306A, and the adjacent Core Military Operations Area (MOA). Due to altitude constraints, the existing restricted airspace structure around MCAS Cherry Point cannot fully support the training requirements for current legacy aircraft as well as 4th and 5th generation aircraft such as the F-35. In conjunction with R-5306A, restricted area R-5306F will allow for realistic training to enable pilots and aircrews to counter evolving threat nation warfare anti-aircraft capabilities.

DATES: Effective date 0910 UTC, December 2, 2021.

FOR FURTHER INFORMATION CONTACT: Sean Hook, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:**Authority for This Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to

assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes restricted area airspace at Cherry Point, NC, to enhance aviation safety and accommodate essential U.S. Marine Corps training activities.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2019-0111 in the **Federal Register** (85 FR 16918; March 25, 2020), proposing to expand the restricted airspace at MCAS Cherry Point, NC, by establishing restricted area R-5306F, because the altitude constraints of the current airspace structure cannot fully support U.S. Marine Corps training and readiness requirements. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

The Rule

This action amends 14 CFR part 73 by establishing restricted area R-5306F, Cherry Point, NC, to overlie the existing restricted area R-5306A, and the adjacent Core MOA. Restricted area R-5306F extends from FL 180 to FL 290. The time of designation is Monday through Friday, 0800 to 0000 hours, local time; other times by NOTAM.

In conjunction with R-5306A, R-5306F will provide the low-altitude to high-altitude restricted airspace needed to train in the variety of tactics as discussed above.

There are no current Air Traffic Service routes (*i.e.*, jet routes or Q-routes) or preferential IFR routes that are impacted by the restricted area. R-5306F is joint-use special use airspace; meaning that the using agency will return the restricted area to the controlling agency (FAA, Washington ARTCC) on a real-time basis when not in use by the using agency. Supersonic flight will not be conducted in R-5306F.

Regulatory Notices and Analyses

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

matter that only affects air traffic procedures and air navigation, it is certified that this rule does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of establishing restricted area R-5306F at MCAS Cherry Point, NC, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5f, which categorically excludes from further environmental impact review actions that increase the altitude of special use airspace. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5-2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study. The FAA’s categorical exclusion declaration and decision for this action is separately documented in a categorical exclusion dated August 25, 2020.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

- 1. The authority citation for part 73 continues to read as follows:

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

§ 73.53 North Carolina [Amended]

- 2. Section 73.53 is amended as follows:

* * * * *

R-5306F Cherry Point, NC [New]

Boundaries. Beginning at lat. 35°23’16” N, long. 76°34’39” W;
to lat. 35°18’16” N, long. 76°16’39” W;
to lat. 35°04’31” N, long. 76°04’29” W;

to lat. 35°00’31” N, long. 76°00’59” W;
to lat. 35°00’22” N, long. 76°00’51” W;
thence southwest 3 NM from and parallel to the shoreline

to lat. 34°40’16” N, long. 76°24’45” W;
to lat. 34°40’41” N, long. 76°25’08” W;
to lat. 34°46’01” N, long. 76°29’59” W;
to lat. 35°08’01” N, long. 76°51’19” W;
to the point of beginning.

Designated altitudes. FL 180 to FL 290.

Time of designation. Monday through Friday, 0800–0000; other times by NOTAM.

Controlling agency. FAA, Washington ARTCC.

Using agency. USMC, Commanding Officer, U.S. Marine Corps Air Station Cherry Point, NC.

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Issued in Washington, DC, on August 9, 2021.

George Gonzalez,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–17251 Filed 8–12–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 241

[Release No. 34–92565]

Procedures for the Commission’s Use of Certain Authorities Under Rule 21F–3(b)(3) and Rule 21F–6 of the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Policy statement.

SUMMARY: The Securities and Exchange Commission (“Commission” or “SEC”) is issuing this statement to clarify how the SEC will proceed when addressing certain issues under Exchange Act Rule 21F–3(b)(3) and Exchange Act Rule 21F–6 while the staff is preparing and the Commission is considering potential amendments to those rules (“Interim Policy-Review Period”). These procedures will remain in effect until withdrawn by the Commission.

DATES: The policy statement is effective: August 13, 2021.

FOR FURTHER INFORMATION CONTACT: Emily Pasquinelli, Acting Chief in the Office of the Whistleblower, Division of Enforcement, at (202) 551–5973; William K. Shirey, Counsel to the Solicitor, Office of the General Counsel, at (202) 551–5043; Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to the Dodd-Frank Consumer Protection and Wall Street