## PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES; IMPORTATION AND EXPORTATION OF CERTAIN MACHINES

■ 1. The authority citation for 21 CFR part 1310 continues to read as follows:

**Authority:** 21 U.S.C. 802, 827(h), 830, 871(b), 890.

■ 2. In § 1310.02, add paragraph (a)(37) to read as follows:

**§ 1310.02 Substances covered.**

* * * * *

(a) * * *

| | |
|---|---|
| (37) methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers | 8795 |

* * * * *

■ 3. In § 1310.04:

■ a. Redesignate paragraphs (g)(1)(x) through (xvi) as paragraphs (g)(1)(xi) through (xvii), respectively; and

■ b. Add new paragraph (g)(1)(x).

The addition reads as follows:

**§ 1310.04 Maintenance of records.**

* * * * *

(g) * * *

(1) * * *

(x) methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers

* * * * *

■ 4. In § 1310.09, add paragraph (r) to read as follows:

**§ 1310.09 Temporary exemption from registration.**

* * * * *

(r)(1) Each person required under 21 U.S.C. 822 and 957 to obtain a registration to manufacture, distribute, import, or export regulated forms of methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers, including regulated chemical mixtures pursuant to § 1310.12, is temporarily exempted from the registration requirement, provided that DEA receives a properly completed application for registration or application for exemption for a chemical mixture containing regulated forms of MAPA pursuant to § 1310.13 on or before December 20, 2021. The exemption would remain in effect for each person who has made such application until the Administration has approved or denied that application. This exemption applies only to registration; all other chemical control requirements set forth in the Act and parts 1309, 1310, 1313, and 1316 of this chapter remain in full force and effect.

(2) Any person who manufactures, distributes, imports, or exports a chemical mixture containing regulated forms of methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers whose application for exemption is subsequently denied by DEA must obtain a registration with DEA. A temporary exemption from the registration requirement would also be provided for those persons whose application for exemption is denied, provided that DEA receives a properly completed application for registration on or before 30 days following the date of official DEA notification that the application for exemption has been denied. The temporary exemption for such persons would remain in effect until DEA takes final action on their registration application.

■ 5. In § 1310.12, in the Table of Concentration Limits under List I Chemicals in paragraph (c), add an entry for ''methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate)'' in alphabetical order to read as follows:

**§ 1310.12 Exempt chemical mixtures.**

* * * * *

(c) * * *

TABLE OF CONCENTRATION LIMITS

| | DEA chemical code No. | Concentration | Special conditions |
|---|---|---|---|
| **List I Chemicals** | | | |
| * * * | * | * * | * * |
| methyl *alpha*-phenylacetoacetate (MAPA; methyl 3-oxo-2-phenylbutanoate) and its optical isomers. | 8795 | Not exempt at any concentration. | Chemical mixtures containing any amount of MAPA and its optical isomers are not exempt. |
| * * * | * | * * | * * |

* * * * *

**Anne Milgram,**

*Administrator.*

[FR Doc. 2021–24952 Filed 11–17–21; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### 29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928

**[Docket No. OSHA–2021–007]**

### COVID–19 Vaccination and Testing; Emergency Temporary Standard; Ratification of Department's Actions

**AGENCY:** Occupational Safety and Health Administration, Department of Labor (DOL).

**ACTION:** Ratification.

**SUMMARY:** The Department of Labor is publishing notification of the Secretary of Labor's ratification of a rule.

**DATES:** The ratification was signed on November 12, 2021.

**FOR FURTHER INFORMATION CONTACT:**

*General information and press inquiries:* Contact Frank Meilinger, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999; email: *OSHAComms@dol.gov.*

*For technical inquiries:* Contact Andrew Levinson, OSHA Directorate of Standards and Guidance, U.S. Department of Labor; telephone (202) 693–1950; email: *ETS@dol.gov.*

**SUPPLEMENTARY INFORMATION:** On November 12, 2021, the Secretary of Labor ratified an interim final rule codifying an emergency temporary standard to protect unvaccinated employees of large employers from the risk of contracting COVID–19. *See* Interim Final Rule, COVID–19 Vaccination and Testing; Emergency Temporary Standard, 86 FR 61402 (November 5, 2021) (the ''Interim Final Rule''). The Department is now publishing the ratification in the **Federal Register** out of an abundance of caution. Neither the ratification nor the publication is a statement that the ratified action would be invalid absent the ratification, whether published or otherwise.

## Appendix

### Ratification

By virtue of the authority vested in the Secretary of Labor by law, including 33 U.S.C. 941 and 29 U.S.C. 653, 655, 657, I am affirming and ratifying a prior action by Acting Assistant Secretary James S. Frederick. On November 5, 2021, the Occupational Safety and Health Administration published in the **Federal Register** an interim final rule codifying an emergency temporary standard to protect unvaccinated employees of large employers from the risk of contracting COVID–19. *See* Interim Final Rule, COVID–19 Vaccination and Testing; Emergency Temporary Standard, 86 FR 61402 (November 5, 2021) (the ''Interim Final Rule'').

The Interim Final Rule was signed by James S. Frederick, Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health, who was serving as Acting Assistant Secretary of Labor for Occupational Safety and Health before the current Assistant Secretary of Labor for Occupational Safety and Health assumed office. Questions have been raised in litigation, however, concerning Mr. Frederick's authority to sign the interim final rule.

Out of an abundance of caution, to avoid any doubt as to its validity, I have independently evaluated the Interim Final Rule and the basis for adopting it. I now affirm and ratify the Interim Final Rule, without deference to Mr. Frederick's prior decision. In my considered and independent judgment, the Interim Final Rule was and remains necessary to protect unvaccinated employees against the grave danger of exposure to the virus that causes COVID–19.

I have full and complete knowledge of the Interim Final Rule action taken by former Acting Assistant Secretary Frederick. I have also determined that the assessment of grave danger in the Interim Final Rule and the Rule's assessment of how best to respond to that danger remain valid based on my assessment of the situation at the time of this ratification. Pursuant to my authority as the Secretary of Labor, and based on my independent review of the action and the reasons for taking it, I hereby affirm and ratify the Interim Final Rule, as of October 26, 2021.

**Martin J. Walsh,**

*Secretary of Labor.*

[FR Doc. 2021–25167 Filed 11–15–21; 4:15 pm]

**BILLING CODE 4510–HL–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### 32 CFR Part 310

**[Docket ID: DoD–2021–OS–0088]**

**RIN 0790–AL42**

## Protection of Privacy and Access to and Amendment of Individual Records Under the Privacy Act of 1974; Technical Amendment

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is making a technical amendment to reinstate an appendix to its Privacy Program regulation that was erroneously deleted when the regulation was previously revised. The appendix contained a list of blanket routine uses that are included by reference in many DoD Privacy Act systems of records notices (SORNs).

**DATES:** This rule is effective November 18, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lyn Kirby, *OSD.DPCLTD@mail.mil;* (703) 571–0070.

**SUPPLEMENTARY INFORMATION:** This final rule amends 32 CFR part 310, ''Protection of Privacy and Access to and Amendment of Individual Records under the Privacy Act of 1974,'' to reinstate DoD's blanket routine uses. The appendix which enumerated DoD's blanket routine uses was erroneously removed when 32 CFR part 310 was revised on April 11, 2019 (84 FR 14728–14811).

A ''routine use'' is defined in the Privacy Act as ''with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.'' *See* 5 U.S.C. 552a(a)(7). Routine uses are included in individual agency SORNs to allow the agency to disclose records from a particular system of records to individuals or entities in accordance with the terms of the routine use. Some agencies have established a set of routine uses that apply to a wide array of published agency SORNs, sometimes referred to as blanket routine uses. Their purpose is to provide consistent information sharing authority across the SORNs for common or non-controversial purposes. Examples of routine uses that are typically included in blanket routine uses are ones that allow agencies to share information with members of Congress inquiring on behalf of a constituent, with the Department of Justice when litigation arises, and with agency contractors for purposes outlined in the contract.

DoD had previously published a list of 14 blanket routine uses in an appendix to a prior publication of the DoD Privacy Program regulation on April 13, 2007 (72 FR 18758). In the 2019 update, all appendices to the prior regulation were removed; however, the appendix containing the DoD blanket routine uses (appendix C) should have remained because numerous DoD SORNs refer to and incorporate the blanket routine uses to support necessary information sharing. This technical amendment seeks to remedy this error by restoring the blanket routine uses as appendix A to part 310. This will provide clear public notice of the existence and ongoing use of the blanket routine uses at DoD. A list of DoD's blanket routine uses has also continued to be available on the DoD Privacy Program website since the DoD Privacy Program regulation was published in 2019.

## Regulatory Analysis

*Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''*

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. It has been determined that this rule is not a significant regulatory action.

*Congressional Review Act*

This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

*Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''*

It has been determined that this rule does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of