

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 during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Background

The NAWCWD is requesting R-2511 for free flight, weapons systems transitioning from launch areas within R-2505 to target areas within R-2524, and from launch areas within R-2524 to target areas within R-2505. Restricted area R-2511 would replace an existing Controlled Firing Area (CFA) that no longer meets NAWCWD's operational requirements.

The NAWCWD has conducted operations within the CFA since 1995 with an excellent safety record and no history of operational incidents. However, in the future, the NAWCWD requires a space in which it may launch weapons that will have varying flight altitudes. The weapons will either climb to establish a look-down aspect or descend on their path toward their target. Additionally, the weapons' altitude is expected to vary some, based on the shooter aircraft's launch tolerances and day-of weather conditions. The FAA typically only considers CFAs when necessary to accommodate activities that are capable of being immediately suspended as the CFA user is required to immediately cease any hazardous activity upon observation or notification that a non-participating aircraft is approaching the area. As such, the CFA does not practically accommodate NAWCWD's needs. Accordingly, a restricted area is being pursued.

The FAA completed an aeronautical study in April 2021. The study focused on potential impacts to the National Airspace System (NAS) and its users. The FAA utilized the Performance Data Analysis and Reporting System (PDARS) to study historical traffic and flight track data to show volume, location, and type of traffic that utilized the proposed volume of airspace. That data revealed that there would be little to no impact to nearby airports, or non-participating traffic transitioning the proposed Special Use Airspace.

The Proposal

The FAA is proposing an amendment to 14 CFR part 73 to establish restricted area R-2511 in the vicinity of Trona, CA. The FAA is proposing this action at the request of NAWCWD at China Lake, CA. The full legal description is in "The

Proposed Amendment" section of this NPRM.

R-2511: The FAA would establish restricted area R-2511 utilizing the current boundaries of the existing CFA. The altitudes would be from 6,000 feet mean sea level (MSL), to but not including 20,000 feet MSL. R-2511 would be used no more than 36 times per year, between the hours of 0700–1700 local time, Monday-Friday, and activated by NOTAM at least 7 days in advance. Each day would consist of no more than two 2-hour blocks when activated.

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 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 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.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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.

§ 73.25 California.

■ 2. Section 73.25 is amended by adding the entry for R-2511 Trona, CA to read as follows:

* * * * *

R-2511 Trona, CA [New]

Boundaries. Beginning at lat. 35°37'30" N; long. 117°35'33" W; to lat. 35°40'30" N; long. 117°25'03" W; to lat. 35°36'00" N; long. 117°16'55" W; to lat. 35°36'00" N; long. 117°26'03" W; to lat. 35°27'40" N; long. 117°26'03" W; to the point of beginning.

Designated Altitudes. 6,000 feet MSL, to but not including, FL 200.

Time of Designation. Intermittent, 0700–1700 local time, Monday–Friday, by NOTAM 7 days in advance.

Controlling Agency. FAA, Joshua Control Facility, Edwards Air Force Base, CA.

Using Agency. Naval Air Warfare Center Weapons Division, China Lake, CA.

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Issued in Washington, DC, on September 30, 2021.

Michael R. Beckles,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2021–21860 Filed 10–15–21; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 523 and 541

[BOP–1176R]

RIN 1120–AB76

FSA Time Credits

AGENCY: Bureau of Prisons, Justice.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: On November 25, 2020, the Bureau of Prisons (Bureau) published a proposed rule to revise its procedures regarding time credits as authorized by the First Step Act of 2018 (FSA), hereinafter referred to as "FSA Time Credits." The comment period for that rule closed on January 25, 2021. The Bureau is reopening the comment period for an additional 30-day period to request further public comment on the applicability of the FSA Time Credits to D.C. Code Offenders.

DATES: The comment period for the proposed rule published November 25, 2020, at 85 FR 75268, is reopened. Electronic comments must be submitted, and written comments must be postmarked, no later than 11:59 p.m. on November 17, 2021.

ADDRESSES: Please submit electronic comments through the *regulations.gov* website, or mail written comments to

the Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street NW, Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 353-8248.

SUPPLEMENTARY INFORMATION:

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 www.regulations.gov. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

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 you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

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 confidential business information to be redacted within the comment. If a comment contains so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted www.regulations.gov.

Personal identifying information identified and located as set forth above will be placed in the agency’s public docket file, but not posted online. Confidential business information identified and located as set forth above will not be placed in the public docket file. If you wish to inspect the agency’s public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

Discussion

On November 25, 2020, the Bureau of Prisons (Bureau) published a proposed rule to revise its procedures regarding time credits as authorized by the First Step Act of 2018 (FSA) (85 FR 75268). The public comment period closed on January 25, 2021. The Bureau received more than two hundred and fifty

responses to the publication of the proposed rule. However, upon review of the comments, it is unclear to the Bureau whether commenters had fully considered the issue of whether D.C. Code offenders in Bureau of Prisons custody are eligible for time credits under 18 U.S.C. 3632(d)(4), as added by the FSA.

The November 25, 2020, proposed rule would allow only an “eligible inmate” to earn and apply FSA time credits and would expressly exclude from time-credit eligibility any inmate serving a term of imprisonment only for a conviction for an offense under the law of the District of Columbia. The FSA, however, is ambiguous as to whether those with convictions under the D.C. Code are eligible to apply toward prerelease custody FSA time credits earned through their participation in evidence-based recidivism reduction programs or productive activities, and therefore the Bureau has decided to reopen the comment period in order to ensure that it receives, reviews, and considers comments on this issue.

Potentially relevant statutory provisions include:

- The FSA’s definition of “prisoner” as “a person who has been sentenced to a term of imprisonment pursuant to a conviction for a Federal criminal offense, or a person in the custody of the Bureau of Prisons,” 18 U.S.C. 3635(4);
- The statement in section 105 of the FSA that nothing in the Act “may be construed to provide authority to place a prisoner in prerelease custody or supervised release who is serving a term of imprisonment pursuant to a conviction for an offense under the laws of one of the 50 States, or of a territory or possession of the United States;”
- The FSA’s identification of certain prisoners as ineligible to receive or apply time credits, including those convicted of certain enumerated, violent federal offenses, 18 U.S.C. 3632(d)(4)(D), and those convicted before the date on which federal parole was abolished, FSA section 102(b)(3);
- The FSA provisions that require the Attorney General to develop and release a risk and needs assessment system that will, among other things, “assess and determine to the extent practicable, the risk of violent or serious misconduct of each prisoner” and “determine when a prisoner is ready to transfer into prerelease custody or supervised release in accordance with section 3624,” and will also “reassess the recidivism risk of each prisoner periodically, based on factors . . . that are dynamic and can reasonably be expected to change while in prison,” and represent an “objective

and statistically validated method through which information is collected and evaluated to determine . . . the risk that a prisoner will recidivate upon release from prison,” 18 U.S.C. 3632(a)(2, 4, 7), 3635(6);

- The FSA’s requirement that the Attorney General, in consultation with the Assistant Director for the Office of Probation and Pretrial Services, issue guidelines for use by the Bureau of Prisons in determining “the appropriate type of prerelease custody or supervised release and level of supervision for a prisoner placed on prerelease custody” and “consequences for a violation of a condition of such prerelease custody by such a prisoner, including a return to prison and a reassessment of evidence-based recidivism risk level under the System,” FSA section 102(b)(6);

- The D.C. Code’s specification that “felons sentenced pursuant to the D.C. Code” are to be placed in the Bureau’s custody and made subject to federal laws and regulations that are “consistent with the sentence imposed,” D.C. Code section 24-101(b);

- The D.C. Code’s provision that offenders sentenced to imprisonment for felonies committed after August 5, 2000, “may receive good time credit toward service of the sentence only as provided in 18 U.S.C. 3624(b),” D.C. Code section 24-403.01(d);

- The D.C. Code’s specification that those sentenced to imprisonment after August 5, 2000, “for a nonviolent offense may receive up to a one-year reduction” for completing a substance-abuse-treatment program in accordance with 18 U.S.C. 3621(e)(2), D.C. Code section 24-403.01(d-1)(1); and

- The D.C. Code’s provision that certain D.C. Code offenders who committed their crimes before age 25 have an opportunity to be resentenced to a reduced term in accordance with D.C. Code section 24-403.03.

Making D.C. Code offenders eligible to apply time credits would enable some persons with convictions for violent offenses to benefit from the FSA time-credit program when those convicted for similar offenses under federal law would be ineligible. Conversely, making D.C. Code offenders ineligible would prevent some nonviolent offenders from benefiting from that program when those with convictions for similar offenses under federal law would be eligible. Accordingly, the Bureau is reopening the comment period and will accept comments for an additional 30 days after publication of this notice of proposed rulemaking.

The Bureau is seeking comments *only* on this issue of whether D.C. Code offenders in the Bureau’s custody are

eligible to apply time credits under 18 U.S.C. 3632(d)(4)—including the extent to which any of the statutory provisions listed in this notice might affect the ability of some or all D.C. Code offenders to apply time credits—and not on the other contents of the November 25, 2020, proposed rule.

Issued under rulemaking authority vested in the Attorney General in 5 U.S.C. 301; 28 U.S.C. 509, 510 and delegated to the Director, Bureau of Prisons in 28 CFR 0.96.

Michael D. Carvajal,

Director, Federal Bureau of Prisons.

[FR Doc. 2021-22613 Filed 10-15-21; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[EPA-HQ-TRI-2017-0434; FRL-5927-03-OCSPP]

RIN 2070-AK26

Addition of Certain Chemicals; Community Right-to-Know Toxic Chemical Release Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In response to a petition filed under the Emergency Planning and Community Right-to-Know Act (EPCRA), EPA is proposing to add 12 chemicals to the list of toxic chemicals subject to the reporting requirements under EPCRA and the Pollution Prevention Act (PPA). EPA believes that each of the 12 chemicals meets the EPCRA criteria. In addition, based on the available bioaccumulation and persistence data, EPA believes that one chemical should be classified as a persistent, bioaccumulative, and toxic (PBT) chemical and designated as a chemical of special concern with a 100-pound reporting threshold.

DATES: Comments must be received on or before December 17, 2021.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-TRI-2017-0434, using the Federal eRulemaking Portal at <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.

Due to the public health concerns related to COVID-19, the EPA Docket

Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Daniel R. Bushman, Toxics Release Inventory Program Division (7410M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-0743; email: bushman.daniel@epa.gov.

For general information contact: The Emergency Planning and Community Right-to-Know Hotline; telephone numbers: toll free at (800) 424-9346 (select menu option 3) or (703) 348-5070 in the Washington, DC Area and International; or go to <https://www.epa.gov/home/epa-hotlines>.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you own or operate a facility that manufactures, processes, or otherwise uses any of the 12 chemicals included in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected facilities may include:

- *Facilities included in the following NAICS manufacturing codes (corresponding to Standard Industrial Classification (SIC) codes 20 through 39):* 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 111998*, 113310, 211130*, 212324*, 212325*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 512230*, 512250*, 519130*, 541713*, 541715* or 811490*. (*Exceptions and/or limitations exist for these NAICS codes.)

- *Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39):* 212111, 212112, 212113 (corresponds to SIC code 12, Coal Mining (except 1241)); or 212221, 212222, 212230, 212299 (corresponds to SIC code 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221118, 221121, 221122, 221330 (limited to facilities that combust coal and/or oil for the purpose

of generating power for distribution in commerce) (corresponds to SIC codes 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (limited to facilities previously classified in SIC code 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC code 5171, Petroleum Bulk Terminals and Plants); or 562112 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC code 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 *et seq.*) (corresponds to SIC code 4953, Refuse Systems).

- *Federal facilities:* To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in part 372, subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What action is the Agency taking?

In response to a petition, EPA is proposing to add 12 chemicals to the EPCRA section 313 toxic chemical list. As discussed in more detail later in this document, EPA believes that each of the 12 chemicals meets the EPCRA section 313(d)(2)(B) and/or (C) criteria for listing. EPA is also proposing to classify one chemical as a PBT chemical of special concern with a 100-pound reporting threshold.

C. What is the Agency's authority for taking this action?

This action is issued under EPCRA sections 313(d), 313(e)(1) and 328, 42 U.S.C. 11023(d), 11023(e)(1) and 11048. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986.

EPCRA section 313, 42 U.S.C. 11023, requires owners/operators of certain facilities that manufacture, process, or otherwise use listed toxic chemicals in amounts above reporting threshold levels to report their facilities' environmental releases and other waste management information on such chemicals annually. These facility owners/operators must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the PPA, 42 U.S.C. 13106.

Under EPCRA section 313(c), Congress established an initial list of toxic chemicals subject to EPCRA toxic chemical reporting requirements that