

Rules and Regulations

Federal Register

Vol. 85, No. 251

Thursday, December 31, 2020

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

OFFICE OF MANAGEMENT AND BUDGET

2 CFR Part 200

Uniform Administrative Requirements, Cost Principles, and Audit Requirements

AGENCY: Office of Management and Budget.

ACTION: Guidance.

SUMMARY: This document announces the availability of the 2020 Compliance Supplement Addendum (2020 Addendum) for the Office of Management and Budget's uniform administrative requirements, cost principles, and audit requirements regulations. This document also offers interested parties an opportunity to comment on the 2020 Addendum.

DATES: The 2020 Addendum serves as a complement to the 2020 Compliance Supplement published on August 18, 2020 (FR Doc. 2020-17987) and applies to fiscal year audits beginning after June 30, 2019.

ADDRESSES: All comments to the 2020 Supplement must be in writing and received by January 30, 2021. Late comments will be considered to the extent practicable. Comments will be reviewed and addressed, when appropriate, in the 2021 Compliance Supplement. Electronic mail comments may be submitted to: <http://www.regulations.gov>. Please include "2 CFR part 200 Subpart F—Audit Requirements, Appendix XI—Compliance Supplement Addendum—2020" in the subject line and the full body of your comments in the text of the electronic message and as an attachment. Please include your name, title, organization, postal address, telephone number, and email address in the text of the message. Comments may also be sent to: GrantsTeam@omb.eop.gov.

Please note that all public comments received are subject to the Freedom of

Information Act and will be posted in their entirety, including any personal and/or business confidential information provided. Do not include any information you would not like to be made publically available.

The 2020 Addendum is available online on the OMB home page at <https://www.whitehouse.gov/omb/offices/offm>.

FOR FURTHER INFORMATION CONTACT:

Recipients and auditors should contact their cognizant or oversight agency for audit, or Federal awarding agency, as appropriate under the circumstances. The Federal agency contacts are listed in appendix III of the Supplement. Subrecipients should contact their pass-through entity. Federal agencies should contact Gil Tran at Hai.M.Tran@omb.eop.gov or (202) 395-3052 or the OMB Grants team at GrantsTeam@omb.eop.gov.

SUPPLEMENTARY INFORMATION: The 2020 Addendum (2 CFR part 200, subpart F, appendix XI) adds 5 new COVID-19 programs and updates 9 current programs for COVID-19 related compliance requirements. Consistent with the President's Management Agenda, Cross Agency Priority (CAP) goal number 8, "Results-Oriented Accountability for Grants," Federal awarding agencies are encouraged to begin a paradigm shift in grants management from one heavy on compliance to a balanced approach that includes establishing measurable program and project goals and analyzing data to improve results. To that end, the 2020 Addendum continues the reduction of the compliance areas for auditor review in part 2, Matrix from a maximum of twelve to six, which was first implemented in the 2019 Supplement, and requires a review for performance reporting, where applicable.

The 2020 Addendum also includes an increased emphasis on transparency related requirements, including a requirement for auditor's to review the Federal Funding Accountability and Transparency Act (FFATA) subaward reporting requirements for the COVID-19 programs included in this Addendum, where applicable. In addition, these requirements apply to all

programs for audits with fiscal year-ending after September 30, 2020.

John C. Pasquantino,
Acting Deputy Controller.

[FR Doc. 2020-28429 Filed 12-30-20; 8:45 am]

BILLING CODE 3110-01-P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 110

[NRC-2018-0294]

RIN 3150-AK26

Updates and Clarifications on the Export of Nuclear Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its export and import regulations to maintain the regulatory status quo for nuclear exports to the United Kingdom (U.K.), upon the entry into force of a new civil nuclear cooperation agreement between the United States (U.S.) and the U.K. (the U.S.-U.K. 123 Agreement). The amendment will add the U.K. to the list of countries eligible to receive certain small quantities of special nuclear material under a general license, and to the list of countries whose export license applications do not require Executive Branch or Commission level reviews for certain exports of source material or low-enriched uranium. This amendment is necessary to bring the NRC's regulations into conformity with U.S. Government foreign policy and preserve existing provisions for nuclear exports to the U.K.

DATES: This final rule is effective on December 31, 2020.

ADDRESSES: Please refer to Docket ID NRC-2018-0294 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2018-0294. Address questions about NRC dockets to Dawn Forder; telephone: 301-415-3407; email: Dawn.Forder@nrc.gov.

- *NRC's Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents Collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov.

- *Attention*: The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1-800-397-4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lauren Mayros, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-287-9088; email: Lauren.Mayros@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Discussion

The purpose of this final rule is to revise the NRC's export and import regulations in part 110 of title 10 of the *Code of Federal Regulations* (10 CFR), "Export and Import of Nuclear Equipment and Material," to include the United Kingdom (U.K.) as a country eligible to receive certain small quantities of special nuclear material under a general license, and to add the U.K. to the list of countries whose export license applications do not require Executive Branch or Commission level reviews for certain exports of source material or low-enriched uranium. In light of the impending U.K. departure from the European Union and European Atomic Energy Agency (EURATOM), this final rule is necessary to conform the NRC's regulations with U.S. Government foreign policy and preserve existing provisions for nuclear exports to the U.K., upon the entry into force of the new civil nuclear cooperation agreement between the U.S. and the U.K.

The U.S. Department of State has requested that the NRC update its regulations in 10 CFR part 110 to meet the commitment made by the U.S. Government to the U.K. Government to prepare for entry into force of the new U.S.-U.K. 123 Agreement. The two Governments plan to bring the U.S.-U.K. 123 Agreement into force when the U.K. is no longer covered by the U.S. civil nuclear cooperation agreement with the

European Atomic Energy Community (EURATOM). During the negotiations of the U.S.-U.K. 123 Agreement, the U.S. Government committed to take the necessary steps to ensure a seamless continuation of close nuclear cooperation with the U.K. Fulfilling this commitment will require current nuclear export regulatory and policy understandings to remain in place for U.S. companies exporting nuclear material to the U.K. after entry into force of the U.S.-U.K. 123 Agreement. As a result, the U.S. Department of State requested that the NRC amend §§ 110.21(b)(3), 110.40(b)(3), and 110.41(a)(6) to meet a U.S. Government foreign policy objective and to provide confidence that the regulatory status quo between the U.K. and the U.S. will be maintained.

The NRC has determined that revising §§ 110.21(b)(3), 110.40(b)(3), and 110.41(a)(6) to include the U.K. after EURATOM in the requirements for these sections, is consistent with current U.S. law and policy, and will pose no unreasonable risk to the public health and safety or to the common defense and security of the U.S. Further, the revisions are essential to preserve the current provisions for export to the U.K. once the U.S.-U.K. 123 Agreement enters into force.

II. Summary of Changes

10 CFR Part 110

This final rule revises §§ 110.21(b)(3), 110.40(b)(3), and 110.41(a)(6) to include the U.K. after EURATOM in the requirements for these sections.

III. Rulemaking Procedure

Because this rule involves a foreign affairs function of the U.S., the notice and comment provisions of the Administrative Procedures Act do not apply (5 U.S.C. 553(a)(1)), and good cause exists to make this rule immediately effective upon publication. The effective date for those entities who receive actual notice of this rule is the date of receipt of this rule.

IV. Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in 10 CFR 51.22(c)(1), which categorically excludes from environmental review any amendments to 10 CFR part 110. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this rule.

V. Paperwork Reduction Act

This final rule does not contain new or amended information collection

requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget (OMB) under approval number 3150-0036.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

VI. Regulatory Analysis

This final rule revises §§ 110.21(b)(3), 110.40(b)(3), and 110.41(a)(6) to include the U.K. after EURATOM, and is necessary to maintain the existing regulatory status quo for nuclear exports to the U.K. upon the entry into force of a new U.S.-U.K. 123 Agreement. The addition of the U.K. in § 110.21(b)(3) will continue to allow for the return of uranium-235, in the form of uranium hexafluoride heels in cylinders, to suppliers in the U.K. under an NRC general license. Adding the U.K. in § 110.40(b)(3) preserves the current regulation that excludes Commission review for exports of source material or low-enriched uranium to EURATOM or Japan for enrichment up to 5 percent in the isotope uranium-235. Lastly, adding the U.K. in § 110.41(a)(6) preserves the current regulation that excludes Executive Branch review for exports of source material or low-enriched uranium to EURATOM or Japan for enrichment up to 5 percent in the isotope uranium-35. There is no alternative to amending the regulations for the export and import of nuclear equipment and material. This final rule is expected to have no changes in the information collection burden or cost to the public.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111-274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, "Plain Language in Government Writing," published June 10, 1998 (63 FR 31883).

VIII. Backfitting and Issue Finality

The NRC has determined that a backfit analysis is not required for this rule, because these amendments do not include any provisions that would impose backfits as defined in 10 CFR chapter I.

IX. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a “major rule” as defined by that act.

List of Subjects in 10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Exports, Imports, Intergovernmental relations, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 110:

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

■ 1. The authority citation for part 110 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 51, 53, 54, 57, 62, 63, 64, 65, 81, 82, 103, 104, 109, 111, 121, 122, 123, 124, 126, 127, 128, 129, 133, 134, 161, 170h, 181, 182, 183, 184, 186, 187, 189, 223, 234 (42 U.S.C. 2014, 2071, 2073, 2074, 2077, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2139, 2141, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160c, 2160d, 2201, 2210h, 2231, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); Administrative Procedure Act (5 U.S.C. 552, 553); 42 U.S.C. 2139a, 2155a; 44 U.S.C. 3504 note.

Section 110.1(b) also issued under 22 U.S.C. 2403; 22 U.S.C. 2778a; 50 App. U.S.C. 2401 *et seq.*

■ 2. In § 110.21, revise paragraph (b)(3) to read as follows:

§ 110.21 General license for the export of special nuclear material.

* * * * *

(b) * * *

(3) Uranium, enriched to less than 20 percent in uranium–235, in the form of uranium hexafluoride (UF₆) heels in cylinders being returned to suppliers in EURATOM or the United Kingdom.

* * * * *

■ 3. In § 110.40, revise paragraph (b)(3) to read as follows:

§ 110.40 Commission review.

* * * * *

(b) * * *

(3) An export involving assistance to end uses related to isotope separation,

chemical reprocessing, heavy water production, advanced reactors, or the fabrication of nuclear fuel containing plutonium, except for exports of source material or low-enriched uranium to EURATOM, the United Kingdom, or Japan for enrichment up to 5 percent in the isotope uranium–235, and those categories of exports which the Commission has approved in advance as constituting permitted incidental assistance.

* * * * *

■ 4. In § 110.41, revise paragraph (a)(6) to read as follows:

§ 110.41 Executive Branch review.

(a) * * *

(6) An export involving assistance to end uses related to isotope separation, chemical reprocessing, heavy water production, advanced reactors, or the fabrication of nuclear fuel containing plutonium, except for exports of source material or low-enriched uranium to EURATOM, the United Kingdom, or Japan for enrichment up to 5 percent in the isotope uranium–235, and those categories of exports approved in advance by the Executive Branch as constituting permitted incidental assistance.

* * * * *

Dated: December 14, 2020.

For the Nuclear Regulatory Commission.

Margaret M. Doane,

Executive Director for Operations.

[FR Doc. 2020–27816 Filed 12–30–20; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 19 and 109

Notification of Inflation Adjustments for Civil Money Penalties

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notification of monetary penalties 2021.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is providing notice of its maximum civil money penalties as adjusted for inflation. The inflation adjustments are required to implement the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: The adjusted maximum amount of civil money penalties in this

document are applicable to penalties assessed on or after January 1, 2021, for conduct occurring on or after November 2, 2015.

FOR FURTHER INFORMATION CONTACT: Lee Walzer, Counsel, Chief Counsel’s Office, (202) 649–5490, Office of the Comptroller of the Currency.

SUPPLEMENTARY INFORMATION: This document announces changes to the maximum amount of each civil money penalty (CMP) within the OCC’s jurisdiction to administer to account for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (the 1990 Adjustment Act),¹ as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Adjustment Act).² Under the 1990 Adjustment Act, as amended, Federal agencies must make annual adjustments to the maximum amount of each CMP they administer. The Office of Management and Budget (OMB) is required to issue guidance to Federal agencies no later than December 15 of each year providing an inflation adjustment multiplier (*i.e.*, the inflation adjustment factor agencies must use) applicable to CMPs assessed in the following year. The agencies are required to publish their CMPs, adjusted pursuant to the multiplier provided by OMB, by January 15 of the applicable year.

To the extent an agency has codified a CMP amount in its regulations, the agency would need to update that amount by regulation. However, if an agency has codified the formula for making the CMP adjustments, then subsequent adjustments can be made solely by notice.³ In 2018, the OCC published a final regulation to remove the CMP amounts from its regulations, while updating those amounts for inflation through the notification process.⁴

On December 23, 2020, the OMB issued guidance to affected agencies on implementing the required annual adjustment, which included the relevant inflation multiplier.⁵ The OCC has

¹ Public Law 101–410, Oct. 5, 1990, 104 Stat. 890, *codified at* 28 U.S.C. 2461 note.

² Public Law 114–74, Title VII, section 701(b), Nov. 2, 2015, 129 Stat. 599, *codified at* 28 U.S.C. 2461 note.

³ See OMB Memorandum M–18–03, “Implementation of the 2018 Annual Adjustment Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015,” at 4, which permits agencies that have codified the formula to adjust CMPs for inflation to update the penalties through a notification rather than a regulation.

⁴ 83 FR 1517 (Jan. 12, 2018) (final rule); 83 FR 1657 (Jan. 12, 2018) (2018 CMP Notice).

⁵ The inflation adjustment multiplier for 2021 is 1.01182. See OMB Memorandum M–21–10.