

no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on January 27, 2021.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2021-02035 Filed 2-1-21; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 1061

**RIN 1990-AA50**

#### Procedures for the Issuance of Guidance Documents

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** This document delays the effective date of a recently published final rule establishing procedures for the issuance of Department of Energy guidance documents. DOE also seeks comment on any further delay of the effective date, including the impacts of such delay, as well comment on the legal, factual, or policy issues raised by the rule.

**DATES:** The effective date of the final rule published January 6, 2021, at 86 FR 451, is delayed to March 21, 2021. Written comments and information will be accepted on or before March 4, 2021.

**FOR FURTHER INFORMATION CONTACT:** Mr. Matthew Ring, U.S. Department of Energy, Office of the General Counsel, Forrestal Building, GC-33, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-2555, Email: [Guidance@hq.doe.gov](mailto:Guidance@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** On January 20, 2021, the Assistant to the President and Chief of Staff (“Chief of Staff”) issued a memorandum outlining the President’s plan for managing the Federal regulatory process at the outset of the new Administration. In implementation of one of the measures directed by that memorandum, the United States Department of Energy (“DOE”) hereby temporarily postpones the effective date of its final rule establishing procedures for the issuance of DOE guidance documents published in the **Federal Register** on January 6, 2021 (86 FR 451). The January 6, 2021 rule implemented Executive Order 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents” (84 FR 55235), which,

among other things, required agencies to provide more transparency for their guidance documents by creating a searchable online database for current guidance documents, and by establishing procedures to allow the public to comment on significant guidance documents and to petition the agency to withdraw or modify guidance documents. Consistent with the memorandum, DOE is temporarily postponing the effective date of the final rule by 60 days, starting from January 20, 2021. The temporary 60-day delay in the effective date is necessary to give DOE officials the opportunity for further review and consideration of new regulations, consistent with the Chief of Staff’s memorandum of January 20, 2021.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, DOE’s implementation of this action without opportunity for public comment, effective immediately upon publication in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3). Pursuant to 5 U.S.C. 553(b)(B), DOE has determined that good cause exists to forego the requirement to provide prior notice and an opportunity for public comment thereon for this rule as such procedures would be impracticable, unnecessary and contrary to the public interest. DOE is temporarily postponing for 60 days the effective date of this regulation pursuant to the previously-noted memorandum of the Chief of Staff and is exercising no discretion in implementing this specific provision of the memorandum. As a result, seeking public comment on this delay is unnecessary and contrary to the public interest. For these same reasons, DOE finds good cause to waive the 30-day delay in effective date provided for in 5 U.S.C. 553(d). DOE is, however, seeking comment on any further delay of the effective date, including the impacts of such delay, as well comment on the legal, factual, or policy issues raised by the rule.

#### Signing Authority

This document of the Department of Energy was signed on January 26, 2021, by John T. Lucas, Acting General Counsel, Office of the General Counsel, pursuant to delegated authority from the Acting Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the

undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on January 27, 2021.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

[FR Doc. 2021-02036 Filed 2-1-21; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA-2020-0476; Special Conditions No. 25-780-SC]

#### Special Conditions: TC Inter-Informatics A.S., Airbus Model A330-243 Airplane; Single-Occupant, Oblique (Side-Facing) Seats With Inflatable Lapbelts

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Airbus Model A330-243 series airplane. This airplane, as modified by TC Inter-Informatics A.S. (TC Inter-Informatics), will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is single-occupant, oblique B/E Aerospace Super Diamond seats, equipped with inflatable lapbelts. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** This action is effective on TC Inter-Informatics on February 2, 2021. Send comments on or before March 19, 2021.

**ADDRESSES:** Send comments identified by Docket No. FAA-2020-0476 using any of the following methods:

- *Federal eRegulations Portal:* Go to <http://www.regulations.gov/> and follow

the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

- *Privacy:* Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received without change, to <http://www.regulations.gov/>, including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about this proposal.

- *Confidential Business Information:* Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this Notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this Notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and the indicated comments will not be placed in the public docket of this Notice. Send submissions containing CBI to the person indicated in the Contact section below. Comments the FAA receives, which are not specifically designated as CBI, will be placed in the public docket for this rulemaking.

- *Docket:* Background documents or comments received may be read at <http://www.regulations.gov/> at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**  
Alan Sinclair, Airframe and Cabin

Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3215; email [alan.sinclair@faa.gov](mailto:alan.sinclair@faa.gov).

**SUPPLEMENTARY INFORMATION:** The substance of these special conditions previously has been published in the **Federal Register** for public comment. These special conditions have been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

#### Comments Invited

The FAA invites interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

The FAA will consider all comments received by the closing date for comments. The FAA may change these special conditions based on the comments received.

#### Background

On March 21, 2017, TC Inter-Informatics applied for a supplemental type certificate to install B/E Aerospace Super Diamond specific Model 1031301 seats, equipped with inflatable restraint systems, at oblique angles of 27.25 and 30 degrees to the longitudinal centerline on Airbus Model A330–243 airplanes. The Airbus Model A330–243 airplane, which is a derivative of the Airbus Model A330 airplane currently approved under Type Certificate No. A46NM, is a twin-engine, transport-category airplane with a maximum takeoff weight of 507,063 pounds and seating for 375 passengers.

#### Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.101, TC Inter-Informatics must show that the Airbus Model A330–243 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A46NM or the applicable regulations in effect on the date of application for the change,

except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (e.g., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model A330–243 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A330–243 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

#### Novel or Unusual Design Features

The Airbus Model A330–243 airplane, as modified by TC Inter-Informatics, will incorporate the following novel or unusual design feature:

Single-occupant, oblique seats equipped with inflatable lapbelts.

#### Discussion

Amendment 25–15 to part 25, dated October 24, 1967, introduced the subject of side-facing seats, and a requirement that each occupant in a side-facing seat must be protected from head injury by a safety belt and a cushioned rest that will support the arms, shoulders, head, and spine.

Subsequently, amendment 25–20, dated April 23, 1969, clarified the definition of side-facing seats to require that each occupant of a seat, positioned at more than an 18-degree angle to the vertical plane of the airplane longitudinal centerline, must be protected from head injury by a safety belt and an energy-absorbing rest that will support the arms, shoulders, head, and spine; or by a safety belt and shoulder harness that will prevent the head from contacting any injurious object. The FAA concluded that an 18-degree angle would provide an adequate level of safety based on tests that were performed at that time, and thus adopted that standard.

Part 25 was amended June 16, 1988, by amendment 25–64, to revise the emergency-landing conditions that must be considered in the design of the airplane. Amendment 25–64 revised the static-load conditions in 14 CFR 25.561, and added the new § 25.562 that requires dynamic testing for all seats approved for occupancy during takeoff and landing. The intent of amendment 25–64 is to provide an improved level of safety for occupants on transport-category airplanes. Because most seating is forward-facing on transport-category airplanes, the pass/fail criteria developed in amendment 25–64 focused primarily on these seats. As a result, the FAA issued Policy Memorandums ANM–03–115–30 and PS–ANM–100–2000–00123 to provide the additional guidance necessary to demonstrate the level of safety required by the regulations for side-facing seats.

To reflect current research findings, the FAA issued PS–ANM–25–03–R1, “Technical Criteria for Approving Side-Facing Seats,” November 5, 2012, which updates injury criteria for fully side-facing seats. This policy statement was issued to define revised injury criteria associated with neck and leg injuries.

The proposed Airbus Model A330–243 airplane, with an oblique seating configuration by TC Inter-Informatics, is novel such that the Airbus Model A330–243 airplane certification basis does not adequately address protection of the occupant’s neck and spine for seat configurations that are positioned at an angle greater than 18 degrees from the airplane centerline. Therefore, the TC Inter-Informatics proposed configuration requires new special conditions.

These special conditions will provide head-injury criteria, neck-injury criteria, spine-injury criteria, and body-to-wall contact criteria. They contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

#### Applicability

These special conditions are applicable to Airbus Model A330–243 airplanes with B/E Aerospace Super Diamond business class seats installed, per TC Inter-Informatics project-specific certification plan JD–45AC01–1. Should TC Inter-Informatics apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A46NM to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

#### Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability, and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

#### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

#### Authority Citation

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Airbus Model A330–243 airplanes as modified by TC Inter-Informatics.

##### *Single-Occupant, Oblique (Side-Facing) Seats Special Conditions*

#### 1. Existing Criteria

All injury protection criteria of § 25.562(c)(1) through (c)(6) apply to the occupant of an oblique (side-facing) seat. Head-injury criterion (HIC) assessments are only required for head contact with the seat and adjacent structures. If the ATD has no apparent contact with a seat or structure, but does have contact with an inflatable restraint, the HIC15 score for that contact must be less than 700.

#### 2. Body-to-Wall/Furnishing Contact Criteria

If an oblique seat is installed aft of structure (e.g., an interior wall or furnishing) that does not provide a homogenous contact surface for the expected range of occupants and yaw angles, then additional analysis or tests may be required to demonstrate that the injury criteria are met for the area which an occupant could contact. For example, if different yaw angles could result in different inflatable-restraint performance, then additional analysis or separate tests may be necessary to evaluate performance.

#### 3. Neck-Injury Criteria

The seating system must protect the occupant from experiencing serious neck injury. The assessment of neck injury must be conducted with the inflatable restraint activated, unless there is reason to also consider that the neck-injury potential would be higher

below the inflatable restraint threshold. If so, additional tests may be required.

a. The  $N_{ij}$  (calculated in accordance with 49 CFR 571.208) must be below 1.0, where  $N_{ij} = F_z/F_{zc} + M_y/M_{yc}$ , and  $N_{ij}$  intercepts limited to:

- i.  $F_{zc} = 1530$  lb. for tension
- ii.  $F_{zc} = 1385$  lb. for compression
- iii.  $M_{yc} = 229$  lb-ft in flexion
- iv.  $M_{yc} = 100$  lb-ft in extension

b. In addition, peak  $F_z$  must be below 937 lb. in tension and 899 lb. in compression.

c. Rotation of the head about its vertical axis relative to the torso is limited to 105 degrees in either direction from forward-facing.

d. The neck must not impact any surface.

#### 4. Spine and Torso Injury Criteria

a. The shoulders must remain aligned with the hips throughout the impact sequence, or support for the upper torso must be provided to prevent forward or lateral flailing beyond 45 degrees from the vertical during significant spinal loading.

b. Significant concentrated loading on the occupant’s spine, in the area between the pelvis and shoulders during impact, including rebound, is not acceptable.

c. Occupant must not interact with the armrest or other seat components in any manner significantly different than would be expected for a forward-facing seat installation.

#### 5. Longitudinal Tests

These must be performed, as necessary, with the Hybrid III ATD, undeformed floor, most critical yaw cases for injury, and with all lateral structural supports (armrests and walls) installed. For the pass/fail injury assessments, see the criteria listed in special conditions 1 through 4, above.

**Note:** TC Inter-Informatics A.S. must demonstrate that the installation of seats via plinths or pallets meets all applicable requirements. Compliance with the guidance contained in FAA Policy Memorandum PS–ANM–100–2000–00123, dated February 2, 2000, titled “Guidance for Demonstrating Compliance with Seat Dynamic Testing for Plinths and Pallets,” is acceptable to the FAA.

#### *Inflatable Lapbelt Conditions*

If inflatable lapbelts are installed on single-place side-facing seats, the inflatable lapbelts must meet the requirements of Special Conditions No. 25–395–SC.

Issued in Des Moines, Washington, on January 27, 2021.

**Suzanne Masterson,**

*Manager, Transport Airplane Strategic Policy Section, Policy and Innovation Division, Aircraft Certification Service.*

[FR Doc. 2021-02139 Filed 2-1-21; 8:45 am]

**BILLING CODE 4910-13-P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 143

RIN 3038-AE97

### Annual Adjustment of Civil Monetary Penalties To Reflect Inflation—2021

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission (Commission) is amending its rule that governs the maximum amount of civil monetary penalties imposed under the Commodity Exchange Act (CEA), to adjust for inflation. This rule sets forth the maximum, inflation-adjusted dollar amount for civil monetary penalties (CMPs) assessable for violations of the CEA and Commission rules, regulations and orders thereunder. The rule, as amended, implements the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended.

**DATES:** This rule is effective on February 2, 2021 and is applicable to penalties assessed after January 15, 2021.

**FOR FURTHER INFORMATION CONTACT:** Edward J. Riccobene, Associate Chief Counsel, Division of Enforcement, at (202) 418-5327 or [ericcobene@cftc.gov](mailto:ericcobene@cftc.gov), Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:**

## I. Background

The Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA)<sup>1</sup> requires the head of each Federal agency to periodically adjust for inflation the minimum and maximum amount of CMPs provided by law within the jurisdiction of that agency.<sup>2</sup> A 2015 amendment to the FCPIAA<sup>3</sup> required agencies to make an initial “catch-up” adjustment to its civil monetary penalties effective no later than August 1, 2016.<sup>4</sup> For every year thereafter effective not later than January 15th, the FCPIAA, as amended, requires agencies to make annual adjustments for inflation, with guidance from the Director of the Office of Management and Budget.<sup>5</sup>

## II. Commodity Exchange Act Civil Monetary Penalties

The following sections of the CEA provide for CMPs that meet the FCPIAA definition<sup>6</sup> and these CMPs are,

<sup>1</sup> The FCPIAA, Public Law 101-410 (1990), as amended, is codified at 28 U.S.C. 2461 note. The FCPIAA states that the purpose of the FCPIAA is to establish a mechanism that shall (1) allow for regular adjustment for inflation of civil monetary penalties; (2) maintain the deterrent effect of civil monetary penalties and promote compliance with the law; and (3) improve the collection by the Federal Government of civil monetary penalties.

<sup>2</sup> For the relevant CMPs within the Commission’s jurisdiction, the Act provides only for maximum amounts that can be assessed for each violation of the Act or the rules, regulations and orders promulgated thereunder; the Act does not set forth any minimum penalties. Therefore, the remainder of this release will refer only to CMP maximums.

<sup>3</sup> Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, 129 Stat. 584 (2015) (2015 Act), title VII, Section 701.

<sup>4</sup> FCPIAA Sections 4 and 5. See also, Adjustment of Civil Monetary Penalties for Inflation, 81 FR 41435 (June 27, 2016).

<sup>5</sup> FCPIAA Sections 4 and 5. See also, Executive Office of the President, Office of Management and Budget Memorandum, M-21-10, Implementation of Penalty Inflation Adjustments for 2021, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Dec. 23, 2020) (2020 OMB Guidance) (<https://www.whitehouse.gov/wp-content/uploads/2020/12/M-21-10.pdf>).

<sup>6</sup> FCPIAA Section 3(2).

therefore, subject to the inflation adjustment: Sections 6(c), 6b, and 6c of the CEA.<sup>7</sup>

## III. Annual Inflation Adjustment for Commodity Exchange Act Civil Monetary Penalties

### A. Methodology

The FCPIAA annual inflation adjustment, in the context of the CFTC’s CMPs, is determined by increasing the maximum penalty by a “cost-of-living adjustment” rounded to the nearest multiple of one dollar.<sup>8</sup> Annual inflation adjustments are based on the percent change between the October Consumer Price Index for all Urban Consumers (CPI-U) preceding the date of the adjustment, and the prior year’s October CPI-U.<sup>9</sup> In this case, the October 2020 CPI-U (260.388)/October 2019 CPI-U (257.346) = 1.01182.<sup>10</sup> In order to complete the 2021 annual adjustment, the CFTC must multiply each of its most recent CMP amounts by the multiplier, 1.01182, and round to the nearest dollar.<sup>11</sup>

### B. Civil Monetary Penalty Adjustments

Applying the FCPIAA annual inflation adjustment methodology results in the following amended CMPs:

<sup>7</sup> 7 U.S.C. 9, 13a-1, 13b. Criminal authorities may also seek fines for criminal violations of the CEA (see 7 U.S.C. 13, 13(c), 13(d), 13(e), and 13b). The FCPIA does not affect the amounts of these criminal penalties.

<sup>8</sup> FCPIAA Sections 4 and 5.

<sup>9</sup> FCPIAA Section 5(b)(1).

<sup>10</sup> The CPI-U is published by the Department of Labor. Interested parties may find the relevant Consumer Price Index on the internet. To access this information, go to the Consumer Price Index Home Page at: <http://www.bls.gov/cpi/>. Click the “CPI Data/Databases” heading, and select “All Urban Consumers (Current Series)”, “Top Picks.” Then check the box for “U.S. city average. All items—CUUR000SA0”, and click the “Retrieve data” button.

<sup>11</sup> FCPIAA Section 5(a). See also, 2020 OMB Guidance at 3.

<sup>12</sup> Annual Adjustment of Civil Monetary Penalties to Reflect Inflation—2020, 85 FR 1747 (Jan. 13, 2020).