

(i) Payments for sales-based commodities will be:

(1) Based on one of the following as elected by the producer:

(i) The producer's sales for calendar year 2018 and crop insurance indemnities and NAP and WHIP+ payments for the 2018 crop year for all sales-based commodities; or

(ii) The producer's sales for calendar year 2019 and crop insurance indemnities and NAP and WHIP+ payments for the 2019 crop year for all sales-based commodities.

(2) Equal to the sum of the results for the following calculation for each sales

range in Table 2 of paragraph (j) of this section:

(i) The sum of the amount of the producer's eligible sales for the sales-based commodities in the applicable calendar year and the producer's crop insurance indemnities and NAP and WHIP+ payments for the sales commodities for the applicable crop year within the specified range, multiplied by the payment rate for that range in Table 2 of paragraph (j) of this section.

(ii) Eligible sales only includes sales of raw commodities grown by the producer; the portion of sales derived from adding value to the commodity,

such as processing and packaging, and from sales of products purchased for resale is not included in the payment calculation unless determined eligible by the Secretary.

(3) Payments for producers of sales commodities who began farming in 2020 and had no sales in 2019, calculated as provided in paragraph (i)(2) of this section, except that the payments will be based on the producer's actual 2020 sales, without crop insurance indemnities, NAP or WHIP+ payments, as of the date the producer submits an application for payment under this section.

(j) \* \* \*

TABLE 2 TO PARAGRAPH (J)—PAYMENT RATES FOR SALES COMMODITIES

2018 or 2019 Sales range (including crop insurance indemnities and NAP and WHIP+ payments)					Percent payment factor
*	*	*	*	*	*

(l) For eligible contract producers, if eligible revenue for the period from January 1, 2020, through December 27, 2020, decreased compared to eligible revenue for the period from January 1, 2018, through December 27, 2018, or the period from January 1, 2019, through December 27, 2019, then payments will be equal to:

(1) Eligible revenue received from January 1, 2018, through December 27, 2018, or from January 1, 2019, through December 27, 2019; minus

(2) Eligible revenue received from January 1, 2020, through December 27, 2020; multiplied by

(3) 80 percent.

(4) USDA will adjust the eligible revenue based on information certified by the contract producer on form AD-3117B for contract producers who did not have a full period of revenue from January 1 to December 27 for either 2018 or 2019, or who increased their operation size in 2020. Information required to calculate these adjustments may include a contract producer's square footage increase to the operation in 2020, or a contract producer's production or number of turns for 2018, 2019, or 2020, as applicable.

(m) For eligible contract producers who did not receive eligible revenue from January 1 through December 27 in 2018 or 2019, but received eligible revenue for the period from January 1, 2020, through December 27, 2020:

(1) FSA will divide the eligible revenue received from January 1, 2020, through December 27, 2020, by the result of 1 minus the average revenue

loss level, determined by USDA for a geographic area based on the best available data including, but not limited to, losses reported by other contract producers for the same area and type of livestock or poultry; and

(2) The payment will be equal to:

(i) The result of the calculation in paragraph (m)(1) of this section minus the contract producer's eligible revenue received from January 1, 2020, through December 27, 2020; multiplied by

(ii) 80 percent.

(n) Payments under paragraphs (l) and (m) of this section and the average revenue loss levels under paragraph (m)(1) of this section will be calculated separately for the following categories:

- (1) Chickens—broilers, pullets, and layers;
- (2) Chicken eggs;
- (3) Turkeys;
- (4) Hogs and pigs;
- (5) Ducks, geese, pheasants, quail; and
- (6) All other eligible poultry eggs.

(o) The calculations in paragraphs (l) and (m) of this section are subject to the availability of funds and will be factored, if needed.

**Gloria Montañó Greene,**

*Deputy Under Secretary, Farm Production and Conservation, U.S. Department of Agriculture.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2021-0075; Airspace Docket No. 21-ASO-2]

**RIN 2120-AA66**

**Amendment of Class E Airspace; Muscle Shoals, AL**

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

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E airspace extending upward from 700 feet above the surface in Muscle Shoals, AL, due to the decommissioning of the Muscle Shoals Very High Frequency Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), and cancellation of the associated approach at Northwest Alabama Regional Airport. This action also updates the airport name under the Class E surface airspace and makes an editorial change replacing the term Airport/Facility Directory with the term Chart Supplement in the legal descriptions of associated Class E airspace. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

**DATES:** Effective 0901 UTC, December 2, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11E, Airspace Designations and Reporting Points and subsequent amendments can be viewed online at [https://www.faa.gov/air\\_traffic/publications/](https://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; Telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; Telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rule 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 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 amends Class E airspace at Northwest Alabama Regional Airport, Muscle Shoals, AL.

##### History

The FAA published a notice of proposed rulemaking in the **Federal Register** (86 FR 27329, May 20, 2021) for Docket No. FAA-2021-0075 to amend Class E airspace extending upward from 700 feet above the surface at Northwest Alabama Regional Airport, Muscle Shoals, AL. Also, the FAA proposed to update the airport name and replace the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class E airspace legal description for this airport.

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received supporting the airspace change.

Class E airspace designations are published in Paragraphs 6002 and 6005, respectively, of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

##### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic routes, and reporting points.

##### The Rule

The FAA is amending 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface at Northwest Alabama Regional Airport, Muscle Shoals, AL, as the Muscle Shoals VORTAC has been decommissioned, and associated approaches cancelled. The radius of the airport is decreased from 7 miles to 6.8 miles, adding a 12.5-mile extension to the east and an 8.1-mile extension to the south. Also, the FAA updates the airport name to Northwest Alabama Regional Airport, (formerly Muscle Shoals Regional Airport) in both the Class E surface airspace and Class E airspace extending upward from 700 feet above the surface. In addition, the FAA is replacing the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class E airspace legal description for this airport.

These changes are necessary for continued safety and management of IFR operations in the area.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

##### 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 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 minimal. Since this is a routine matter that only affects air traffic procedures an air navigation, it is certified that this rule, when promulgated, 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 qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures," paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

##### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### **PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

■ 1. The authority citation for part 71 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.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

*Paragraph 6002 Class E Surface Airspace.*  
\* \* \* \* \*

##### **ASO AL E2 Muscle Shoals, AL [Amended]**

Northwest Alabama Regional Airport, AL  
(Lat. 34°44'43" N, long. 87°36'37" W)

That airspace extending upward from the surface within a 4.2-mile radius of Northwest Alabama Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*  
\* \* \* \* \*

**ASO AL E5 Muscle Shoals, AL [Amended]**

Northwest Alabama Regional Airport, AL  
(Lat. 34°44'43" N, long. 87°36'37" W)

That airspace extending upward from 700 feet or more above the surface within a 6.8-mile radius of Northwest Alabama Regional Airport, and within 3.7-miles each side of the 114° bearing from the airport, extending from the 6.8-mile radius to 12.5-miles east of the airport, and within 1.2-miles each side of the 181° bearing from the airport, extending from the 6.8-mile radius to 8.1-miles south of the airport.

Issued in College Park, Georgia, on August 23, 2021.

**Matthew N. Cathcart,**

*Manager, Airspace & Procedures Team North, Eastern Service Center, Air Traffic Organization.*

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**BILLING CODE 4910-13-P**

**SOCIAL SECURITY ADMINISTRATION****20 CFR Part 404**

[Docket No. SSA-2021-0017]

RIN 0960-A159

**Removing the Waiting Period for Entitlement to Social Security Disability Insurance Benefits for Individuals With Amyotrophic Lateral Sclerosis**

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Final rule.

**SUMMARY:** In accordance with the ALS Disability Insurance Access Act of 2019, as amended, this final rule eliminates the 5-month waiting period for the Social Security Disability Insurance (SSDI) program for individuals with amyotrophic lateral sclerosis (ALS) who were approved for SSDI benefits on or after July 23, 2020.

**DATES:** This final rule is effective August 27, 2021.

**FOR FURTHER INFORMATION CONTACT:** Mary Quatroche, Director, Office of Vocational, Evaluation and Process Policy, Office of Disability Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-4794. For information on eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our internet site, Social Security Online, at <http://www.socialsecurity.gov>.

**SUPPLEMENTARY INFORMATION:****Background**

Under the SSDI program, individuals who have been found to be disabled are subject to a 5-month waiting period

before they are entitled to their first payment. The waiting period begins with the first full month the individual meets all the eligibility factors covered by the application and ends 5 months after that date. Subject to some exceptions, the disabled individual is entitled to begin receiving payments beginning with the first full calendar month after the waiting period in which all other requirements are met.<sup>1</sup>

The waiting period cannot begin more than 17 months before the month in which the individual files an application for SSDI and meets the disability insured status requirements.<sup>2</sup> As an example, consider an individual whose disability began on April 2, 2020, based on an application for SSDI benefits filed on May 2, 2020. If approved for SSDI, the individual's 5-month waiting period would begin in May 2020 and end in September 2020, and the individual would be entitled to benefits beginning with October 2020 (that is, the first full month after completion of the waiting period).

On December 22, 2020, the President signed into law the ALS Disability Insurance Access Act of 2019 (ALS Act),<sup>3</sup> and on March 23, 2021, the President signed into law an act to make a technical correction to the ALS Act.<sup>4</sup> Commonly known as Lou Gehrig's disease, ALS is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord. There is no known cure for ALS.<sup>5</sup> Before the enactment of the ALS Act, individuals with ALS were subject to the 5-month waiting period for receiving SSDI benefits. The ALS Act eliminated the 5-month waiting period for individuals who have been medically determined to have ALS.

The ALS Act originally applied to individuals with ALS who filed an application for SSDI benefits on or after December 23, 2020.<sup>6</sup> The technical correction to the ALS Act amended the effective date of the law. Under the technical correction, the elimination of the 5-month waiting period applies to individuals with ALS whose applications for SSDI benefits were approved after the date that is 5 months

before the date of enactment of the ALS Act on December 22, 2020. In practical terms, this means the elimination of the 5-month waiting period applies to individuals with ALS whose applications for SSDI benefits were approved on or after July 23, 2020.

**Explanation of Changes**

To ensure our regulations reflect the provisions of the ALS Act, as amended, we have added language in 20 CFR 404.315 to eliminate the 5-month waiting period for individuals with ALS whose applications for SSDI benefits were approved on or after July 23, 2020. We also added language to 20 CFR 404.317 to reflect this change in the law due to the ALS Act. We are making no other changes to our regulations.

**Regulatory Procedures**

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 when we develop regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(A)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final rule. The APA provides exceptions to the notice and public comment procedures when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We find that there is good cause under 5 U.S.C. 553(b)(B) to issue this regulatory change as a final rule without prior public comment. We find that prior public comment is unnecessary because this final rule merely makes our regulations (20 CFR 404.315 and 404.317) consistent with the provisions of the ALS Act, as amended, which eliminated the 5-month waiting period for individuals with ALS whose applications for DI benefits were approved on or after July 23, 2020. Because we are only making our regulations consistent with the ALS Act, and we are making no other changes, we find that prior public comment is unnecessary and that there is good cause to issue this final rule without prior notice and public comment.

In addition, we find that there is good cause for dispensing with the 30-day delay in the effective date of this final rule as provided by 5 U.S.C. 553(d)(3). As we explained above, this final rule merely makes our regulations consistent with the ALS Act, which is already in effect. Therefore, we find that it is unnecessary to delay the effective date of the final rule.

<sup>1</sup> Section 223(c)(2) of the Social Security Act; 20 CFR 404.315(a)(4).

<sup>2</sup> *Id.*

<sup>3</sup> Public Law 116-250, 134 Stat. 1128, available at <https://www.congress.gov/bill/116th-congress/senate-bill/578>.

<sup>4</sup> Public Law 117-3, 135 Stat. 246, available at <https://www.congress.gov/bill/117th-congress/senate-bill/579>.

<sup>5</sup> 166 Cong. Rec. H6988, December 8, 2020, <https://www.congress.gov/congressional-record/volume-166/house-section/page/H6988-6991>.

<sup>6</sup> Section 2(b) of the ALS Act, Public Law 116-250, 134 Stat. at 1128.