

postcard on which the following statement is made: "Comments to Docket No. FAA–2021–0518/Airspace Docket No. 21–ASW–12." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [https://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](https://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and 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 Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

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

This document proposes to amend 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 service routes, and reporting points.

#### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (decreased from a 6.8-mile) radius of Sundance Airport, Oklahoma City, OK.

These actions are the result of an airspace review caused by the decommissioning of the Sundance LOC

which provided guidance to instrument procedures at this airport.

Class E airspace designations are published in paragraph 6005 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.

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, is non-controversial and unlikely to result in adverse or negative comments. 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 so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would 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 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 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 14 CFR 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 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### **ASW OK E5 Oklahoma City, OK [Amended]**

Will Rogers World Airport, OK  
(Lat. 35°23'35" N, long. 97°36'03" W)  
Tinker AFB, OK  
(Lat. 35°24'53" N, long. 97°23'12" W)  
University of Oklahoma Westheimer Airport, OK  
(Lat. 35°14'44" N, long. 97°28'20" W)  
David Jay Perry Airport, OK  
(Lat. 35°09'18" N, long. 97°28'13" W)  
Clarence E. Page Municipal Airport, OK  
(Lat. 35°29'17" N, long. 97°49'25" W)  
El Reno Regional Airport, OK  
(Lat. 35°28'22" N, long. 98°00'21" W)  
Wiley Post Airport, OK  
(Lat. 35°32'03" N, long. 97°38'49" W)  
Sundance Airport, OK  
(Lat. 35°36'07" N, long. 97°42'22" W)

That airspace extending upward from 700 feet above the surface within an 8.1-mile radius of Will Rogers World Airport, and within an 8.2-mile radius of Tinker AFB, and within a 6.7-mile radius of University of Oklahoma Westheimer Airport, and within 2.0 miles each side of the 213° bearing from the airport extending from the 6.7-mile radius to 7.8 miles southwest of the airport, and within a 6.3-mile radius of David Jay Perry Airport, and within a 6.5-mile radius of Clarence E. Page Municipal Airport, and within a 6.6-mile radius of El Reno Regional Airport, and within a 6.8-mile radius of Wiley Post Airport, and within a 6.5-mile radius of Sundance Airport.

Issued in Fort Worth, Texas, on June 23, 2021.

**Martin A. Skinner,**

*Acting Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2021–13735 Filed 6–28–21; 8:45 am]

**BILLING CODE 4910–13–P**

#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

#### **15 CFR Part 922**

#### **Plan for Periodic Review of Regulations**

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of plan for periodic review of regulations; request for comments.

**SUMMARY:** The Regulatory Flexibility Act (RFA) requires that NOAA's Office of National Marine Sanctuaries (ONMS) periodically review existing regulations that have a significant economic impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. This plan describes how ONMS will perform this review and describes the regulations proposed for review in fiscal year 2022.

**DATES:** Comments must be received on or before July 29, 2021.

**ADDRESSES:** Comments may be submitted by:

- *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and search for docket NOAA-NOS-2021-0047, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personally identifiable information (for example, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily submitted by the commenter will be publicly accessible. NOAA will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Meredith Walz, NOAA Office of National Marine Sanctuaries, 1305 East West Highway, Silver Spring, MD 20910, [meredith.walz@noaa.gov](mailto:meredith.walz@noaa.gov), or 240-533-0686.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that Federal agencies take into account how their regulations affect "small entities," which the RFA defines to include small businesses, small governmental jurisdictions and small organizations. 5 U.S.C. 601. For regulations proposed after January 1, 1981, the agency must either prepare a Regulatory Flexibility Analysis or certify that the regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Section 610 of the RFA, 5 U.S.C. 610, requires Federal agencies to review existing regulations which have or will have a significant economic impact on a substantial number of small entities. It requires that ONMS publish a plan in the **Federal Register** explaining how it will review existing regulations that have a significant economic impact on a substantial number of small entities. Regulations that have a significant economic impact on a substantial number of small entities that became effective after January 1, 1981, must be reviewed within 10 years of the publication date of the final rule. Section 610(c) requires that ONMS publish in the **Federal Register** a list of rules it will review during the succeeding 12 months. The list must describe, explain the need for, and provide the legal basis for the rules, as well as invite public comment on the rules.

In addition, section 605 of the RFA, 5 U.S.C. 605, provides that if, when a rule is proposed or finalized, the head of an agency certifies to the Small Business Administration's Chief Counsel for Advocacy that the rule would not have a significant economic impact on a substantial number of small entities, then initial and final regulatory flexibility analyses do not need to be prepared for the rule. The Small Business Administration's guidance on implementing the requirements of RFA section 610 indicates that agencies may exercise their discretion to determine if previously changed conditions may mean that a certified rule now does have a significant economic impact on a substantial number of small entities and, therefore, should be subject to a full section 610 review. If there is evidence that a previously certified rule is now having a significant economic impact on a substantial number of small entities, then the Small Business Administration recommends that the agency should conduct a section 610 review of the rule.

**Criteria for Review of Existing Regulations**

The purpose of a section 610 review is to determine whether existing rules should be left unchanged, or whether they should be revised or rescinded in order to minimize significant economic impacts on a substantial number of small entities, consistent with the objectives of other applicable statutes. RFA section 610(b) requires agencies to consider five factors when conducting this review:

(1) Whether the rule is still needed;

(2) What type of public complaints or comments were received concerning the rule;

(3) How complex is the rule;

(4) How much the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with state and local governmental rules; and

(5) How long it has been since the rule has been evaluated or how much the technology, economic conditions, or other factors have changed in the area affected by the rule.

For rules that were certified under RFA section 605, ONMS is not required to conduct a review under RFA section 610. However, ONMS may exercise its discretion to prepare an assessment to determine whether changed conditions may mean that the existing rules now do have a significant economic impact on a substantial number of small entities and should therefore be reviewed under RFA section 610.

**Plan for Periodic Review of Rules**

ONMS will conduct reviews in such a way as to ensure that all rules for which a final regulatory flexibility analysis was prepared are reviewed within 10 years of the year in which they were originally issued. During this same period, ONMS may exercise its discretion to also review rules certified under RFA section 605 as not having significant impacts. ONMS may evaluate whether changed conditions may mean that the existing rules now do have a significant economic impact on a substantial number of small entities and therefore should be reviewed under RFA section 610. ONMS intends that it will conduct section 610 reviews on applicable regulations on an annual basis. ONMS will make RFA Section 610 review reports available at the following website: <http://sanctuaries.noaa.gov/library/alldocs.html>.

**ONMS Regulation Requiring Review for Fiscal Year 2022**

ONMS has determined that one rulemaking finalized in fiscal year 2012 requires review under RFA section 610:

"Research Area Within Gray's Reef National Marine Sanctuary". RIN 0648-AV88 (76 FR 63824; October 14, 2011). This final rule created an 8.27 square-mile research area within the southern portion of Gray's Reef National Marine Sanctuary. NOAA created the research area pursuant to its authority under the National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.*, in order to provide a zone specifically designed for conducting controlled scientific studies in the absence of certain human

activities that could affect the results. NOAA prohibited fishing, diving, and stopping a vessel in the research area. NOAA prepared a final regulatory flexibility analysis for this rule when it was finalized.

ONMS invites comments on this rule, and will evaluate comments that would assist ONMS in conducting its RFA section 610 review. Unless we publish a document stating otherwise, ONMS will make the final report available at <http://sanctuaries.noaa.gov/library/alldocs.html>.

**John Armor,**

*Director, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration.*

[FR Doc. 2021-13495 Filed 6-28-21; 8:45 am]

**BILLING CODE 3510-NK-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Chapter II

[Docket No. CP-21-1]

#### Petition Requesting Rulemaking on Duster Aerosol Products

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Request for comment on petition for rulemaking.

**SUMMARY:** The Consumer Product Safety Commission (CPSC or Commission) has received a petition requesting that the Commission initiate rulemaking to adopt a safety standard for duster aerosol products. The Commission invites written comments concerning the petition.

**DATES:** Submit comments by August 30, 2021.

**ADDRESSES:** Submit comments, identified by Docket No. CP-21-1, by any of the following methods:

*Electronic Submissions:* Submit electronic comments to the Federal eRulemaking Portal at: <https://www.regulations.gov>. Follow the instructions for submitting comments. CPSC does not accept comments submitted by electronic mail (email), except through <https://www.regulations.gov> and as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

*Mail/Hand Delivery/Courier Written Submissions:* Submit comments by mail/hand delivery/courier to: Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD

20814; telephone: (301) 504-7479. Alternatively, as a temporary option during the COVID-19 pandemic, you may email such submissions to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov).

*Instructions:* All submissions must include the agency name and docket number for this notice. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: <https://www.regulations.gov>. Do not submit electronically: Confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier written submissions.

*Docket:* For access to the docket to read background documents or comments received, go to: <https://www.regulations.gov>, and insert the docket number, CP-21-1, into the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:**

Alberta E. Mills, Division of the Secretariat, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: 301-504-7479; email: [amills@cpsc.gov](mailto:amills@cpsc.gov).

**SUPPLEMENTARY INFORMATION:** On April 2, 2021, Families United Against Inhalant Abuse (FUAIA) (petitioner), submitted a petition requesting the Commission initiate rulemaking to adopt a mandatory CPSC safety standard to address the hazards associated with “duster” aerosol products used for cleaning electronics and other items and containing the chemical 1,1-Difluoroethane, or any derivative thereof. The Commission’s procedure for petitioning for rulemaking is described at 16 CFR part 1051.

The petitioner states that “duster” products are any hydrofluorocarbon propellant cleaner products intended for the purpose of cleaning electronic devices, photographic equipment, and any other items having areas where dust resides and is inaccessible by hand. The petitioner also states that such duster products contain hydrofluorocarbon propellant cleaner, such as 1,1-Difluoroethane, or a similar derivative. The petitioner notes that these duster products are sold under a variety of brand names and are widely available to consumers in various retail stores and online.

The petitioner states that when 1,1-Difluoroethane used in duster aerosol products is inhaled from the can (commonly called huffing), intoxication occurs rapidly, yet is very short-lived (4

to 5 minutes). According to the petitioner, inhalation of this chemical is acutely dangerous and causes immediate brain damage and possible Sudden Sniffing Death (SSD). The petitioner states that 22 percent of first-time duster inhalers die, and the majority of all duster-inhalant deaths are attributed to SSD.

After reviewing all of the data, the petitioner concludes that: (1) Duster inhalation in the United States is a “chronic problem”; (2) individuals of all ages, genders, ethnicities, and education, and socioeconomic levels are involved in the use of duster as an inhalant and are dying in large numbers throughout the United States; (3) there is an “unreasonable” risk of physical injury and death due to the inhalant use of duster products; and (4) current interventions (legislation, retail practices, manufacturer design) have been ineffective in resolving this problem.

The petitioner requests that CPSC promulgate a mandatory safety standard that includes the following:

- *A performance standard.* Require manufacturers to add an aversive (bitterant other than Denatonium Benzoate) to all duster aerosol cans at a level of 30–40 ppm. The duster can injection technology must be improved to ensure that the bitterant actually gets into the can and will also appear in the spray at the designated level.

- *Warning requirements.*<sup>1</sup> Place a “much stronger” warning on the can. An example of this warning could be: “**DANGER: DEATH—This product can kill you if you breathe it.**”

The Commission seeks comments concerning this petition.

The major factors the Commission considers in deciding whether to grant or deny a petition regarding a product include the following items:

- (1) Whether the product involved presents an unreasonable risk of injury.
- (2) Whether a rule is reasonably necessary to eliminate or reduce the risk of injury.
- (3) Whether failure of the Commission to initiate the rulemaking proceeding requested would unreasonably expose the petitioner or other consumers to the risk of injury which the petitioner alleges is presented by the product. 16 CFR § 1051.9(a).

<sup>1</sup> The petitioner also requests that CPSC promulgate a provision in a standard that requires retailers to monitor and limit individuals from continually purchasing multiple cans of duster from their stores within a designated (1 month) period. Under Section 7 of the CPSA, the Commission may issue only performance requirements and requirements for warnings or instructions. Therefore, the Commission lacks authority to require these additional provisions.