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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.

## DEPARTMENT OF THE TREASURY

### Office of Investment Security

#### 31 CFR Part 802

#### Determination Regarding Excepted Real Estate Foreign States

**AGENCY:** Office of Investment Security, Department of the Treasury.

**ACTION:** Determination.

**SUMMARY:** The Department of the Treasury, as Chair of the Committee on Foreign Investment in the United States, is publishing the Committee's determination that two foreign states have made significant progress toward establishing and effectively utilizing a robust process to analyze foreign investments for national security risks and to facilitate coordination with the United States on matters relating to investment security.

**DATES:** January 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Laura Black, Director of Investment Security Policy and International Relations, at U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220; telephone: (202) 622-3425; email: [CFIUS.FIRMA@treasury.gov](mailto:CFIUS.FIRMA@treasury.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Availability

The list of excepted real estate foreign states and additional information with respect to the Committee on Foreign Investment in the United States (CFIUS or the Committee) are available on the Committee's section of the Department of the Treasury website.

##### Notice of CFIUS Action

The Committee, taking into consideration the factors identified on the Committee's section of the Department of the Treasury website, has determined, under the authority of section 721 of the Defense Production Act of 1950, as amended, and 31 CFR

802.1001(a), that: (1) Australia has made significant progress toward establishing and effectively utilizing a robust process to analyze foreign investments for national security risks and to facilitate coordination with the United States on matters relating to investment security; and (2) Canada has made significant progress toward establishing and effectively utilizing a robust process to analyze foreign investments for national security risks and to facilitate coordination with the United States on matters relating to investment security.

This determination satisfies the second criterion in the definition of excepted real estate foreign state under 31 CFR 802.214 with respect to Australia and Canada. Therefore, Australia and Canada are and will remain excepted real estate foreign states absent further Committee action and notice in the **Federal Register**.

**Larry McDonald,**

*Acting Assistant Secretary for International Markets.*

[FR Doc. 2022-00234 Filed 1-5-22; 4:15 pm]

**BILLING CODE 4810-AK-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2021-0922]

#### Safety Zone, Brandon Road Lock and Dam to Lake Michigan Including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet-Saganashkee Channel, Chicago, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce a segment of the Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL, on all waters of the Chicago River (Main Branch) within 100 feet of the N Columbus Drive Bridge for a local film event. This action is intended to protect personnel, vessels, and the marine environment from potential hazards created by the fireworks display. During

the enforcement period listed below, entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Lake Michigan or a designated representative.

**DATES:** The regulation in 33 CFR 165.930 will be enforced from 10 p.m. on January 8, 2022 through 2 a.m. on January 9, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice of enforcement, call or email LT James Fortin, Waterways Management Division, Marine Safety Unit Chicago, U.S. Coast Guard; telephone: (630) 986-2155, email: [D09-DG-MSUChicago-Waterways@uscg.mil](mailto:D09-DG-MSUChicago-Waterways@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL, listed in 33 CFR 165.930 on all waters of the Chicago River (Main Branch) within 100 feet of the N Columbus Drive Bridge. This safety zone will be enforced from 10 p.m. on January 8, 2022 through 2 a.m. on January 9, 2022.

Pursuant to 33 CFR 165.930, all vessels must obtain permission from the Captain of the Port, Lake Michigan, or his or her designated on-scene representative to enter, move within, or exit this safety zone during the enforcement times listed in this notice of enforcement. The designation of the Captain of the Port, Lake Michigan's on-scene representative need not be in writing. Requests must be made in advance and approved by the Captain of the Port or a designated on-scene representative before transits will be authorized. Approvals will be granted on a case-by-case basis. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port, Lake Michigan or a designated on-scene representative.

This notice of enforcement is issued under the authority of 33 CFR 165.930, Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, Calumet-Saganashkee Channel, Chicago, IL, and 5 U.S.C. 552(a). In addition to this notification of enforcement in the **Federal Register**, the Coast Guard will

provide the maritime community with notification of this enforcement period via Broadcast Notice to Mariners. The Captain of the Port, Lake Michigan or a designated on-scene representative may be contacted via VHF-FM Channel 16 or (414) 747-7182.

Dated: January 4, 2022.

**Doreen McCarthy,**  
Commander, U.S. Coast Guard, Alternate Captain of the Port, Lake Michigan.  
[FR Doc. 2022-00216 Filed 1-6-22; 8:45 am]  
BILLING CODE 9110-04-P

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Parts 12, 13, 17, 19, 20, 21, and 22**

[Docket No. FWS-HQ-MB-2021-0025; FF09M22000-223-FXMB12320900000]

RIN 1018-BF59

**Migratory Bird Permits; Administrative Updates to 50 CFR Parts 21 and 22**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are renumbering, renaming, and rearranging certain subparts and sections in our regulations. These changes will provide users a more organized road map of the Service’s migratory bird and eagle permit processes and improve readability of the regulations. These changes necessitate updating cross-references to the affected section numbers in other parts of our regulations. In addition, we are making several nonsubstantive, editorial revisions to correct misspellings, update internet addresses, update applicable Office of Management and Budget (OMB) control numbers, and add or update relevant family and scientific names. This rule is a purely administrative action; it does not change the species protected by, the permit

requirements of, or any other requirements of the regulations.

**DATES:** This rule is effective February 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Miller, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, telephone: 540-681-0439, email: *jennifer\_miller@fws.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

**Background**

The U.S. Fish and Wildlife Service is the Federal agency delegated with the primary responsibility for managing migratory birds. Our authority derives from the Migratory Bird Treaty Act of 1918, as amended, 16 U.S.C. 703 *et seq.* (MBTA), which implements conventions with Great Britain (for Canada), Mexico, Japan, and the Russia Federation. The MBTA protects certain migratory birds from take, except as permitted under the MBTA. We implement the provisions of the MBTA through regulations in parts 10, 13, 20, 21, and 22 of title 50 of the Code of Federal Regulations (CFR). Regulations pertaining to migratory bird permits are set forth at 50 CFR part 21.

In addition, the Bald and Golden Eagle Protection Act, 16 U.S.C. 668 *et seq.* (Eagle Act), prohibits take of bald eagles and golden eagles except pursuant to Federal regulations. The Eagle Act authorizes the Secretary of the Interior to issue regulations to permit the “taking” of eagles for various purposes, including the protection of “other interests in any particular locality” (16 U.S.C. 668a), provided the taking is compatible with the preservation of eagles. Regulations pertaining to eagle permits are set forth at 50 CFR part 22.

The regulations at 50 CFR parts 21 and 22 were established in 1974. Since 1974, we have published many rules to add, revise, or remove portions of these regulations. We have not, however, published a reorganization rule to address the need for better organization

and enhanced readability of these regulations until this time.

**This Rule**

*Renaming and Renumbering of Sections of the Regulations*

We are renumbering most of the sections, and renaming and rearranging certain sections, in 50 CFR parts 21 and 22. Below, we provide a redesignation table to help the public readily identify the new numbers, names, and locations of applicable regulations (see tables 1 and 2, below). Only those subparts or sections that are redesignated, renamed, and/or rearranged are reflected in the tables below; the revised table of contents following each table shows every subpart and section heading in each part. These actions are administrative in nature; we are not changing the species protected by, the permit requirements of, or any other requirements of the regulations.

We are making these changes for a variety of reasons. First, some subpart headings in 50 CFR parts 21 and 22 lack specificity. Second, some sections of 50 CFR parts 21 and 22 contain many and varied requirements that will be easier to locate when placed in their own sections with more descriptive section headers. Third, several sections will be easier to find when placed under a different subpart. Last, the current sequential numbering of sections, without adequate intervening open section numbers, requires new regulations to be placed as space allows. These changes will allow for clear and understandable future additions to the regulations.

All of the changes to the regulations described in this rule are intended to improve the clarity and readability of the regulations at 50 CFR parts 21 and 22. They are administrative in nature and do not change the substance of the regulations. These changes should help readers more easily locate applicable regulations and help the Service provide a clearer and more organized presentation of the permit regulations for migratory birds and eagles now and in the future.

TABLE 1—REDESIGNATIONS FOR 50 CFR PART 21

Old subpart or section	New subpart or section
Subpart A—Introduction .....	Subpart A—Introduction and General Requirements.
§21.1 Purpose of regulations .....	§21.2 Purpose of this part.
§21.2 Scope of regulations .....	§21.4 Scope of this part.
§21.3 Definitions .....	§21.6 Definitions.
§21.4 Information collection requirements .....	§21.8 Information collection requirements.
Subpart B—General Requirements and Exceptions .....	Subpart B—Exceptions to Permit Requirements.
§21.11 General permit requirements .....	§21.10 General permit requirements. (moved to Subpart A)
§21.13 Permit exceptions for captive-reared mallard ducks .....	§21.45 Permit exceptions for captive-reared mallard ducks.



TABLE 1—REDESIGNATIONS FOR 50 CFR PART 21—Continued

Old subpart or section	New subpart or section
§ 21.14 Permit exceptions for captive-bred migratory waterfowl other than mallard ducks.	§ 21.48 Permit exceptions for captive-bred migratory waterfowl other than mallard ducks.
§ 21.15 Authorization of take incidental to military readiness activities	§ 21.42 Authorization of take incidental to military readiness activities.
§ 21.21 Import and export permits	§ 21.67 Import and export permits.
§ 21.22 Banding or marking permits	§ 21.70 Banding or marking permits.
§ 21.23 Scientific collecting permits	§ 21.73 Scientific collecting permits.
§ 21.24 Taxidermist permits	§ 21.63 Taxidermist permits.
§ 21.25 Waterfowl sale and disposal permits	§ 21.88 Waterfowl sale and disposal permits.
§ 21.26 Special Canada goose permit	§ 21.120 Special Canada goose permit. (moved to Subpart D)
§ 21.27 Special purpose permits	§ 21.95 Special purpose permits.
§ 21.28 Special double-crested cormorant permit	§ 21.123 Special double-crested cormorant permit. (moved to Subpart D)
§ 21.29 Falconry standards and falconry permitting	§ 21.82 Falconry standards and falconry permitting.
§ 21.30 Raptor propagation permits	§ 21.85 Raptor propagation permits.
§ 21.31 Rehabilitation permits	§ 21.76 Rehabilitation permits.
Subpart D—Control of Depredating and Otherwise Injurious Birds	Subpart D—Provisions for Depredating, Overabundant, or Otherwise Injurious Birds.
§ 21.41 Depredation permits	§ 21.100 Depredation permits.
§ 21.43 Depredation order for blackbirds, cowbirds, crows, grackles, and magpies.	§ 21.150 Depredation order for blackbirds, cowbirds, crows, grackles, and magpies.
§ 21.44 Depredation order for horned larks, house finches, and white-crowned sparrows in California.	§ 21.153 Depredation order for horned larks, house finches, and white-crowned sparrows in California.
§ 21.46 Depredation order for depredating California scrub jays and Steller's jays in Washington and Oregon.	§ 21.156 Depredation order for depredating California scrub jays and Steller's jays in Washington and Oregon.
§ 21.49 Control order for resident Canada geese at airports and military airfields.	§ 21.159 Control order for resident Canada geese at airports and military airfields.
§ 21.50 Depredation order for resident Canada geese nests and eggs	§ 21.162 Depredation order for resident Canada geese nests and eggs.
§ 21.51 Depredation order for resident Canada geese at agricultural facilities.	§ 21.165 Depredation order for resident Canada geese at agricultural facilities.
§ 21.52 Public health control order for resident Canada geese	§ 21.168 Public health control order for resident Canada geese.
§ 21.53 Control order for purple swamphens	§ 21.171 Control order for purple swamphens.
§ 21.54 Control order for muscovy ducks in the United States	§ 21.174 Control order for Muscovy ducks in the United States.
§ 21.55 Control order for invasive migratory birds in Hawaii	§ 21.177 Control order for invasive migratory birds in Hawaii.
Subpart E—Control of Overabundant Migratory Bird Populations	[Subpart E heading is removed].
§ 21.60 Conservation order for light geese	§ 21.180 Conservation order for light geese. (moved to Subpart D)
§ 21.61 Population control of resident Canada geese	§ 21.183 Population control of resident Canada geese. (moved to Subpart D)

TABLE 2—REDESIGNATIONS FOR 50 CFR PART 22

Old subpart or section	New subpart or section
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§ 22.1 What is the purpose of this part?	§ 22.2 Purpose of this part.
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§ 22.3 Definitions	§ 22.6 Definitions.
§ 22.4 Information collection requirements	§ 22.8 Information collection requirements.
Subpart B—General Requirements	[Subpart B—Reserved].
§ 22.11 What is the relationship to other permit requirements?	§ 22.10 Relationship to other permit requirements. (moved to Subpart A)
§ 22.12 What activities are illegal?	§ 22.12 Illegal activities. (Moved to Subpart A)
Subpart C—Eagle Permits	Subpart C—Specific Eagle Permit Provisions.
§ 22.21 What are the requirements concerning scientific and exhibition purpose permits?	§ 22.50 Eagle scientific and eagle exhibition permits.
§ 22.22 What are the requirements concerning permits for Indian religious purposes?	§ 22.60 Eagle Indian religious permits.
§ 22.23 What are the requirements for permits to take depredating eagles and eagles that pose a risk to human or eagle health and safety?	§ 22.100 Eagle depredation permits. (moved to Subpart D)
§ 22.24 Permits for falconry purposes	§ 22.70 Eagle falconry permits.
§ 22.25 What are the requirements concerning permits to take golden eagle nests?	§ 22.75 Golden eagle nest take permits.
§ 22.26 Permits for eagle take that is associated with, but not the purpose of, an activity.	§ 22.80 Permits for eagle take that is associated with, but not the purpose of, an activity.
§ 22.27 Removal of eagle nests	§ 22.85 Removal of eagle nests.
§ 22.28 Permits for bald eagle take exempted under the Endangered Species Act.	§ 22.90 Permits for bald eagle take exempted under the Endangered Species Act.
Subpart D—Depredation Control Orders on Golden Eagles	Subpart D—Provisions for Depredating Eagles.
§ 22.31 Golden eagle depredations control order on request of Governor of a State.	§ 22.120 Golden eagle depredations control order on request of Governor of a State.

TABLE 2—REDESIGNATIONS FOR 50 CFR PART 22—Continued

Old subpart or section	New subpart or section
§ 22.32 Conditions and limitations on taking under deprecation control order.	§ 22.122 Conditions and limitations on taking under deprecation control order.

### Editorial Corrections

#### Cross-References in Other Parts of Our Regulations

Because we are renumbering all sections, and renaming and rearranging certain sections, in 50 CFR parts 21 and 22, we need to correct outdated cross-references to these sections in other parts of our regulations. These updates are administrative in nature; they do not change the species protected by, the permit requirements of, or any other requirements of the regulations.

#### Other Corrections

In this rule, we are making several nonsubstantive, editorial revisions to correct misspellings, update internet addresses, update applicable OMB control numbers and information collection statements, and add or update relevant family and scientific names in certain sections of 50 CFR parts 21 and 22.

Our updates to applicable OMB control numbers provide the currently approved OMB control numbers for the information collection requirements in 50 CFR parts 21 and 22. Our updates to information collection statements in certain sections of 50 CFR parts 21 and 22 provide a consistent approach to the presentation of this information in our regulations and, for those affected sections, streamline the information in our regulations to codify only the information needed to notify the public that the information collection requirements are approved by OMB. In those sections, we are removing burden estimates from the regulations because it is our current practice not to include these estimates, as they do change on occasion and any changes would require us to publish a rulemaking document to update the regulations. All current and past burden estimates for OMB control numbers are available online at <http://www.reginfo.gov> under the “Information Collection Review” tab.

Our additions or updates to relevant family and scientific names include, but are not limited to, specifying “(family Anatidae)” where we refer to migratory waterfowl and adding scientific names, such as “(*Anas platyrhynchos*)” where we refer to mallard duck and “(*Branta canadensis*)” where we refer to Canada goose, where they are lacking in certain sections of part 21. In addition, in

certain sections of part 21, we are amending certain common names and/or scientific names of species to match those amendments adopted in the latest revision of the List of Migratory Birds at 50 CFR 10.13 (see 85 FR 21282; April 16, 2020); these changes include, but are not limited to, replacing the common name “American swallow-tailed kite” with “swallow-tailed kite” and replacing the scientific name “*Psiloscops flammeolus*” with “*Otus flammeolus*” for the flammulated owl.

All of these editorial revisions are for clarity, accuracy, and consistency within our regulations. Like the other changes described in this rule, these revisions are purely administrative; they do not change the species protected by, the permit requirements of, or any other requirements of the regulations.

#### Administrative Procedure Act

This rule is a purely administrative action; it makes no changes the substance of the regulations in any way. We are renumbering, renaming, and rearranging certain subparts and sections in parts 21 and 22, and making editorial corrections to those parts, to provide regulated entities and the general public with clearer and better organized regulations. This rule is a “rule of agency organization, procedure or practice” under 5 U.S.C. 553(b), and therefore may be made final without previous notice to the public. This is a final rule.

#### Required Determinations

##### Regulatory Planning and Review—Executive Orders 12866 and 13563

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The OIRA has determined that this rule is not significant.

Executive Order (E.O.) 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and

consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

##### Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq., as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (that is, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

We have examined this rule’s potential effects on small entities as required by the Regulatory Flexibility Act, and have determined that this action will not have a significant economic impact on a substantial number of small entities. This rule reorganizes the regulations in parts 21 and 22 of title 50 of the Code of Federal Regulations, and makes nonsubstantive, editorial corrections to those regulations. We are taking this action to ensure that our regulations are clearly organized and easily locatable by regulated entities and the general public. This rule will not result in any costs or benefits to any entities, large or small. Therefore, we certify that this rule will not have a significant economic effect on a substantial number of small entities. As such, a regulatory flexibility analysis is not required.

This rule is not a major rule under the SBREFA (5 U.S.C. 804(2)). It will not

have a significant economic impact on a substantial number of small entities.

a. This rule will not have an annual effect on the economy of \$100 million or more. There are no costs to any entities resulting from these revisions to the regulations.

b. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The administrative updates in this rule do not affect costs or prices in any sector of the economy.

c. This rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

*Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)*

In accordance with the Unfunded Mandates Reform Act, we have determined the following:

a. This rule will not “significantly or uniquely” affect small governments in a negative way. A small government agency plan is not required.

b. This rule will not produce a Federal mandate of \$100 million or greater in any year. It is not a “significant regulatory action” under the Unfunded Mandates Reform Act.

*Takings (E.O. 12630)*

Under the criteria outlined in E.O. 12630, this final rule does not have significant takings implications. This rule is an administrative action to reorganize our regulations at 50 CFR parts 21 and 22; it does not contain a provision for taking of private property. A takings implication assessment is not required.

*Federalism (E.O. 13132)*

This rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact statement under E.O. 13132.

*Civil Justice Reform (E.O. 12988)*

In accordance with E.O. 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

*Paperwork Reduction Act (44 U.S.C. 3501 et seq.)*

This rule does not contain any information collection that would require OMB approval under the Paperwork Reduction Act of 1995. A Federal agency may not conduct or

sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

*National Environmental Policy Act (42 U.S.C. 4321 et seq.)*

We evaluated the environmental impacts of the changes to the regulations, and determined that this rule does not have any environmental impacts.

*Government-to-Government Relationship With Tribes*

In accordance with the President’s memorandum of April 29, 1994, “Government-to-Government Relations with Native American Tribal Governments” (59 FR 22951), E.O. 13175, and the Department of the Interior’s manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have determined that no Tribes or Tribal lands, sacred sites, or resources will be affected by the administrative changes in this rule.

*Energy Supply, Distribution, or Use (E.O. 13211)*

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. Because this rule is administrative, it is not a significant regulatory action under E.O. 12866, and it will not significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

**List of Subjects**

*50 CFR Part 12*

Administrative practice and procedure, Exports, Fish, Imports, Plants, Seizures and forfeitures, Surety bonds, Transportation, Wildlife.

*50 CFR Part 13*

Administrative practice and procedure, Exports, Fish, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

*50 CFR Part 17*

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

*50 CFR Part 19*

Aircraft, Fish, Hunting, Reporting and recordkeeping requirements, Wildlife.

*50 CFR Part 20*

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

*50 CFR Part 21*

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

*50 CFR Part 22*

Exports, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

**Regulation Promulgation**

Accordingly, we amend parts 12, 13, 17, 19, 21, and 22 of subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 12—SEIZURE AND FORFEITURE PROCEDURES**

■ 1. The authority citation for part 12 continues to read as follows:

**Authority:** Act of September 6, 1966, 5 U.S.C. 301; Bald and Golden Eagles Protection Act, 16 U.S.C. 668–668b; National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd(e)–(f); Migratory Bird Treaty Act, 16 U.S.C. 704, 706–707, 712; Migratory Bird Hunting and Conservation Stamp Act, 16 U.S.C. 718f–718g; Fish and Wildlife Act of 1956 [Airborne Hunting Amendments], 16 U.S.C. 742j–l(d)–(f); Black Bass Act, 16 U.S.C. 852d–853; Marine Mammal Protection Act of 1972, 16 U.S.C. 1375–1377, 1382; Endangered Species Act of 1973, 16 U.S.C. 1540; Lacey Act, 18 U.S.C. 43, 44; Lacey Act Amendments of 1981, 95 Stat. 1073–1080, 16 U.S.C. 3371 *et seq.*; Tariff Act of 1930, 19 U.S.C. 1602–1624; Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 742l; Exotic Organisms, E.O. 11987, 42 FR 26949; American Indian Religious Freedom Act, 42 U.S.C. 1996.

**§ 12.36 [Amended]**

■ 2. Amend § 12.36 in paragraph (c) by removing the number “22.22” and adding in its place the number “22.60”.

**PART 13—GENERAL PERMIT PROCEDURES**

■ 3. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 668a, 704, 712, 742j–l, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; 31 U.S.C. 9701.

§ 13.11 [Amended]

■ 4. Amend § 13.11 in paragraph (b)(1) by removing the number “21.22” and adding in its place the number “21.70”.

§ 13.12 [Amended]

■ 5. Amend § 13.12 in the table in paragraph (b) by adding a heading to the table and revising the entries for “Migratory bird permits” and “Eagle permits” to read as follows:

§ 13.12 General information requirements on applications for permits.

\* \* \* \* \*

(b) \* \* \*

TABLE 1 TO PARAGRAPH (b)

Table with 2 columns: Type of permit, Section. Rows include Migratory bird permits (Taxidermist, Import and export, etc.), Eagle permits (Scientific or exhibition, Indian religious use, etc.), and Depredation and protection of health and safety.

§ 13.24 [Amended]

■ 6. Amend § 13.24 in paragraph (c) by removing the number “22.26” and adding in its place the number “22.80”.

§ 13.25 [Amended]

■ 7. Amend § 13.25 by: ■ a. In paragraph (b) introductory text, removing the number “22.26” and adding in its place the number “22.80”; and ■ b. In paragraph (f), removing the number “22.26” and adding in its place the number “22.80”.

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 8. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

§ 17.21 [Amended]

■ 9. Amend § 17.21 by: ■ a. In paragraph (c)(6) introductory text, removing the number “21.31” and adding in its place the number “21.76”; and ■ b. In paragraph (d)(3) introductory text, removing the number “21.31” and adding in its place the number “21.76”.

PART 19—AIRBORNE HUNTING

■ 10. The authority citation for part 19 continues to read as follows:

Authority: Fish and Wildlife Act of 1956, 85 Stat. 480, as amended, 86 Stat. 905 (16 U.S.C. 742a–j–1).

§ 19.3 [Amended]

■ 11. Amend § 19.3 by removing the number “21.41” and adding in its place the number “21.100”.

§ 19.21 [Amended]

■ 12. Amend § 19.21 by removing the number “21.41” and adding in its place the number “21.100”.

PART 20—MIGRATORY BIRD HUNTING

■ 13. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703 et seq., and 16 U.S.C. 742a–j.

§ 20.23 [Amended]

■ 14. Amend § 20.23 by removing the words “subpart E of part 21” and adding in their place the words “50 CFR 21.180 and 21.183”.

§ 20.65 [Amended]

■ 15. Amend § 20.65 by removing the number “21.24” and adding in its place the number “21.63”.

PART 21—MIGRATORY BIRD PERMITS

■ 16. The authority citation for part 21 continues to read as follows:

Authority: 16 U.S.C. 703–712.

Subpart A—Introduction and General Requirements

■ 17. Revise the heading of subpart A to read as set forth above.

§§ 21.1, 21.2, 21.3, and 21.4 [Redesignated as §§ 21.2, 21.4, 21.6, and 21.8]

■ 18. Redesignate §§ 21.1, 21.2, 21.3, and 21.4 as §§ 21.2, 21.4, 21.6, and 21.8, respectively.

■ 19. Amend newly redesignated § 21.2 by:

- a. Revising the section heading; and ■ b. In the first sentence, removing the word “transporation” and adding in its place the word “transportation”.

The revision reads as follows.

§ 21.2 Purpose of this part.

\* \* \* \* \*

■ 20. In newly redesignated § 21.4, revise the section heading and paragraph (b) to read as follows:

§ 21.4 Scope of this part.

\* \* \* \* \*

(b) This part, except for § 21.12(a), (c), and (d) (general permit exceptions); § 21.70 (banding or marking); § 21.76 (rehabilitation); and § 21.82 (falconry), does not apply to the bald eagle (Haliaeetus leucocephalus) or the golden eagle (Aquila chrysaetos), for which regulations are provided in part 22 of this subchapter.

\* \* \* \* \*

§ 21.6 [Amended]

■ 21. In the newly redesignated § 21.6, amend the definitions of “Conservation measures”, “Population”, and “Significant adverse effect on a population” by removing the number “21.15” and adding in its place the number “21.42”.

■ 22. Revise newly redesignated § 21.8 to read as follows:

§ 21.8 Information collection requirements.

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this part and assigned OMB Control Number 1018–0022. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service’s Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

Subpart B—Exceptions to Permit Requirements

■ 23. Revise the heading of subpart B to read as set forth above.

**§ 21.11 [Redesignated as § 21.10 and Transferred to Subpart A]**

■ 24. Redesignate § 21.11 as § 21.10 and transfer the section from subpart B to subpart A.

■ 25. Amend § 21.12 by revising paragraph (c)(2) to read as follows:

**§ 21.12 General exceptions to permit requirements.**

\* \* \* \* \*

(c) \* \* \*

(2) Euthanize migratory birds as required by § 21.76(e)(4)(iii) and § 21.76(e)(4)(iv), and dispose of dead migratory birds in accordance with § 21.76(e)(4)(vi); and

\* \* \* \* \*

**§§ 21.13, 21.14, and 21.15 [Redesignated as §§ 21.45, 21.48, and 21.42]**

■ 26. Redesignate §§ 21.13, 21.14, and 21.15 as §§ 21.45, 21.48, and 21.42, respectively.

■ 27. Amend newly redesignated § 21.45 by revising the introductory text to read as follows:

**§ 21.45 Permit exceptions for captive-reared mallard ducks.**

Captive-reared and properly marked mallard ducks (*Anas platyrhynchos*), alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported, and disposed of by any person without a permit, subject to the following conditions, restrictions, and requirements:

\* \* \* \* \*

■ 28. Amend newly redesignated § 21.48 by:

- a. Revising the first sentence of the introductory text;
- b. In paragraph (a), removing the number “21.21” and adding in its place the number “21.67”;
- c. In paragraph (b), removing the number “21.13(b)” and adding in its place the number “21.45(b)”;
- d. In paragraph (c), removing the number “21.25” and adding in its place the number “21.88”;
- e. In paragraph (e), removing the number “21.25(b)(6)” and adding in its place the number “21.88(b)(6)”;
- f. In paragraph (f), removing the words “Notice of Waterfowl Sale or Transfer” and adding in their place the words “Notice of Transfer or Sale of Migratory Waterfowl”.

The revision reads as follows:

**§ 21.48 Permit exceptions for captive-bred migratory waterfowl other than mallard ducks.**

You may acquire captive-bred and properly marked migratory waterfowl (family Anatidae) of all species other than mallard ducks (*Anas*

*platyrhynchos*), alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs for your use without a permit, subject to the following conditions and restrictions. \* \* \*

\* \* \* \* \*

**Subpart C—Specific Permit Provisions**

**§§ 21.21, 21.22, 21.23, 21.24, 21.25, 21.26, 21.27, 21.28, 21.29, 21.30, and 21.31 [Redesignated as §§ 21.67, 21.70, 21.73, 21.63, 21.88, 21.120, 21.95, 21.123, 21.82, 21.85, and 21.76]**

■ 29. Redesignate the sections in subpart C as shown in the following table:

Old section	New section
§ 21.21	§ 21.67
§ 21.22	§ 21.70
§ 21.23	§ 21.73
§ 21.24	§ 21.63
§ 21.25	§ 21.88
§ 21.26	§ 21.120
§ 21.27	§ 21.95
§ 21.28	§ 21.123
§ 21.29	§ 21.82
§ 21.30	§ 21.85
§ 21.31	§ 21.76

■ 30. Amend newly redesignated § 21.63 by:

- a. Revising the first sentence of paragraph (c)(2); and
- b. In paragraph (d)(1), removing the words “Notice of Waterfowl Sale or Transfer” and adding in their place the words “Notice of Transfer or Sale of Migratory Waterfowl”.

The revision reads as follows:

**§ 21.63 Taxidermist permits.**

\* \* \* \* \*

(c) \* \* \*

(2) Sell properly marked, captive-reared migratory waterfowl (family Anatidae) which they have lawfully acquired and mounted. \* \* \*

\* \* \* \* \*

**§ 21.67 [Amended]**

■ 31. Amend newly redesignated § 21.67 by:

- a. In paragraph (c)(1) introductory text, removing the words “of this subpart” and adding in their place the words “of this part”; and
- b. In paragraph (c)(2), by removing the number “21.30” and adding in its place the number “21.85”.

**§ 21.70 [Amended]**

■ 32. Amend newly redesignated § 21.70 in paragraph (c)(2) by removing the words “(Form 3–1155, available upon request from the Bird Banding Laboratory, Office of Migratory Bird

Management, U.S. Fish and Wildlife Service, Laurel, Md. 20708)” and adding in their place the words, “(Forms available upon request from the Bird Banding Laboratory, U.S. Geological Survey, Laurel, MD 20708)”.

**§ 21.73 [Amended]**

■ 33. Amend newly redesignated § 21.73 in paragraph (c)(1) by removing the number “21.27” and adding in its place the number “21.95”.

■ 34. Amend newly redesignated § 21.76 by:

- a. Revising footnote 1 in paragraph (e)(1) introductory text; and
- b. In paragraph (e)(8), removing the word “Service” and adding in its place the word “FWS”.

The revision reads as follows:

**§ 21.76 Rehabilitation permits.**

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

<sup>1</sup> Copies may be obtained by contacting either the National Wildlife Rehabilitators Association, <https://nwrwildlife.org/>; or the International Wildlife Rehabilitation Council, <https://theiwrc.org>.

\* \* \* \* \*

■ 35. Amend newly redesignated § 21.82 by:

- a. In paragraph (a)(1)(ii), the first sentence, adding the words “(*Aquila chrysaetos*)” after the words “taking of golden eagles”;
- b. In paragraphs (b)(2)(i) and (ii), removing the “<http://permits.fws.gov/186A>” and adding in its place “<https://epermits.fws.gov/falcp/>”;
- c. In paragraph (c)(2)(i)(E), in the second sentence:
  - i. Removing the word “American”; and
  - ii. Removing the word “*Otus*” and adding in its place the word “*Psiloscops*”;
- d. In paragraph (c)(6)(ii), removing the number “21.30” and adding in its place the number “21.85”;
- e. In paragraph (e)(1)(v), removing the number “22.23” and adding in its place the number “22.100” and removing “22.31 and 22.32” and adding in their place “22.120 and 22.122”;
- f. In paragraph (e)(3)(ii)(B), removing “wildlif” and adding in its place “wildlife.”;
- g. In paragraph (e)(3)(v) introductory text, removing “bandexcept” and adding in its place “band, except”;
- h. In paragraph (e)(3)(viii), removing the number “22.24” and adding in its place the number “22.70”;
- i. In paragraph (f)(7), removing the number “21.30” in both places it

appears and adding in their place the number "21.85";

■ j. In paragraph (f)(10)(ii), removing the number "21.31" and adding in its place the number "21.76";

■ k. In paragraph (f)(15) introductory text, removing the number "21.21" and adding in its place the number "21.67";

■ l. In paragraph (f)(20), by removing "parts 21.43, 44, 45, or 46" and adding in its place "§ 21.150, § 21.153, or § 21.156"; and

■ m. Revising paragraph (j).

The revision reads as follows:

§ 21.82 Falconry standards and falconry permitting.

\* \* \* \* \*

(j) Information collection requirements. The Office of Management and Budget (OMB) has approved the information collection requirements contained in this section and assigned OMB Control Number 1018-0022. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

\* \* \* \* \*

§ 21.85 [Amended]

■ 36. Amend newly redesignated § 21.85 by:

■ a. In paragraph (c)(1), removing the number "21.29" and adding in its place the number "21.82";

■ b. In paragraph (e)(1)(iii), removing "http://permits.fws.gov/186A" and adding in its place "https://permits.fws.gov/falcp/"; and

■ c. In paragraph (f)(4), removing the number "21.29" and adding in its place the number "21.82".

■ 37. Amend newly redesignated § 21.88 by:

■ a. Revising the first sentence of paragraph (a);

■ b. In paragraphs (b)(3) and (4), removing the number "21.13(b)" and adding in its place the number "21.45(b)"; and

■ c. In paragraph (b)(9) introductory text, removing the words "Notice of Waterfowl Sale or Transfer" and adding in their place the words "Notice of Transfer or Sale of Migratory Waterfowl", and removing the number "21.13(b)" and adding in its place the number "21.45(b)".

The revision reads as follows:

§ 21.88 Waterfowl sale and disposal permits.

(a) \* \* \* You must have a waterfowl sale and disposal permit before you may lawfully sell, trade, donate, or otherwise dispose of most species of captive-reared and properly marked migratory waterfowl (family Anatidae) or their eggs. \* \* \*

\* \* \* \* \*

■ 38. Amend newly redesignated § 21.95 by:

■ a. Revising the second sentence of paragraph (a);

■ b. In the first sentence of paragraph (c) introductory text, removing "In addition" and adding in its place "In addition"; and

■ c. In paragraphs (c)(3) and (4), removing the number "21.13(b)" and adding in its place the number "21.45(b)".

The revision reads as follows:

§ 21.95 Special purpose permits.

\* \* \* \* \*

(a) \* \* \* In addition, a special purpose permit is required before any person may sell, purchase, or barter captive-bred, migratory game birds (see 50 CFR 20.11(a)), other than waterfowl, that are marked in compliance with § 21.45(b) of this part. \* \* \* \* \*

§ 21.120 [Transferred to Subpart D]

■ 39. Amend newly redesignated § 21.120 by:

■ a. Transferring the section from subpart C to subpart D;

■ b. Revising the second sentence of paragraph (a),

■ c. In paragraph (c) introductory text, adding the words "(Form 3-200-6)" after the word "application"; and

■ d. Revising paragraph (e).

The revisions read as follows:

§ 21.120 Special Canada goose permit.

(a) \* \* \* The special Canada goose permit is a permit issued by us to a State wildlife agency authorizing certain resident Canada goose (Branta canadensis) management and control activities that are normally prohibited. \* \* \*

\* \* \* \* \*

(e) Information collection requirements. The Office of Management and Budget (OMB) has approved the information collection requirements of the permit and assigned OMB Control Number 1018-0022. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any

other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

§ 21.123 [Transferred to Subpart D and Amended]

■ 40. Amend newly redesignated § 21.123 by:

■ a. Transferring the section from subpart C to subpart D; and

■ b. In paragraph (a) introductory text, in the second sentence, adding the words "(Phalacrocorax auritus)" after the words "special double-crested cormorant".

Subpart D—Provisions for Depredating, Overabundant, or Otherwise Injurious Birds

■ 41. Revise the heading of subpart D to read as set forth above.

§§ 21.41, 21.43, 21.44, 21.46, 21.49, 21.50, 21.51, 21.52, 21.53, 21.54, and 21.55 [Redesignated as §§ 21.100, 21.150, 21.153, 21.156, 21.159, 21.162, 21.165, 21.168, 21.171, 21.174, and 21.177]

■ 42. Redesignate the sections in subpart D as shown in the following table:

Old section	New section
§ 21.41	§ 21.100
§ 21.43	§ 21.150
§ 21.44	§ 21.153
§ 21.46	§ 21.156
§ 21.49	§ 21.159
§ 21.50	§ 21.162
§ 21.51	§ 21.165
§ 21.52	§ 21.168
§ 21.53	§ 21.171
§ 21.54	§ 21.174
§ 21.55	§ 21.177

§ 21.100 [Amended]

■ 43. Amend newly redesignated § 21.100 by:

■ a. In paragraph (a), removing "21.43, 21.44, and 21.46" and adding in its place "21.150, 21.153, and 21.156"; and

■ b. In paragraph (c) introductory text, removing "In addition" and adding in its place "In addition".

§ 21.150 [Amended]

■ 44. Amend newly redesignated § 21.150 by:

■ a. In paragraph (i), removing the number "3-202-21-2143" and adding in its place the number "3-2436"; and

■ b. Revising paragraph (k).

The revision reads as follows:

§ 21.150 Depredation order for blackbirds, cowbirds, crows, grackles, and magpies.

\* \* \* \* \*

(k) Information collection requirements. The Office of

Management and Budget (OMB) has approved the information collection requirements associated with this deprecation order and assigned OMB Control Number 1018–0146. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

**§ 21.153 [Amended]**

■ 45. Amend newly redesignated § 21.153 by:

■ a. In the introductory text, removing the word “*Carpodacus*” and adding in its place the word “*Haemorrhous*” and removing the number “21.41” and adding in its place the number “21.100”; and

■ b. In paragraph (e), removing the number “3–202–20–2144” and adding in its place the number “3–2436”.

■ 46. Amend newly redesignated § 21.159 by:

■ a. In paragraph (a), adding the words “(*Branta canadensis*)” after the words “management of resident Canada geese” and removing the number “21.3” and adding in its place the number “21.6”; and

■ b. Revising paragraph (f).

The revision reads as follows:

**§ 21.159 Control order for resident Canada geese at airports and military airfields.**

\* \* \* \* \*

(f) *Information collection requirements.* The Office of Management and Budget (OMB) has approved the information collection requirements associated with this control order and assigned OMB Control Number 1018–0146. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 47. Amend newly redesignated § 21.162 by:

■ a. In paragraph (a), adding the words “(*Branta canadensis*)” after the words “management of resident Canada geese” and removing the number “21.3” and adding in its place the number “21.6”; and

■ b. Revising paragraph (f).

The revision reads as follows:

**§ 21.162 Depredation order for resident Canada geese nests and eggs.**

\* \* \* \* \*

(f) *Information collection requirements.* The Office of Management and Budget (OMB) has approved the information collection requirements associated with this deprecation order and assigned OMB Control Number 1018–0146. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 48. Amend newly redesignated § 21.165 by:

■ a. In paragraph (a), adding the words “(*Branta canadensis*)” after the words “management of resident Canada geese” and removing the number “21.3” and adding in its place the number “21.6”; and

■ b. Revising paragraph (f).

The revision reads as follows:

**§ 21.165 Depredation order for resident Canada geese at agricultural facilities.**

\* \* \* \* \*

(f) *Information collection requirements.* The Office of Management and Budget (OMB) has approved the information collection requirements associated with this deprecation order and assigned OMB Control Number 1018–0146. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

■ 49. Amend newly redesignated § 21.168 by:

■ a. In paragraph (a), adding the words “(*Branta canadensis*)” after the words “management of resident Canada geese” and removing the number “21.3” and adding in its place the number “21.6”; and

■ b. Revising paragraph (g).

The revision reads as follows:

**§ 21.168 Public health control order for resident Canada geese.**

\* \* \* \* \*

(g) *Information collection requirements.* The Office of Management and Budget (OMB) has approved the information collection

requirements associated with this control order and assigned OMB Control Number 1018–0146. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

**§ 21.171 [Amended]**

■ 50. Amend newly redesignated § 21.171, paragraph (c), by:

■ a. In paragraph (c)(2), removing the words “*Porphyryla martinica*” and adding in their place the words “*Porphyrio martinicus*”; and

■ b. In paragraph (c)(4), removing “<http://www.fws.gov/where/>” and adding in its place “<https://www.fws.gov/offices>”.

■ 51. Amend newly redesignated § 21.174 by:

■ a. Revising the section heading; and

■ b. In paragraphs (a), (b), (c), and (d)(1), (2), and (4), removing the word “muscovy” and adding in its place the word “Muscovy” wherever it appears.

The revision reads as follows:

**§ 21.174 Control order for Muscovy ducks in the United States.**

\* \* \* \* \*

**Subpart E—Control of Overabundant Migratory Bird Populations**

**§§ 21.60 and 21.61 [Redesignated as §§ 21.180 and 21.183 and Transferred to Subpart D]**

■ 52. Redesignate §§ 21.60 and 21.61 as §§ 21.180 and 21.183, respectively, and transfer the sections from subpart E to subpart D.

■ 53. Amend newly redesignated § 21.180 by:

■ a. In paragraph (b), removing the word “*Chen*” and adding in its place the word “*Anser*”, and removing “*C. c. caerulescens*” and adding in its place “*A. c. caerulescens*”; and

■ b. Revising paragraph (j).

The revision reads as follows:

**§ 21.180 Conservation order for light geese.**

\* \* \* \* \*

(j) *Information collection requirements.* The Office of Management and Budget (OMB) has approved the information collection requirements associated with this conservation order and assigned OMB Control Number 1018–0146. Federal agencies may not conduct or sponsor,

and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

- 54. Amend newly redesignated § 21.183 by:
  - a. In paragraph (a), by adding the words “(*Branta canadensis*)” immediately following the words “control of resident Canada geese”, and removing the number “21.3” and adding in its place the number “21.6”; and
  - b. In paragraph (d) introductory text, in the first sentence, removing “21.49 through 21.52” and adding in their place “21.159, 21.162, 21.165, and 21.168” and removing the number “21.61(c)” and adding in its place the words “paragraph (c) of this section”;
  - c. In paragraph (f), in the fourth sentence, removing the number “21.61(d)” and adding in its place the words “paragraph (d) of this section”; and
  - d. Revising paragraph (i).  
The revision reads as follows:

**§ 21.183 Population control of resident Canada geese.**

\* \* \* \* \*

(i) *Information collection requirements.* The Office of Management and Budget (OMB) has approved the information collection requirements associated with this program and assigned OMB Control Number 1018–0146. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

**Subpart E [Removed]**

- 55. Remove newly vacant subpart E.

**PART 22—EAGLE PERMITS**

- 56. The authority citation for part 22 continues to read as follows:  
**Authority:** 16 U.S.C. 668–668d; 703–712; 1531–1544.

**Subpart A—Introduction and General Requirements**

- 57. Revise the heading of subpart A to read as set forth above.

**§§ 22.1, 22.2, 22.3, and 22.4 [Redesignated as §§ 22.2, 22.4, 22.6, and 22.8]**

- 58. Redesignate §§ 22.1, 22.2, 22.3, and 22.4 as §§ 22.2, 22.4, 22.6, and 22.8, respectively.
- 59. Amend newly redesignated § 22.2 by revising the section heading to read as follows:

**§ 22.2 Purpose of this part.**

\* \* \* \* \*

- 60. Amend newly redesignated § 22.4 by:

- a. Revising the section heading; and
- b. In paragraph (a)(2), removing the number “22.22” and adding in its place the number “22.60”.

The revision reads as follows:

**§ 22.4 Scope of this part.**

\* \* \* \* \*

- 61. Revise newly redesignated § 22.8 to read as follows:

**§ 22.8 Information collection requirements.**

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this part and assigned OMB Control Number 1018–0167. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

**Subpart B—General Requirements**

**§ 22.11 [Redesignated as § 22.10 and Transferred to Subpart A]**

- 62. Redesignate § 22.11 as § 22.10, transfer it from subpart B to subpart A, and amend it by:
  - a. Revising the section heading; and
  - b. In the introductory text, removing the number “21.2” and adding in its place the number “21.4”.

The revision reads as follows:

**§ 22.10 Relationship to other permit requirements.**

\* \* \* \* \*

**§ 22.12 [Transferred to Subpart A]**

- 63. Amend § 22.12 by:
  - a. Transferring it from subpart B to subpart A; and
  - b. Revising the section heading.  
The revision reads as follows:

**§ 22.12 Illegal activities.**

\* \* \* \* \*

**Subpart B [Reserved]**

- 64. Reserve newly vacant subpart B.

**Subpart C—Specific Eagle Permit Provisions**

- 65. Revise the heading of subpart C to read as set forth above.

**§§ 22.21, 22.22, 22.23, 22.24, 22.25, 22.26, 22.27, and 22.28 [Redesignated as §§ 22.50, 22.60, 22.100, 22.70, 22.75, 22.80, 22.85, and 22.90]**

- 66. Redesignate the sections in subpart C as shown in the following table:

Old section	New section
§ 22.21	§ 22.50
§ 22.22	§ 22.60
§ 22.23	§ 22.100
§ 22.24	§ 22.70
§ 22.25	§ 22.75
§ 22.26	§ 22.80
§ 22.27	§ 22.85
§ 22.28	§ 22.90

- 67. Amend newly redesignated § 22.50 by revising the section heading to read as follows:

**§ 22.50 Eagle scientific and eagle exhibition permits.**

\* \* \* \* \*

- 68. Amend newly redesignated § 22.60 by revising the section heading to read as follows:

**§ 22.60 Eagle Indian religious permits.**

\* \* \* \* \*

- 69. Amend newly redesignated § 22.70 by:
  - a. Revising the section heading;
  - b. In paragraph (a), removing “21.29 (c)(3)(iv)” and adding in its place “21.82(c)(3)(iv)”;
  - c. In paragraph (b), removing the number “22.23” and adding in its place the number “22.100” and removing the words “Subpart D, Depredation Control Orders on Golden Eagles” and adding in their place the words “Subpart D—Provisions for Depredating Eagles”.

The revision reads as follows:

**§ 22.70 Eagle falconry permits.**

\* \* \* \* \*

- 70. Amend newly redesignated § 22.75 by revising the introductory text to read as follows:

**§ 22.75 Golden eagle nest take permits.**

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing any person to take alternate golden eagle nests during a resource development or recovery operation if the taking is compatible with the preservation of golden eagles. The Office of Management and Budget (OMB) has approved the information



collection requirements contained in this section and assigned OMB Control Number 1018-0167. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Direct comments regarding the burden estimate or any other aspect of the information collection to the Service's Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).

\* \* \* \* \*

**§ 22.80 [Amended]**

■ 71. Amend newly redesignated § 22.80 in paragraph (b) introductory text by removing the number “22.3” and adding in its place the number “22.6”.

**§ 22.85 [Amended]**

■ 72. Amend newly redesignated § 22.85 by:  
 ■ a. In paragraph (b)(8) introductory text, removing the number “22.26(c)(1)(iii)” and adding in its place the number “22.80(c)(1)(iii)”;  
 ■ b. In paragraph (c)(1), by removing “(<http://www.fws.gov/permits/mbpermits/addresses.html>)”; and  
 ■ c. In paragraph (e)(6)(iv), removing the number “22.25” and adding in its place the number “22.75”.

**§ 22.90 [Amended]**

■ 73. Amend newly redesignated § 22.90 in paragraphs (a) and (b) by removing the number “22.26” and adding in its place the number “22.80”.

**§ 22.100 [Transferred to Subpart D]**

■ 74. Amend newly redesignated § 22.100 by:  
 ■ a. Transferring it from subpart C to subpart D; and  
 ■ b. Revising the section heading.  
 The revision reads as follows:

**§ 22.100 Eagle depredation permits.**

\* \* \* \* \*

**Subpart D—Provisions for Depredating Eagles**

■ 75. Revise the heading of subpart D to read as set forth above.

**§§ 22.31 and 22.32 [Redesignated as §§ 22.120 and 22.122]**

■ 76. Redesignate §§ 22.31 and 22.32 as §§ 22.120 and 22.122, respectively.

**Shannon A. Estenoz,**  
*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2021-28086 Filed 1-6-22; 8:45 am]

BILLING CODE 4333-15-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 217**

[Docket No. 211208-0254]

RIN 0648-BK69

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to U.S. Navy Construction at Naval Station Newport in Newport, Rhode Island**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; correction.

**SUMMARY:** On December 15, 2021, NOAA published a rule governing the take of marine mammals incidental to U.S. Navy (Navy) construction at Naval Station Newport in Newport, Rhode Island. The rule contained a systematic section numbering error in the regulatory text. This document corrects the section numbers to the added subpart.

**DATES:** Effective May 15, 2022 through May 14, 2027.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Egger, 301-427-8401.

**SUPPLEMENTARY INFORMATION:** This document contains corrections to the regulatory text to the final regulations published on December 15, 2021, governing the take of marine mammals incidental to the Navy construction at Naval Station Newport in Newport, Rhode Island. This action is necessary to correct an error in where regulatory text where the section numbers were mislabeled in the **Federal Register**.

**Correction**

■ In FR Rule Doc. No. 2021-27133, published December 15, 2021, at 86 FR 71162, the section numbers for added subpart R are corrected from §§ 217.70 through 217.79 to §§ 217.170 through 217.179. In the following table, on pages 71178 through 71180, remove the section number indicated in the left column from wherever it appears in the regulatory text and add in its place the section number indicated in the right column:

Remove	Add
217.70	217.170
217.71	217.171
217.72	217.172
217.73	217.173
217.74	217.174

Remove	Add
217.75	217.175
217.76	217.176
217.77	217.177
217.78	217.178
217.79	217.179

Dated: January 4, 2022.

**Samuel D. Rauch III,**  
*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2022-00116 Filed 1-6-22; 8:45 am]

BILLING CODE 3510-22-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

[Docket No. 210603-0121; RTID 0648-XB661]

**International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Extension of Emergency Decisions of the Western and Central Pacific Fisheries Commission**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary specifications.

**SUMMARY:** NMFS is extending the effective date of temporary specifications that implement three short-notice decisions of the Commission on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission or WCPFC). NMFS issued temporary specifications on June 11, 2021, to implement short-notice WCPFC decisions regarding purse seine observer coverage, purse seine transshipments at sea, and transshipment observer coverage. NMFS is extending the effective date of those temporary specifications until April 14, 2022. NMFS is undertaking this action under the authority of the Western and Central Pacific Fisheries Convention Implementation Act (WCPFC Implementation Act) to satisfy the obligations of the United States as a Contracting Party to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention).

**DATES:** The temporary specifications are in effect from January 7, 2022, until April 14, 2022.

**FOR FURTHER INFORMATION CONTACT:** Rini Ghosh, NMFS Pacific Islands Regional Office, 808-725-5033.

**SUPPLEMENTARY INFORMATION:** Under authority of the WCPFC Implementation Act (16 U.S.C. 6901 *et seq.*), NMFS published an interim final rule that established a framework to implement short-notice WCPFC decisions. NMFS simultaneously issued temporary specifications to implement three short-notice WCPFC decisions until September 14, 2021. Additional background information on the Commission, the Convention, the interim final rule, and temporary specifications, is available in the **Federal Register** document that includes the interim final rule and temporary specifications (86 FR 31178; June 11, 2021). Pursuant to a WCPFC decision, NMFS extended the effective date of the temporary specifications until January 13, 2022 (86 FR 48916; September 1, 2021).

#### **WCPFC Emergency Decisions and NMFS Implementation**

On April 8, 2020, in response to the international concerns over the health of observers and vessel crews due to COVID-19, the Commission made an intersessional decision to suspend the requirements for observer coverage on purse seine vessels on fishing trips in the Convention Area through May 31, 2020. The Commission subsequently extended that decision several times, and the current extension is effective until March 15, 2022.

On April 20, 2020, in response to the international concerns over the health of vessel crews and port officials due to COVID-19, the Commission made an intersessional decision to modify the prohibition on at-sea transshipment for purse seine vessels as follows—purse seine vessels can conduct at-sea transshipment in an area under the jurisdiction of a port State, if transshipment in port cannot be conducted, in accordance with the domestic laws and regulations of the port State. The Commission subsequently extended that decision and the current extension is effective until March 15, 2022. NMFS waived the requirement under 50 CFR 300.216(b)(1) by temporary specification until January 13, 2022.

On May 13, 2020, in response to the international concerns over the health of observers and vessel crews due to COVID-19, the Commission made an intersessional decision to suspend the requirements for observer coverage for at-sea transshipments. The Commission subsequently extended that decision and the current extension is effective

until March 15, 2022. NMFS waived the requirements under 50 CFR 300.215(d) and 50 CFR 300.216(b)(2) by temporary specification until January 13, 2022.

#### **Extension of Temporary Specifications**

NMFS is using the framework as set forth at 50 CFR 300.228 to extend the effective date of the temporary specifications implementing the three recent WCPFC intersessional decisions (WCPFC decisions dated April 8, 2020, April 20, 2020, and May 13, 2020), described above, that are in effect until March 15, 2022. The regulations to implement short-notice WCPFC decisions at 50 CFR 300.228 provide that temporary specifications to implement such short-notice decisions will remain in effect no longer than 30 days after the expiration of the underlying Commission decision.

Accordingly, the requirements of the following regulations are waived. Such waiver shall remain in effect until April 14, 2022, unless NMFS earlier rescinds or extends this waiver by publication in the **Federal Register**:

- 50 CFR 300.223(e)(1). During the term of this waiver, U.S. purse seine vessels are not required to carry WCPFC observers<sup>1</sup> on all fishing trips in the Convention Area. However, the regulations at 50 CFR 300.215(c)(1) that require all vessels with WCPFC Area Endorsements or for which WCPFC Area Endorsements are required to carry WCPFC observers when directed by NMFS remain in effect;
- 50 CFR 300.216(b)(1). During the term of this waiver, U.S. purse seine fishing vessels are not prohibited from at-sea transshipment conducted within the national waters of the coastal state, in accordance with applicable national laws. Transshipment on the high seas remains prohibited; and
- 50 CFR 300.216(b)(2) and 50 CFR 300.215(d). During the term of this waiver, owners and operators of U.S. commercial fishing vessels fishing for highly migratory species in the Convention Area are not prohibited from at-sea transshipment without a WCPFC observer on board the offloading or receiving vessel.

<sup>1</sup> A WCPFC Observer means a person authorized by the Commission in accordance with any procedures established by the Commission to undertake vessel observer duties as part of the Commission's Regional Observer Programme, including an observer deployed as part of a NMFS-administered observer program or as part of another national or sub-regional observer program, provided that such program is authorized by the Commission to be part of the Commission's Regional Observer Programme. See 50 CFR 300.211.

#### **Classification**

NMFS issues this action pursuant to the WCPFC Implementation Act and the regulations at 50 CFR 300.228. This action is exempt from review under Executive Order 12866.

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment on the interim final rule and temporary measures included in this action, because prior notice and the opportunity for public comment is unnecessary and would be contrary to the public interest. Opportunity for public comment is unnecessary because the regulations establishing the framework and providing notice of the Commission's decisions described above have already been subject to notice and public comment, and all that remains is to notify the public of the extension of those Commission decisions. NMFS will be responding to public comments received on the framework and those Commission decisions in a separate rule. In addition, the opportunity for public comment is unnecessary because the extensions of effective date of three short-notice WCPFC decisions have already gone into effect and as a contracting party to the Convention, NMFS is obligated to carry out those extensions.

For the reasons articulated above, there is also good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective dates for the temporary measures.

**Authority:** 16 U.S.C. 6901 *et seq.*

Dated: January 4, 2022.

**Ngagne Jafnar Gueye,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2022-00114 Filed 1-6-22; 8:45 am]

**BILLING CODE 3510-22-P**

## **DEPARTMENT OF COMMERCE**

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

#### **50 CFR Part 622**

[Docket No. 140819687-5583-02; RTID 0648-XB688]

#### **Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; 2021-2022 Commercial Closure for Spanish Mackerel in the Atlantic Southern Zone; Correction**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; correction.

**SUMMARY:** NMFS corrects the temporary rule that published in the **Federal Register** on January 3, 2022, which announced the incorrect effective date of January 3, 2022, for the closure of the Atlantic southern zone to commercial harvest of Spanish mackerel. The correct effective date for the closure is January 5, 2022. NMFS identified several errors with references to incorrect dates, so the purpose of this correction is to fix those errors.

**DATES:** This correction to the temporary rule is effective on January 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** Mary Vara, NMFS Southeast Regional Office, telephone: 727-824-5305, or email: [mary.vara@noaa.gov](mailto:mary.vara@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Corrections**

In the **Federal Register** of January 3, 2022, in FR Doc. 2021-28442, make the following corrections:

1. On page 53, in the first and second columns, correct the second and third sentences of the **SUMMARY** caption to read: "NMFS has determined that the commercial quota for Spanish mackerel in the Atlantic southern zone will be reached by January 5, 2022. Therefore, NMFS closes the Atlantic southern zone to commercial harvest of Spanish mackerel on January 5, 2022."

2. On page 53, in the second column, correct the **DATES** caption to read: "This temporary rule is effective from 6 a.m. eastern time on January 5, 2022, until 12:01 a.m. eastern time on March 1, 2022."

3. On page 53, in the third column, correct the last two sentences which begin at the eighth line of the paragraph carrying over from the second to the third column of the **SUPPLEMENTARY INFORMATION** caption to read: "NMFS has determined that the commercial quota for Atlantic Spanish mackerel in the southern zone will be reached by January 5, 2022. Accordingly, the commercial sector for Atlantic Spanish mackerel in the southern zone is closed effective at 6 a.m. eastern time on January 5, 2022, through February 28, 2022, the end of the current fishing year."

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: January 4, 2022.

**Ngagne Jafnar Gueye,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2022-00124 Filed 1-4-22; 4:15 pm]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 220103-0001; RTID 0648-XX077]

**Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustments to 2022 Specifications**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary final rule; adjustment of specifications.

**SUMMARY:** In accordance with the regulations implementing the Atlantic Herring Fishery Management Plan, this action adjusts the 2022 harvest specifications for the herring fishery. Specifically, it adjusts catch limits in the four herring management areas (Areas 1A, 1B, 2, and 3) to account for catch overages and underages in those areas during 2020. This action is necessary to help prevent overfishing ensure and support the harvest of optimum yield consistent with the requirements of the Atlantic Herring Fishery Management Plan.

**DATES:** Effective January 4, 2022, through December 31, 2022.

**ADDRESSES:** Copies of supporting documents, including Framework 8 to Atlantic Herring Fishery Management Plan (FMP), are available from the Sustainable Fisheries Division, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, telephone (978) 281-9315, or online at: <https://www.nefmc.org> and <https://www.fisheries.noaa.gov/species/atlantic-herring#management>.

**FOR FURTHER INFORMATION CONTACT:** Carrie Nordeen, Fishery Policy Analyst, 978-281-9272.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Atlantic herring harvest in the United States is managed under the Atlantic Herring FMP developed by the New England Fishery Management Council and approved by NMFS. The FMP divides the herring annual catch limit (ACL) among three management areas, one of which has two sub-areas. It divides Area 1 (located in the Gulf of Maine (GOM)) into an inshore section (Area 1A) and an offshore section (Area 1B). Area 2 is located in the coastal waters between Massachusetts and North Carolina, and Area 3 is on

Georges Bank (GB). The FMP considers the herring stock complex to be a single stock, but there are inshore (GOM) and offshore (GB) stock components. The GOM and GB stock components segregate during spawning and mix during feeding and migration. Each management area has its own sub-ACL to allow greater control of the fishing mortality on each stock component.

NMFS issued a final rule that implemented Amendment 4 to the FMP (76 FR 11373; March 2, 2011) to address ACL and accountability measure (AM) requirements. As a way to account for ACL/sub-ACL overages in the herring fishery, Amendment 4 established an AM that requires NMFS to deduct any ACL/sub-ACL overages from the corresponding ACL/sub-ACL of the year following the catch overage determination. Amendment 4 also specified that NMFS will announce overage deductions in the **Federal Register** prior to the start of the fishing year, if possible.

NMFS published a final rule implementing Framework 2 to the FMP and the 2013-2015 specifications for the herring fishery on October 4, 2013 (78 FR 61828). Among other measures, Framework 2 allowed for the carryover of unharvested catch (*i.e.*, underages) in the year following catch determination. Provided that annual total catch does not exceed the ACL, up to 10 percent of each sub-ACL may be carried over and added to the following year's sub-ACL. The carryover provision allows a sub-ACL increase for a management area, but it does not allow a corresponding increase to the ACL.

NMFS published the 2021-2023 specifications for the herring fishery in Framework 8 to the FMP on April 1, 2021 (86 FR 17081). Framework 8 also revised the carryover provision to reduce the amount of carryover available to be added to sub-ACLs in 2022. Specifically, it reduced the 2020 sub-ACL percentages that could be carried over and added to the 2022 sub-ACLs from 10 percent to 5 percent. Because carryover does not increase the ACL, the carryover of 2020 underages to the relatively lower sub-ACLs in 2022 could potentially restrict fishing later in the year in areas not receiving carryover if the sub-ACLs in areas with carryover are harvested early in the year.

**Provisions Implemented Through This Final Rule**

NMFS recently completed the catch accounting for 2020 and determined there were catch overages in Areas 1A and 1B and catch underages in Areas 2 and 3. To account for the overages, this action deducts the 2020 catch overages

in Areas 1A and 1B from the 2022 ACL and sub-ACLs for Areas 1A and 1B. To account for the underages, this action carries over unharvested 2020 catch to the 2022 herring sub-ACLs in Areas 2 and 3. The carryover equals the amount of each area's underage or up to 5

percent of the 2020 sub-ACL, whichever is less. Table 1 provides catch details for 2020 and the corresponding adjustments for the 2022 sub-ACLs. Because the adjusted Area 1B sub-ACL is zero, none of the sub-ACL is available for harvest in 2022 and a vessel may not fish for,

possess, or retain herring from Area 1B for the remainder of the 2022 fishing year. A vessel may transit Area 1B with herring on board provided herring were caught in an area where the sub-ACL is available for harvest and gear is stowed and not available for immediate use.

TABLE 1—HERRING CATCH LIMITS, CATCH, AND CARRYOVER [mt]

	Final 2020 sub-ACLs	2020 catch	2020 overages (+) underages (-)	Allowable carryover (up to 5 percent *)	Initial 2022 sub-ACLs	Adjusted 2022 sub-ACLs
Area 1A .....	4,244	4,353	+ 109	NA	1,184	1,075
Area 1B .....	483	831	+ 348	NA	176	**0
Area 2 .....	3,120	353	- 2,767	156	1,139	1,295
Area 3 .....	4,378	4,054	- 324	219	1,598	1,817
ACL *** .....	12,224	9,591	NA	NA	4,098	3,813

\* Carryover is based on 5 percent of the initial 2020 sub-ACLs: Area 1A = 3,244 mt; Area 1B = 483 mt; Area 2 = 3,120 mt; and Area 3 = 4,378 mt. These initial sub-ACLs were adjusted inseason to become the final 2020 sub-ACLs.

\*\* Because the 2020 overage in Area 1B exceeds the initial 2022 Area 1B sub-ACL, the adjusted 2022 Area 1B sub-ACL is zero.

\*\*\* The ACL is reduced by overages but not increased by carryover; therefore, the adjusted 2022 ACL is only affected by the 2020 overages in Areas 2 and 3.

NMFS calculated the amount of herring landings in 2020 based on dealer reports (Federal and state) of herring purchases, supplemented by vessel trip reports (VTR) and vessel monitoring system (VMS) reports (Federal and states of Maine and Massachusetts) of herring landings. NMFS generally uses dealer reports to estimate herring landings; however, if the amount of herring reported via VTR exceeded the amount of herring reported by the dealer by 10 percent or more, NMFS assumes the dealer report for that trip was in error and uses the VTR report instead. NMFS assigns herring landings to individual herring management areas using VMS reports or latitude and longitude coordinates from VTR reports when a VMS report is not available. NMFS uses recent fishing activity to assign landings to a management area if dealer reports do not have a corresponding VTR or VMS catch report.

NMFS estimates herring discards by extrapolating discards from herring trips observed by the Northeast Fisheries Observer Program to all herring trips (observed and unobserved) according to gear and herring management area. Because research set-aside (RSA) is removed from management area sub-ACLs at the beginning of the fishery year, when appropriate, NMFS tracks RSA catch but does not count it towards the herring sub-ACLs. No RSA is specified for 2022.

**Classification**

The NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action. Notice and comment are impracticable and contrary to the public interest because a delay would potentially impair achievement of the management plan's objectives of preventing overfishing and achieving optimum yield by impairing a vessels' ability to harvest available catch allocations. Allowing for prior notice and public comment on this adjustment is also impracticable because the adjustments need to be announced prior to the January 1 start of the fishing year, or as soon as possible thereafter. Further, this is a nondiscretionary action required by provisions of Amendment 4 and Frameworks 2, 6, and 8, which were previously subject to public notice and comment. The adjustments required by these regulations are formulaic. This action simply effectuates these mandatory calculations. The proposed and final rules for Frameworks 2 and 6 and Amendment 4 explained the need and likelihood for adjustments to the sub-ACLs based on final catch. Frameworks 2 and 8, specifically, provided prior

notice of the need to distribute carryover catch. These actions provided a full opportunity for the public to comment on the substance and process of this action.

For the same reasons as noted above, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make the rule effective upon publication in the **Federal Register**. To prevent confusion and potential overharvests, it will be in the best interest of the fleet and the herring resource to adjust the specifications prior to the January 1 start of the fishing year, or as soon as possible thereafter. Management Areas 1B, 2, and 3 open on January 1 and Area 1A opens on June 1. The adjustments in this action reduce catch in Areas 1A and 1B, in particular reducing the Area 1B sub-ACL to zero, and increase catch in Areas 2 and 3. Putting in place the adjusted specifications as soon as possible will provide the fleet with an opportunity to develop their business plans in sufficient time to avoid an overharvest in Area 1B and facilitate the harvest of additional catch in Areas 2 and 3.

This action is required by 50 CFR part 648, subpart K, and is exempt from review under Executive Order 12866.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601

*et seq.*, are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

*Authority:* 16 U.S.C. 1801 *et seq.*

Dated: January 3, 2022.

**Samuel D. Rauch, III,**  
*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

[FR Doc. 2022-00055 Filed 1-4-22; 4:15 pm]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 87, No. 5

Friday, January 7, 2022

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF ENERGY

### 10 CFR Parts 429 and 430

[EERE-2020-BT-TP-0012]

RIN 1904-AE49

#### Energy Conservation Program: Test Procedures for Battery Chargers; Extension of Comment Period

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

**ACTION:** Notice of proposed rulemaking; extension of public comment period.

**SUMMARY:** On November 23, 2021, the U.S. Department of Energy (“DOE”) published a notice of proposed rulemaking and request for comment proposing to amend the test procedures for battery chargers to improve test procedure representativeness. The document provided a comment period deadline for submitting written comments, data, and information by January 24, 2022. DOE received a joint request from interested parties seeking a 30-day extension of the public comment period. DOE has reviewed this request and is granting an extension of the public comment period for 14 days to allow public comments to be submitted until February 7, 2022.

**DATES:** The comment period for the proposal published on November 23, 2021 (86 FR 66878) is extended. DOE will accept comments, data, and information regarding this proposal that are received no later than February 7, 2022.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE-2020-BT-TP-0012, by any of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

2. *Email to:*

*BatteryChargers2020TP0012@ee.doe.gov*. Include docket number EERE-2020-BT-TP-0012 in the subject line of the message.

No telefacsimilies (“faxes”) will be accepted.

Although DOE has routinely accepted public comment submissions through a variety of mechanisms, including postal mail and hand delivery/courier, the Department has found it necessary to make temporary modifications to the comment submission process in light of the ongoing COVID-19 pandemic. DOE is currently accepting only electronic submissions at this time. If a commenter finds that this change poses an undue hardship, please contact Appliance Standards Program staff at (202) 586-1445 to discuss the need for alternative arrangements. Once the COVID-19 pandemic health emergency is resolved, DOE anticipates resuming all of its regular options for public comment submission, including postal mail and hand delivery/courier.

*Docket:* The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at [www.regulations.gov](http://www.regulations.gov). All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at: [www.regulations.gov/docket/EERE-2020-BT-TP-0012](http://www.regulations.gov/docket/EERE-2020-BT-TP-0012). The docket web page contains instructions on how to access all documents, including public comments, in the docket.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Jeremy Domm, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-9870. Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0121. Telephone: (202) 586-8145. Email: [michael.kido@hq.doe.gov](mailto:michael.kido@hq.doe.gov).

For further information on how to submit a comment or review other public comments and the docket contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** On November 23, 2021, the U.S. Department of Energy (“DOE”) published a notice of proposed rulemaking and request for comment proposing to amend the test procedures for battery chargers to improve test procedure representativeness. 86 FR 66878. The proposal would: Establish a new appendix Y1 that would expand coverage of inductive wireless battery chargers and establish associated definitions and test provisions; establish a new test procedure approach that relies on separate metrics for active mode, stand-by, and off-mode (consequently removing the battery charger usage profiles and unit energy consumption calculation); and update the wall adapter selection criteria. DOE also proposed changes to appendix Y to reorganize two subsections, to clarify symbology and references, to correct an incorrect cross reference and section title, to update the list of battery chemistries, and to terminate an existing test procedure waiver because the covered subject models have been discontinued. DOE further proposed to mirror these changes in the newly proposed appendix Y1. DOE is seeking comment from interested parties on the proposals. The document provided an opportunity for submitting written comments, data, and information by January 24, 2022.

On December 16, 2021, DOE received a joint request from the Association of Home Appliance Manufacturers, Consumer Technology Association, Information Technology Industry Council, National Electrical Manufacturers Association, Outdoor Power Equipment Institute, Plumbing Manufacturers Institute, and Power Tool Institute requesting a 30-day extension of the period comment period. These joint requesters noted that the comment period occurred during the Thanksgiving, Christmas, and New Years holidays and because of vacation schedules, it has been difficult to gather members for meetings to review the proposal and develop meaningful

comment. The joint request also noted that additional time is needed to fully evaluate the significant and complex changes, including new metrics, being proposed and that the statutory deadline for battery chargers is not in danger of being missed. (Joint Requesters, No. 17 at p. 1).<sup>1</sup>

DOE has reviewed the request from these interested parties and has decided to extend the comment period to allow additional time for interested parties to submit comments. DOE has determined that an extension of 14 days is sufficient for this stage of the rulemaking. Therefore, DOE is extending the comment period until February 7, 2022.

### Signing Authority

This document of the Department of Energy was signed on December 28, 2021, by Kelly Speakes-Backman, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the 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 December 30, 2021.

**Treena V. Garrett,**

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

[FR Doc. 2021-28542 Filed 1-6-22; 8:45 am]

**BILLING CODE 6450-01-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1120

[CPSC Docket No. CPSC-2021-0038]

### Substantial Product Hazard List: Window Covering Cords

**AGENCY:** Consumer Product Safety Commission.

<sup>1</sup> The parenthetical reference provides a reference to the comment extension request in DOE's rulemaking docket. (Docket No. EERE-2020-BT-TP-0012, which is maintained at [www.regulations.gov/comment/EERE-2020-BT-TP-0012-0017](http://www.regulations.gov/comment/EERE-2020-BT-TP-0012-0017)). The references are arranged as follows: (Commenter name, comment docket ID number, page of that document).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** To address the risk of strangulation to young children associated with certain window covering cords, the Consumer Product Safety Commission (CPSC) is proposing a rule to deem that one or more of the following readily observable characteristics of window coverings present a substantial product hazard (SPH) under the Consumer Product Safety Act (CPSA): The presence of hazardous operating cords on stock window coverings, the presence of hazardous inner cords on stock and custom window coverings, or the absence of a manufacturer label on stock and custom window coverings. The proposed rule would amend the Substantial Product Hazard List, which lists products that the Commission has determined present an SPH if the products have or lack specified characteristics that are readily observable, the hazards have been addressed by a voluntary standard, the voluntary standard has been effective in reducing the risk of injury associated with the product, and the products substantially comply with the voluntary standard.

**DATES:** Written comments must be received by March 23, 2022.

**ADDRESSES:** You may submit comments, identified by Docket No. CPSC-2021-0038, 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 typically does not accept comments submitted by electronic mail (email), except through <https://www.regulations.gov>. 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, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. Alternatively, as a temporary option during the COVID-19 pandemic, you can 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, CPSC-2021-0038, into the "Search" box, and follow the prompts.

### FOR FURTHER INFORMATION CONTACT:

Rana Balci-Sinha, Director, Division of Human Factors, Directorate for Engineering Sciences, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850; telephone: 301-987-2584; [rbalcisinha@cpsc.gov](mailto:rbalcisinha@cpsc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

##### A. Overview of the Proposed Rule

The purpose of the proposed rule is to address the risk of strangulation to children 8 years old and younger associated with hazardous cords on window coverings.<sup>1</sup> The Commission issues this notice of proposed rulemaking (NPR) under section 15(j) of the CPSA, 15 U.S.C. 2064(j), to amend the substantial product hazard list in 16 CFR part 1120 (part 1120). The NPR proposes to deem the presence of hazardous window covering cords on stock and custom window coverings, which have been adequately addressed by the voluntary standard for window coverings, ANSI/WCMA A100.1-2018, American National Standard for Safety of Corded Window Covering Products (ANSI/WCMA-2018), as an SPH, as defined in section 15(a)(2) of the CPSA. This NPR is based on information and analysis contained in CPSC staff's September 29, 2021, Staff Briefing Package: Notice of Proposed Rulemaking for Corded Window Coverings (Staff's NPR Briefing Package), available at: <https://www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-2021.pdf?VersionId=HIM05bK3WDLRZrlNGogQLknhFvhtx3PD>.

<sup>1</sup> On December 14, 2021, the Commission voted 4-0 to issue this notice of proposed rulemaking. Commissioner Feldman issued a statement in connection with his vote.

The NPR proposes to deem three readily observable characteristics of stock window coverings an SPH:

- (1) Presence of hazardous operating cords;
- (2) presence of hazardous inner cords; and
- (3) absence of a required manufacturer label.

Additionally, the NPR would deem two readily observable characteristics of custom window coverings an SPH:

- (1) Presence of hazardous inner cords; and
- (2) absence of a required manufacturer label.

The Commission is addressing the presence of hazardous operating cords on custom window coverings under a separate, concurrent rulemaking pursuant to sections 7 and 9 of the CPSA, because the ANSI/WCMA–2018 standard does not adequately address this hazard. *See* CPSC Docket No. CPSC–2013–0028.

As detailed in this notice, the Commission determines preliminarily that:

- The following are readily observable characteristics of window coverings: (a) The presence of hazardous operating cords on stock window coverings (accessible operating cords longer than 8 inches in any use position); (b) the presence of hazardous inner cords on stock and custom window coverings (accessible inner cords that create a loop large enough to insert a child’s head); and (c) the absence of a required manufacturer label on stock and custom window coverings;
- the identified readily observable characteristics are adequately addressed by a voluntary standard, sections 4.3.1, 4.5, 5.3, 6.3, 6.7, and Appendices C and D of ANSI/WCMA–2018;
- window coverings that conform to sections 4.3.1, 4.5, 5.3, 6.3, 6.7, and Appendices C and D of ANSI/WCMA–2018 regarding the identified characteristics have been effective in reducing the risk of injury from strangulation associated with operating cords on stock window coverings, and inner cords on stock and custom window coverings. Additionally, the required manufacturer label effectively distinguishes between stock and custom window coverings, and expedites timely and effective recalls, by requiring identification of the manufacturer name and manufacture date on the product; and
- stock and custom window coverings manufactured or imported for sale in the United States substantially comply with the specified

characteristics in sections 4.3.1, 4.5, 5.3, 6.3, 6.7, and Appendices C and D of ANSI/WCMA–2018.

#### *B. Background and Statutory Authority*

Section 223 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) amended section 15 of the CPSA, 15 U.S.C. 2064, to add a new subsection (j). Section 15(j) of the CPSA authorizes the Commission to specify, by rule, for any consumer product or class of consumer products, characteristics whose existence or absence are deemed a substantial product hazard under section 15(a)(2) of the CPSA. 15 U.S.C. 2064(j). Section 15(a)(2) of the CPSA defines a “substantial product hazard,” in relevant part, as a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public. For the Commission to issue a rule under section 15(j) of the CPSA, the characteristics involved must be “readily observable” and have been addressed by a voluntary standard. Moreover, the voluntary standard must be effective in reducing the risk of injury associated with the consumer products; and products subject to the voluntary standard must substantially comply with the voluntary standard. *Id.*

The Commission has issued four previous final rules under section 15(j) of the CPSA, codified in 16 CFR part 1120, involving: (a) Drawstrings on children’s upper outerwear (76 FR 42502, July 19, 2011) (drawstring rule), (b) integral immersion protection on handheld hair dryers (76 FR 37636, June 28, 2011) (hair dryer rule), (c) minimum wire size, sufficient strain relief, and overcurrent protection on seasonal and decorative lighting products (holiday lights rule) (80 FR 25216, May 4, 2015); and (d) minimum wire size, sufficient strain relief, proper polarity, proper continuity, outlet covers (on 2-wire indoor cords), and jacketed cords (on outdoor cords) (extension cord rule) (80 FR 44262, July 27, 2015).

In each of the four previous rules issued under section 15(j) of the CPSA, the Commission determined the relevant “readily observable” characteristics by considering each of the products on a case-by-case basis. For example, in the proposed drawstring rule (75 FR 27497, 27499, May 17, 2010), the Commission found that the requirements detailed in the relevant voluntary standard could be evaluated with “simple manipulations of the

garment, simple measurements of portions of the garments, and unimpeded visual observation.” The Commission stated: “more complicated or difficult actions to determine the presence or absence of defined product characteristics also may be consistent with ‘readily observable.’” The Commission stated its intent to evaluate “readily observable” characteristics on a case-by-case basis. 75 FR at 27499.

As explained in more detail in section II.A of this preamble, the “readily observable” characteristics of window covering cords are consistent with the types of observation and measurement found to be “readily observable” in the Commission’s prior rules under section 15(j). The “readily observable” characteristics of window coverings include visual observation for the presence of operating and inner cords, and a manufacturer label; and when cords are present, simple manipulations and observation of the window covering to assess cord accessibility by children, and to measure the length of accessible cords to determine whether they present a strangulation hazard.

#### *C. Product Description*

Window coverings comprise a wide range of products, including shades, blinds, curtains, and draperies. Generally, the industry considers blinds as “hard” window coverings, composed of slats or vanes, and considers shades as “soft” window coverings, composed of a continuous roll of material. Both blinds and shades may have inner cords that distribute forces to cause a motion, such as raising, lowering, or rotating the window covering to achieve a consumer’s desired level of light control. Manufacturers use inner cords on window coverings to open and close blinds and shades, using a variety of mechanisms, including traditional operating cords, motors, or direct-lift of the bottom rail of the product, to manipulate inner cords. Curtains and draperies do not contain inner cords, but consumers can operate curtains and drapes using a continuous loop operating cord or a wand.

A cord or loop used by consumers to manipulate a window covering is called an “operating cord” and may be in the form of a single cord, multiple cords, or continuous loops. “Cordless” window coverings are products designed to function without an operating cord, but they may contain inner cords. Figures 1 through 6 explain window covering terminology and show examples of different types of window coverings.

**BILLING CODE 6355–01–P**



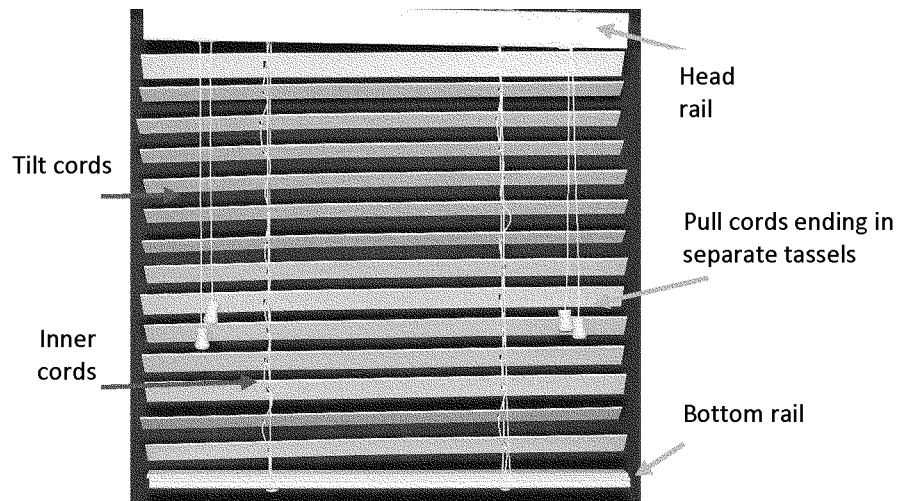


Figure 1. Horizontal blind

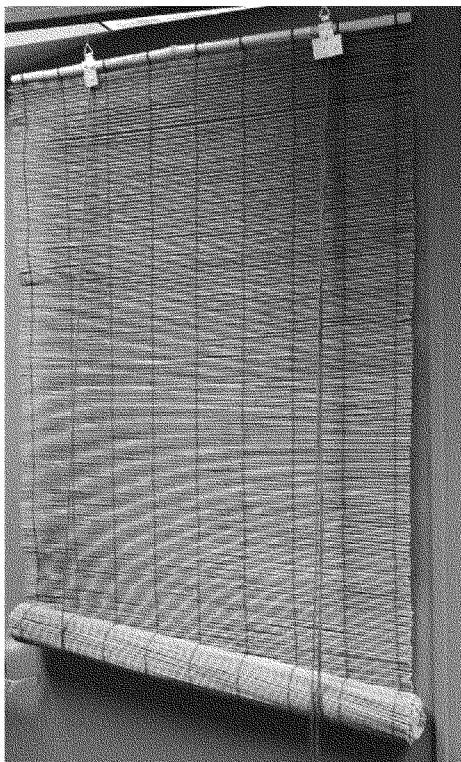


Figure 2. Roll-up shade with lifting loops

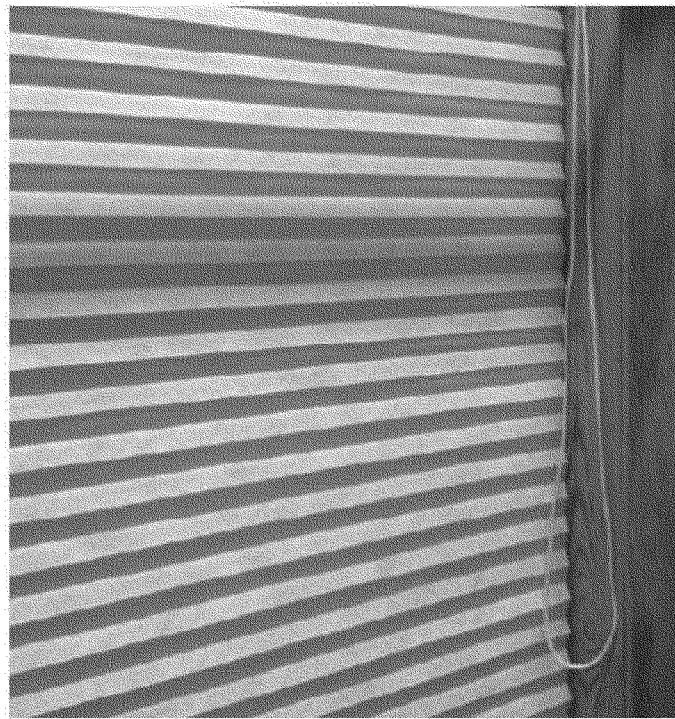


Figure 3. Cellular shade with looped operating cord



Figure 4. Vertical blind



Figure 5. Roman shade



Figure 6. Cordless horizontal blind

Figure 1 shows a horizontal blind containing inner cords, operating cords, and tilt cords. Figure 2 shows a roll-up shade containing lifting loops and operating cords. Figure 3 shows a cellular shade with inner cords between two layers of fabric and operating cords. Figure 4 shows a vertical blind with a looped operating cord to traverse the blind and a looped bead chain to tilt the vanes. Figure 5 shows a Roman shade with inner cords that run on the back side of the shade and operating cords. Figure 6 is a horizontal blind that is marketed as “cordless” because it has no operating cords, but it still contains inner cords.

This NPR relies on the definitions of window coverings and their features as set forth in the ANSI/WCMA–2018 standard, which requires “stock” and “custom” window coverings to meet different sets of requirements. For the NPR, the definition of a “stock window

covering” relies on the definition of “Stock Blinds, Shades, and Shadings” in section 3, definition 5.02 of ANSI/WCMA–2018, describing them as completely or substantially fabricated product prior to being distributed in commerce and as a specific stock-keeping unit (SKU). Even when the seller, manufacturer, or distributor modifies a pre-assembled product, by adjusting to size, attaching the top rail or bottom rail, or tying cords to secure the bottom rail, the product is still considered “stock” as defined in the voluntary standard. Moreover, under the voluntary standard, online sales of a window covering, or the size of the order, such as multifamily housing orders, do not make the product a non-stock product. ANSI/WCMA–2018 provides these examples to clarify that, as long as the product is “substantially fabricated,” subsequent changes to the

product do not change its categorization from “stock” to “custom.” The NPR defines a “custom window covering” the same as the definition of “Custom Blinds, Shades, and Shadings” in section 3, definition 5.01 of the ANSI/WCMA–2018 standard, which is any window covering that is not classified as a stock window covering.

#### *D. Hazards Associated With Window Covering Cords*

Window coverings, depending on the type of accessible cords, including operating cords (meaning pull cords and continuous loop cords), inner cords, and lifting loops, can pose strangulation hazards to children when they are accessible and long enough to wrap around a child’s neck. Figures 7, 8, and 9, below, depict the strangulation hazard for different window covering cord types.

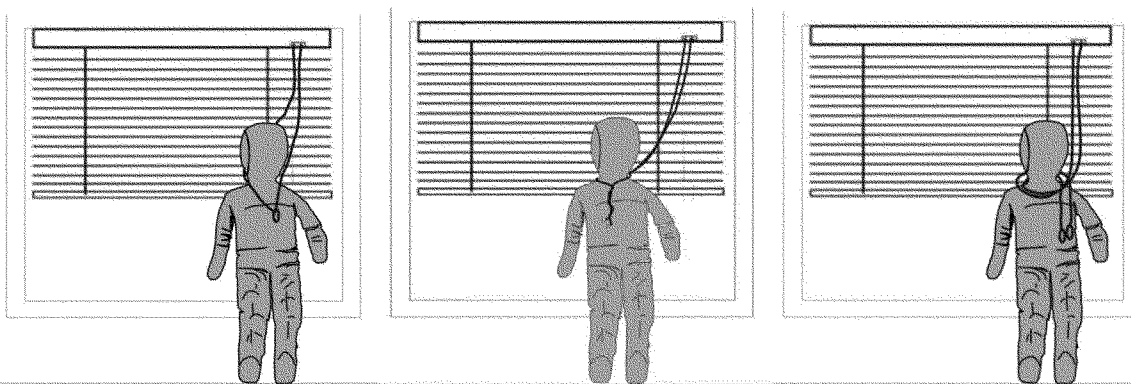


Figure 7. (a) Operating pull cords ending in one tassel (left); (b) operating cords tangled, creating a loop (middle); (c) operating cords wrapped around the neck (right)

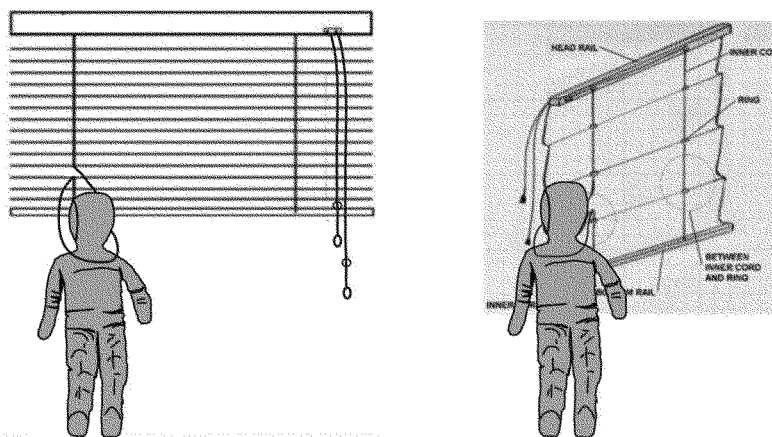


Figure 8. (a) Inner cords creating a loop (left), (b) Inner cords on the back side of Roman shade (right)

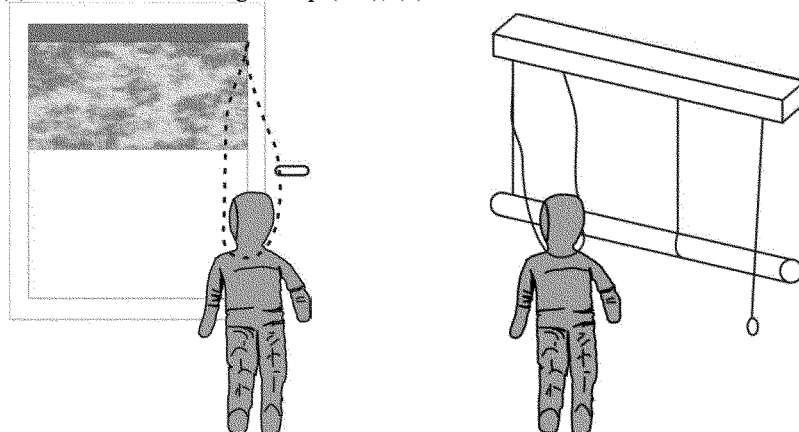


Figure 9. (a) Continuous loop cord (left), (b) Lifting loop on Roll-up Shade (right)

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Children can strangle from mechanical compression of the neck when they place a window covering cord around their neck. Strangulation due to mechanical compression of the neck is a complex process resulting from multiple mechanisms and pathways that involve both obstruction of the airway passage and occlusion of blood vessels in the neck. Strangulation can lead to serious injuries with

permanent debilitating outcomes or death. If sustained lateral pressure occurs at a level resulting in vascular occlusion, strangulation can occur when a child's head or neck becomes entangled in any position, even in situations where the body is fully or partially supported.

Strangulation is a form of asphyxia that can be partial (hypoxia), when there is an inadequate oxygen supply to the lungs, or total, when there is complete

impairment of oxygen transport to tissues. A reduction in the delivery of oxygen to tissues can result in permanent, irreversible damage. Experimental studies show that only 2 kg (4.4 lbs.) of pressure on the neck may occlude the jugular vein (Brouardel, 1897); and 3–5 kg (7–11 lbs.) may occlude the common carotid arteries (Brouardel, 1897 and Polson, 1973). Minimal compression of any of these vessels can lead to unconsciousness

within 15 seconds and death in 2 to 3 minutes, (Digeronimo and Mayes, 1994; Hoff, 1978; Iserson, 1984; Polson, 1973).

The vagus nerve is also located in the neck near the jugular vein and carotid artery. The vagus nerve is responsible for maintaining a constant heart rate. Compression of the vagus nerve can result in cardiac arrest due to mechanical stimulation of the carotid sinus-vagal reflex. In addition, the functioning of the carotid sinuses may be affected by compression of the blood vessels. Stimulation of the sinuses can result in a decrease in heart rate, myocardial contractility, cardiac output, and systemic arterial pressure in the absence of airway blockage.

Strangulation proceeding along one or more of these pathways can progress rapidly to anoxia, associated cardiac arrest, and death. As seen in the CPSC data (Wanna-Nakamura, 2014), and in the published literature, neurological damage may range from amnesia to a long-term vegetative state. Continued deterioration of the nervous system can lead to death (Howell and Gully, 1996; Medalia et al., 1991).

Based on the CPSC staff's review of the incidents in section I.E of this preamble and Tab A of Staff's NPR Briefing Package, 16 of the 194 victims required hospitalization, and six survived a hypoxic-ischemic episode, or were pulseless and in full cardiac arrest when found, suffered severe neurological sequelae, ranging from loss of memory to a long-term or permanent vegetative state requiring tracheotomy and gastrointestinal tube feeding. One victim who remained hospitalized for 72 days was released from the hospital with 75 percent permanent brain damage and is now confined to a bed.

Because a preexisting loop acts as a noose when a child's neck is inserted, and death can occur within minutes of a child losing footing, CPSC staff concluded that head insertion into a preexisting loop poses a higher risk of injury than when a cord is wrapped around a child's neck; although both scenarios have been demonstrated to be hazardous and have led to fatal outcomes, according to CPSC data.

CPSC staff further advises that reliance on parental supervision and warning labels are inadequate to address the risk of injury associated with window covering cords. A user research study found that caregivers lacked awareness regarding the potential for window covering cord entanglement, lacked awareness of the speed and mechanism of the strangulation injury; stated difficulty using and installing safety devices for window coverings, among the primary reasons for not using

them; and caregivers were unable to recognize the purpose of the safety devices provided with window coverings (Levi et al., 2016).<sup>2</sup> According to Godfrey *et al.* (1983), consumers are less likely to look for and read safety information about the products that they frequently use and are familiar with. Consumers are very likely to have high familiarity with window coverings because they almost certainly have window coverings in their homes and probably use them daily. Therefore, even well-designed warning labels will have limited effectiveness in communicating the hazard on this type of product.

Based on the foregoing, the Commission states that warning labels, alone, are unlikely to effectively reduce the strangulation risk from hazardous cords on window coverings, because consumers are not likely to read and follow warning labels on window covering products, and strangulation deaths among children occur quickly and silently, such that parental supervision is insufficient to address the incidents. Indeed, staff observed that most of the incident window covering units had the permanent warning label required by the ANSI/WCMA standard, applicable at the time of manufacture, affixed to the product. Even well-designed warning labels will have limited effectiveness in communicating the hazard on this type of product, because consumers are less likely to heed warnings for familiar products that they commonly interact with without incident.

In contrast, stock window covering requirements in the ANSI/WCMA standard adequately address the strangulation hazard, by not allowing hazardous cords on the product, by design, and do not rely on consumer action to address the risk. Accordingly, the risk of injury associated with window coverings must be addressed through performance requirements for window covering cords.

As discussed in section II of this preamble, ANSI/WCMA–2018 contains performance requirements which, when products conform, adequately and effectively address the risk of strangulation associated with operating cords on stock products, and inner cords on both stock and custom products.

#### E. Risk of Injury

The Commission's 2015 advance notice of proposed rulemaking (ANPR)

<sup>2</sup> <https://cpsc.gov/s3fs-public/Window%20Coverings%20Safety%20Devices%20Contractor%20Reports.pdf>.

on Window Coverings presented incident data covering the period from 1996 through 2012. 80 FR 2327, 2332 (Jan. 16, 2015). Since then, WCMA published the revised voluntary standard for window coverings, ANSI/WCMA–2018. For products that comply, the standard has removed hazardous operating/pull cords and inner cords for stock window coverings, and removed hazardous inner cords for custom window coverings.

To study the effectiveness and any lack of compliance with the voluntary standard associated with window covering cords, CPSC staff reviewed the data related to these products from 2009 through 2020.<sup>3</sup> Some of the data sources relied upon in this analysis do not yet have data for 2020 available; for those sources, staff included data for the latest available year, 2019. The following analysis distinguishes between stock and custom window coverings, whenever feasible. National estimates of deaths and injuries involving window covering strangulations among children under 5 years of age are associated with *all* types of window coverings, because the available information does not allow CPSC staff to distinguish product subtypes.

#### 1. Incident Data From CPSC Databases

Based on newspaper clippings, consumer complaints, death certificates purchased from states, medical examiners' reports, reports from hospital emergency department-treated injuries, and in-depth investigation reports, CPSC staff found a total of 194 reported fatal and near-miss strangulations on window covering cords that occurred among children 8 years old and younger from January 2009 through December 2020. These 194 incidents do not constitute a statistical sample of known probability and do not necessarily include all window covering cord-related strangulation incidents that occurred during that period. However, these 194 incidents do provide at least a minimum number for such incidents during that time frame.

Table 1a provides the breakdown of the incidents by year. Because reporting is ongoing, the number of incidents

<sup>3</sup> CPSC's incident search focused on fatal and near-miss strangulations suffered by young children due to window covering cords. Whenever feasible, staff selected the time frame to be 2009 through 2020. CPSC staff searched three databases for identification of window covering cord incidents: The Consumer Product Safety Risk Management System (CPSRMS), the National Electronic Injury Surveillance System (NEISS), and the Multiple Cause of Deaths data file. The first two sources are CPSC-maintained databases. The Multiple Cause of Deaths data file is available from the National Center for Health Statistics (NCHS).

presented here may change in the future. Given that these reports are anecdotal, and reporting is incomplete,

CPSC strongly discourages drawing any inferences based on the year-to-year

increase or decrease shown in the reported data.

**TABLE 1a—REPORTED FATAL AND NEAR-MISS STRANGULATION INCIDENTS INVOLVING WINDOW COVERING CORDS AMONG CHILDREN EIGHT YEARS AND YOUNGER 2009–2020**

Incident year	Number of reported incidents		
	Total	Fatal strangulations	Near-miss strangulations
2009	48	14	34
2010	31	11	20
2011	10	6	4
2012	17	8	9
2013	9	2	7
2014	17	12	5
2015	9	7	2
2016	17	13	4
2017	9	5	4
2018	8	4	4
2019*	11	4	7
2020*	8	3	5
<b>Total</b>	<b>194</b>	<b>89</b>	<b>105</b>

Source: CPSC epidemiological databases CPSRMS and NEISS.

Note: \* indicates data collection is ongoing.

Table 1b expands on Table 1a to display the distribution of the annual incidents by severity of incidents and type of window coverings involved.

CPSC staff identified 50 of 194 incident window coverings (26 percent) to be stock products, and 35 of the 194 (18 percent) window coverings as custom

products. CPSC staff could not identify the window covering type in the remaining 109 of the 194 (56 percent) incidents.

**TABLE 1b—REPORTED FATAL AND NEAR-MISS STRANGULATION INCIDENTS INVOLVING STOCK/CUSTOM/UNKNOWN TYPES OF WINDOW COVERING CORDS AMONG CHILDREN EIGHT YEARS AND YOUNGER 2009–2020**

Incident year	Reported incidents by window covering type			
	Stock (fatal/nonfatal)	Custom (fatal/nonfatal)	Unknown (fatal/nonfatal)	All
2009	20 (4/16)	7 (2/5)	21 (8/13)	48
2010	10 (3/7)	7 (2/5)	14 (6/8)	31
2011	2 (1/1)	4 (3/1)	4 (2/2)	10
2012	1 (1/0)	5 (1/4)	11 (6/5)	17
2013	2 (1/1)	3 (1/2)	4 (0/4)	9
2014	3 (2/1)	2 (1/1)	12 (9/3)	17
2015	4 (4/0)	1 (1/0)	4 (2/2)	9
2016	5 (3/2)	4 (3/1)	8 (7/1)	17
2017	2 (1/1)	1 (0/1)	6 (4/2)	9
2018		1 (0/1)	7 (4/3)	8
2019*	1(0/1)		10 (4/6)	11
2020*			8 (3/5)	8
<b>Total</b>	<b>50 (20/30)</b>	<b>35 (14/21)</b>	<b>109 (55/54)</b>	<b>194</b>

Source: CPSC epidemiological databases CPSRMS and NEISS.

Note: \* indicates data collection is ongoing.

Eighty-nine of the 194 incidents (46 percent) reported a fatality. Among the nonfatal incidents, 15 involved hospitalizations (8 percent). The long-term outcomes of these 15 injuries varied from a scar around the neck, to quadriplegia, to permanent brain damage. One additional child was treated and transferred to another hospital; the final outcome of this patient is unknown. In addition, 75 incidents (39 percent) involved less-

severe injuries, some requiring medical treatment, but not hospitalization. In the remaining 14 incidents (7 percent), a child became entangled in a window covering cord, but was able to disentangle from the cord and escape injury. Overall, among the incidents with gender information available, 66 percent of the children were males, and 34 percent were females. One incident did not report the child's gender.

(a) Incident Breakdown—Stock and Custom Window Coverings

CPSC staff definitively identified 50 of the 194 incidents that involved stock window coverings in the period 2009 through 2020. Of the 50 incidents, 64 percent involved horizontal blinds, 28 percent involved Roman shades, 4 percent involved roller shades, and 2 percent involved roll-up shades and vertical blinds.

CPSC staff definitively identified 35 of the 194 incidents that involved custom window coverings. Of the 35 incidents, 51 percent involved horizontal blinds, 17 percent involved Roman shades, and 9 percent involved roller shades. Other shades, such as cellular and pleated shades, together accounted for 11 percent of the custom window covering incidents. Six percent of the incidents involved vertical blinds. For the remaining 6 percent of the incidents involving custom products, staff did not have sufficient information to determine the type of window covering.

For the majority of the reported incidents (109 out of 194), CPSC staff did not have enough information available to determine if the window covering was stock or custom product. Among these reported incidents, 32 percent involved horizontal blinds; 7 percent involved vertical blinds; 5 percent involved roll-up shades; roller shades and Roman shades were each involved in 4 percent of the incidents; and draperies and other shades (pleated/cellular) were each involved in 3 percent of the incidents. For a large proportion, 43 percent, CPSC staff could not determine the type of window covering based on the available data.

#### (b) Most Common Cord Types and Associated Hazards Resulting in Fatalities

Whether considering stock, custom, or unknown-if-stock-or-custom products, CPSC staff found that the pull/operating cord system is the single-most hazardous scenario among the reported fatal incidents. Thirty-nine of the 89 (44 percent) fatalities involved a child getting entangled in such pull cords; continuous loops were next, with 23 of the 89 (26 percent) fatalities. Inner cords ranked next, accounting for 7 of the 89 (8 percent) fatalities.

(i) *Pull Cords*: In 37 of the 39 known pull cord fatalities, the pull cords were components of horizontal blinds. Of these 39 deaths, 38 occurred before the effective date of the 2018 revised ANSI/WCMA standard affecting stock products. Although reporting is ongoing, so far, one fatality has been reported in 2019, but none in 2020. Among the 39 fatalities, CPSC staff identified 7 incidents involving custom products, and 12 identified as stock products; staff could not differentiate the remaining 20 incidents' window coverings vis-à-vis their stock-versus-custom status. However, staff assesses that any effects of the 2018 voluntary standard on these products are not yet reflected in the data. A closer look at pull cord-related incidents reveals

several ways in which children have strangled.

- *Loops created by knotted or tangled cord*: CPSC staff's incident review revealed that prior to the incidents, the pull cords had been tied together, or had been coiled and tucked away (out of children's reach), but later became accessible. When pull cords were tied together, a loop was created above the knot where the cords were tied, and that is where the child later became entangled. When the cords were coiled, the cords also became tangled and created a loop, which later acted as a noose. Among all 39 pull cord-related fatal incidents, 18 out of 39 (46 percent) occurred on loops created by knotted or tangled cords.

- *One or more long cords that the child wrapped around their neck*: In these scenarios, the child had wrapped the long pull cord(s) around the neck multiple times. When the child fell, or tried to pull away from the window covering, the cord pulled back, causing the child to strangle or nearly strangle. Among all pull cord-related fatal incidents, this category included 11 of the 39 (28 percent) pull cord fatalities.

- *Loop above a single tassel or a stop ball of the cord*: Some pull cords consist of multiple cords that hang from the window covering's head rail and that are joined at a point by a plastic or wooden tassel, or by a stop ball. In such configurations, a loop exists above the tassel. In the cases reviewed, CPSC staff determined that these loops, when accessible to a child, acted as a noose where the child was caught. Four of the 39 (10 percent) pull cord-related fatal incidents involved this scenario.

- *Pull cord tied to an object*: CPSC staff determined that in one of the 39 (3 percent) pull cord-related fatal incidents, pull cords were tied to a cord cleat, creating a u-shape on the cords where the child strangled.

- *Unknown manner*: Five of the 39 (13 percent) pull cord-related fatal incidents did not report sufficient information to allow CPSC staff to determine the manner in which the child was entangled.

(ii) *Continuous Loop Cords*: CPSC identified continuous loop cords or beaded-chains that were not mounted with a tension device or that broke loose from a tension device at the time of the incident, to be the next major type of cord in which children become entangled. Vertical blinds and curtains/drapes are the predominant types of window covering associated with strangulations on continuous loops. Some of the incident reports mentioned the child's prior interest in wearing the beaded-chain as a necklace. Among the

89 fatalities, 23 reported this type of operating mechanism.

(iii) *Inner Cords*: Inner cords on horizontal blinds and/or Roman shades are the third major type of cord in which children become entangled. In these scenarios, the child pulled out the inner cord from between the slats of the horizontal blinds or from behind the Roman shades, which were in the lowered position. Subsequently, the child got caught in the loop created by the pulled-out portion of the inner cord. In some Roman shade incidents, children inserted their heads into the opening between the inner cord and the shade material. Seven of the 89 fatalities involved inner cords.

(iv) *Other Cords*: The lifting loop of a roll-up blind, among the less prevalent cord types, was involved in four fatalities. Children inserted their heads or arms into the lifting loop that came off the roll-up material, resulting in the strangulation incidents. Tilt cords, which are used to swivel the slats on a horizontal blind, were involved in two additional fatal incidents.

#### 2. Incident Data From National Estimates

(a) Estimates of Window Covering Cord-Related Strangulation Deaths Using National Center for Health Statistics Data

The National Center for Health Statistics (NCHS) compiles all death certificates filed in the United States into multiple-cause mortality data files. The mortality data files contain demographic information on the deceased, as well as codes to classify the underlying cause of death, and up to 20 contributing conditions. The NCHS compiles the data in accordance with the World Health Organization (WHO) instructions, which request member nations to classify causes of death by the current Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death. Death classifications use the tenth revision of the International Classification of Diseases (ICD), implemented in 1999. The latest year for which mortality data is available is 2019; as such, CPSC derived the strangulation fatality estimates for 2009 through 2019, which is a slightly different time frame than that used for the incident data from the CPSC databases. Based on CPSC staff's review of the death certificates maintained in the CPSRMS database, CPSC staff identified three ICD10 codes that are likely to be used for classification of strangulation fatalities:

- W75 (*accidental suffocation and strangulation in bed*),

- W76 (*Other accidental hanging and strangulation*), and
- W83 (*Other specified threats to breathing*).

Among these three ICD10 codes, W76 appeared to be the most commonly used code to classify strangulation deaths.

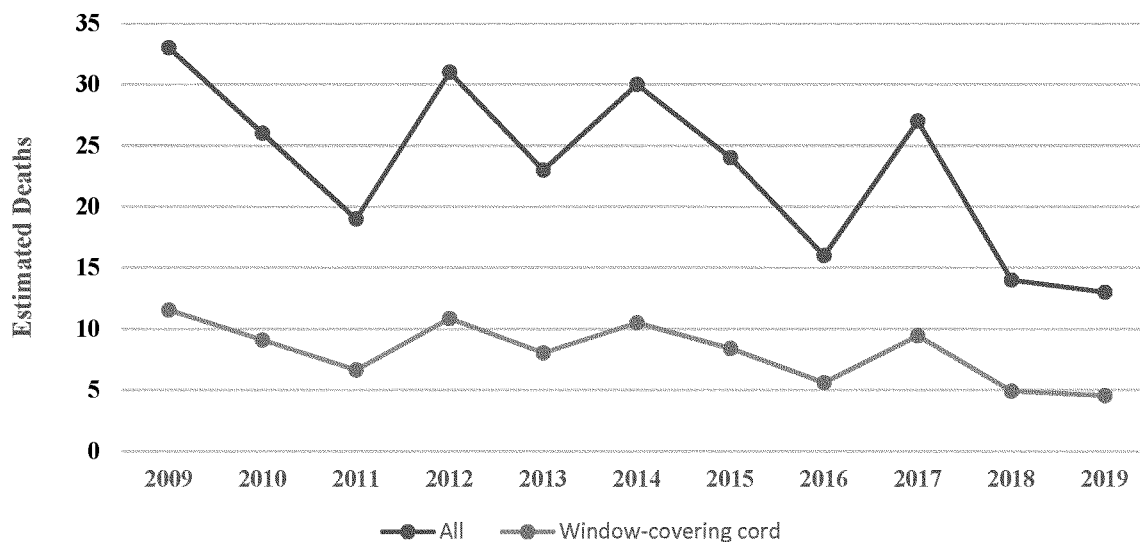
Using the ICD10 code value of W76, CPSC staff identified a total of 256 strangulation fatalities among children under age 5 in the multiple-cause mortality data from the NCHS from 2009 through 2019, which yields an annual average of 24 deaths (rounded up to the nearest integer). Two hundred and fifty-six strangulation fatalities are most likely an underestimate of all strangulation deaths, because CPSC staff did not use the other two ICD10 codes (W75 and W83) in the search of this

data source. An unknown proportion of strangulation deaths are likely coded under ICD10=W75, as well as ICD10=W83. The strangulation deaths in these two codes (W75 and W83) cannot be distinguished from the non-strangulation deaths because of the unavailability of any narrative description, and thus, cannot be added to the total. Hence, staff's annual average estimate of 24 strangulation deaths is a minimum.

A CPSC report by Marcy *et al.*,<sup>4</sup> which reviewed CPSC databases in 2002, found that 35 percent of all strangulation fatalities among children less than 5 years old were associated with window covering cords. Assuming that this 35 percent proportion applies to the entire period from 2009 through

2019, CPSC staff estimates that, on average, a minimum of 9 strangulation fatalities (35 percent of the unrounded average annual death estimate of 23.27) occur annually on window covering cords among children under 5 years of age. Again, the estimate is rounded up to an integer. We note that the age range for the strangulation fatality estimate is different from the CPSC incident data analysis. This is because the age information available from the NCHS data were in pre-set groups (*e.g.*, 0–4 years, 5–9 years), and staff's secondary analysis results<sup>3</sup> focused on the 0–4 years age group. Accordingly, staff's computed estimates are also limited to ages zero to under 5. Figure 10 presents the yearly details.

**Figure 10: Estimated Annual Minimum for Fatal Strangulations Among Children Under Five Years of Age**



Source: Multiple Cause of Death data, NCHS, 2009 – 2019.

Note: The estimates for the window covering cord fatalities are based on the assumptions that 35 percent of all strangulation fatalities are due to window covering cords and that this percentage remained unchanged from 2009 through 2019.

(b) Estimates of Window Covering Cord-Related Strangulation Injuries Treated in Hospital Emergency Departments

Based on the emergency department-treated injury data (NEISS), the aggregated estimated injuries from 2009 through 2020, to children 8 years of age and younger, who were entangled on window covering cords, fall below the NEISS reportable threshold.<sup>5</sup> The injury estimates for individual years are even smaller, which makes any trend analysis

unfeasible. However, the 34 injury reports from NEISS are combined with the incident data for the analysis of anecdotal data in section I.E.1 of this preamble. CPSC set the upper limit for the age selection criterion for NEISS data at 8 years old, whenever feasible, because of multiple incident reports received by CPSC staff that involved children up to that age.

#### F. ANSI/WCMA–2018 History and Description

CPSC staff began working with the Window Covering Manufacturers Association (WCMA) in 1995 on an American National Standards Institute (ANSI) voluntary standard to address the strangulation hazard to young children from accessible cords on window coverings. WCMA published the first version of the ANSI standard in 1996. The 1996 standard sought to

<sup>4</sup>N. Marcy, G. Rutherford. "Strangulations Involving Children Under 5 Years Old." U.S. Consumer Product Safety Commission, December 2002.

<sup>5</sup> According to the NEISS publication criteria, an estimate must be 1,200 or greater, the sample size must be 20 or greater, and the coefficient of variation must be 33 percent or smaller.

prevent strangulation incidents created by looped cords by requiring either: (1) Separate operating cords, or (2) a cord-release device on multiple cords ending in one tassel. The standard also required a tension device that would hold the cord or bead loop taut, when installed according to manufacturer's instructions.

In 2001 and in 2002, CPSC staff sent letters to the WCMA asking for revisions to the 1996 standard, including the addition of inner cord stops and the elimination of free-hanging cords or bead chains longer than the neck circumference of a fifth percentile 7- to 9-month-old child. In August 2002, the published ANSI standard required inner cord stops. In 2007, the published ANSI standard required that tension devices partially limit the consumer's ability to control the blind if the tension device is not properly installed. In 2009 and 2010, WCMA published provisional voluntary standards to address hazards associated with Roman shades.

In November 2010, CPSC held a public meeting regarding window coverings, and WCMA announced that it would establish a steering committee to oversee the activities of six task groups, including one intended for operating pull cords and another for continuous loops. On December 20, 2011, WCMA balloted the proposed revisions to the voluntary standard, and on February 6, 2012, staff sent WCMA a letter providing comments on the proposed revision. In these comments, CPSC staff reiterated that the hazardous loop determination should be made for all cords and that the length of an accessible operating cord should not be longer than the neck circumference of the youngest child at risk. In addition, staff raised concerns about the inability of tension devices to eliminate effectively or reduce significantly the risk of strangulation under certain foreseeable-use conditions.

In November 2012, the WCMA announced the approval of the 2012 version of the ANSI/WCMA standard that included: (1) Requirements for durability and performance testing of the tension/hold down devices, including new requirements for anchoring; (2) specific installation instructions and warnings; (3) new requirements for products that rely on "wide lift bands" to raise and lower window coverings; (4) requirements for

a warning label and pictograms on the outside of stock packaging and merchandising materials for corded products; and (5) expanded testing requirements for cord accessibility, hazardous loop testing, roll-up style shade performance, and durability testing of all safety devices. A revised ANSI/WCMA A100.1 American National Standard for Safety of Corded Window Covering Products, which included an editorial change, was approved on July 21, 2014.

On July 22, 2014, CPSC staff sent a letter to the WCMA requesting that the WCMA reopen the ANSI standard to address the hazard related to pull cords and continuous loops, which are the predominant hazard types in the incidents reported to CPSC. Staff suggested proposed language for a revision to the voluntary standard and asked that WCMA consider including the language in the standard. On August 29, 2014, WCMA responded that the association would begin the process of opening the ANSI/WCMA window covering standard. On August 2, 2016, CPSC staff hosted a WCMA technical meeting. At the meeting, WCMA committed to revising the voluntary standard to require no operating cords, short cords that cannot form a hazardous loop, or inaccessible cords, stating that there will be exceptions to these requirements. WCMA also committed to submitting a revised draft standard for ANSI to ballot by the end of 2016.

Throughout FY 2017, staff participated in WCMA steering committee meetings, and also participated in the stock/custom window covering definitions and warning labeling task groups. ANSI published a revision to the window coverings standard, ANSI/WCMA A100.1–2018, on January 8, 2018. WCMA updated the 2018 version the standard in May 2018, to include missing balloted revisions. The standard went into effect on December 15, 2018.

This NPR is based on ANSI/WCMA–2018, which segments the window covering market between "stock" and "custom" window coverings, as defined in section 3 of the standard, definitions 5.02 and 5.01. Per section 4.3.1 of the standard, stock window coverings are required to have:

(1) no operating cords (4.3.1.1),

(2) inaccessible operating cords (4.3.1.3), or

(3) short operating cords (equal to or less than 8 inches) (4.3.1.2).

As reviewed in section II of this preamble, CPSC staff advises that the requirements for operating cords on stock window coverings in ANSI/WCMA–2018 adequately address the risk of strangulation to children, by removing operating cords, ensuring that they are inaccessible to children, or by making them too short to wrap around a child's neck. However, as shown in Table 2, ANSI/WCMA–2018 does not adequately address the risk of injury associated with custom window coverings, because custom products can still be sold to consumers with hazardous operating cords.<sup>6</sup>

Section 4.5 of ANSI/WCMA addresses the strangulation risk associated with inner cords on both stock and custom window coverings. The standard requires that if inner cords are present on the product, the inner cords must be (1) inaccessible, or (2) if cords are accessible, the loop created when pulling the cord (with a maximum force of 5 pounds) cannot allow a head probe to be inserted using a 10-pound force. Section II of this preamble provides CPSC staff's analysis of the inner cord strangulation hazard on stock and custom window coverings. Staff concludes that section 4.5 of the ANSI/WCMA–2018 standard adequately addresses the risk of injury associated with inner cords on stock and custom window coverings because, similar to operating cords on stock products, inner cords must be not present, inaccessible, or, if accessible, too short to create a loop large enough for a child to insert his or her head.

Table 2 shows the operating and inner cord requirements for stock and custom window coverings in ANSI/WCMA–2018.

<sup>6</sup> Although custom window coverings can choose to meet the operating cord requirements for stock window coverings (sections 4.3.2.1 through 4.3.2.3), consumers can still purchase custom window coverings that contain hazardous operating cords if they custom order the product (sections 4.3.2.4 through 4.3.2.7). Because the ANSI/WCMA–2018 standard does not adequately address the risk of injury from operating cords on custom products, this NPR does not include them in the scope of the rule under section 15(j) of the CPSA. The Commission proposes to address operating cords on custom window coverings in a separate rulemaking under sections 7 and 9 of the CPSA.



TABLE 2—ANSI/WCMA–2018 OPERATING AND INNER CORD REQUIREMENTS FOR STOCK AND CUSTOM WINDOW COVERINGS

Performance requirements	Stock products	Custom products
<i>No operating cords OR</i> .....	Required .....	Optional.
<i>Short operating cord with a length equal to or less than 8 inches in any state (free or under tension) OR</i> .....		Optional.
<i>Inaccessible operating cords</i> .....		Optional.
<i>Inner cords that meet Appendix C and D</i> .....	Required .....	Required.
<i>Single Retractable Operating Cord Lift System</i> .....	Prohibited .....	Allowed.
<i>Continuous Loop Operating System</i> .....	Prohibited .....	Allowed.
<i>Accessible Operating Cords longer than 8 inches</i> .....	Prohibited .....	Allowed.

*G. Commission Efforts To Address Hazardous Window Covering Cords*

1. Petition and Rulemaking

Since the mid-1990s, CPSC staff has been engaged with the voluntary standards body urging changes to the ANSI/WCMA standard to reduce the risk of injury associated with window covering cords. On October 8, 2014, the Commission granted a petition to initiate a rulemaking to develop a mandatory safety standard for window coverings.<sup>7</sup> The petition sought to prohibit window covering cords when a feasible cordless alternative exists. When a feasible cordless alternative does not exist, the petition requested that all window covering cords be made inaccessible by using passive guarding devices. The Commission granted the petition and directed staff to prepare an ANPR to seek information and comment on regulatory options for a mandatory rule to address the risk of strangulation to young children on window covering cords.

On January 9, 2015, the Commission voted to approve publication in the **Federal Register** of the ANPR for corded window coverings, with changes. The Commission published the ANPR for corded window covering products on January 16, 2015 (80 FR 2327). The ANPR initiated a rulemaking proceeding under the CPSA. CPSC invited comments concerning the risk of injury associated with corded window coverings, the regulatory alternatives discussed in the notice, the costs to achieve each regulatory alternative, the

effect of each alternative on the safety, cost, utility, and availability of window coverings, and other possible ways to address the risk of strangulation posed to young children by window covering cords. CPSC also invited interested persons to submit an existing standard or a statement of intent to modify or develop a voluntary standard to address the risk of injury. The ANPR was based on the 2014 version of the ANSI/WCMA standard.

As described in section II.F of this preamble, the revised version of the voluntary standard, ANSI/WCMA–2018, adequately addresses the risk of injury for stock window coverings, and the risk of inner cord strangulation on custom window coverings. Accordingly, the Commission is issuing two proposed rules: (1) This NPR under section 15(j) of the CPSA, to deem as SPHs, stock window coverings that do not comply with one or more of three readily observable characteristics, and custom window coverings that do not comply with one or more of two readily observable characteristics; and (2) in a separate rulemaking under sections 7 and 9 of the CPSA, an NPR to require that custom window coverings manufactured or imported for sale in the United States not contain hazardous operating cords, by complying with the same operating cord requirements as stock products in section 4.3.1 of ANSI/WCMA–2018.

2. Window Covering Recalls

During the period January 1, 2009 through December 31, 2020, CPSC

conducted 42 consumer-level recalls, including two recall reannouncements. Tab C of Staff’s NPR Briefing Package provides the details of these 42 recalls, where strangulation was the primary hazard. Manufacturers recalled more than 28 million units,<sup>8</sup> including: Roman shades and blinds, roll-up blinds, roller shades, cellular shades, horizontal blinds, and vertical blinds. The recalled products also included stock products, which can be purchased by consumers off-the-shelf, and custom products, which are made-to-order window coverings based on a consumer’s specifications, such as material, size, and color. Recalled units did not comply with the current voluntary standard, ANSI/WCMA–2018.

**II. Preliminary Determination of a Substantial Product Hazard**

Sections 4.3.1, 4.5, 5.3, 6.3, 6.7, and Appendices C and D of ANSI/WCMA–2018 set forth the performance requirements for the identified readily observable characteristics of stock and custom window coverings specified in the proposed rule. Table 3 summarizes these requirements. Additionally, Tab D of the Staff’s NPR Briefing Package provides more detail on the information presented in Table 3. If finalized, the rule would deem nonconformance to one or more of the identified readily observable characteristics of stock and custom window coverings in ANSI/WCMA–2018 to be an SPH under section 15(a)(2) of the CPSA.

<sup>7</sup> The petition, CP 13–2, was submitted by Parents for Window Blind Safety, Consumer Federation of America, Consumers Union, Kids In Danger, Public Citizen, U.S. PIRG, Independent Safety Consulting, Safety Behavior Analysis, Inc., and Onder, Shelton, O’Leary & Peterson, LLC. Staff’s October 1, 2014

Petition Briefing Package, and a copy of the petition at Tab A, is available on CPSC’s website at: [https://cpsc-d8-media-prod.s3.amazonaws.com/s3fs-public/pdfs/foia\\_PetitionRequestingMandatoryStandardforCordedWindowCoverings.pdf](https://cpsc-d8-media-prod.s3.amazonaws.com/s3fs-public/pdfs/foia_PetitionRequestingMandatoryStandardforCordedWindowCoverings.pdf).

<sup>8</sup> This estimate does not include the recalled units of Recall No. 10–073. This was an industry-wide recall conducted by members of the Window Covering Safety Council (WCSC). The recall announcement did not provide an exact number of recalled products.

TABLE 3—READILY OBSERVABLE CHARACTERISTICS IN ANSI/WCMA–2018 FOR STOCK AND CUSTOM WINDOW COVERINGS

	Readily observable characteristics	Criterion
<b>Stock Window Coverings Section of the Standard</b>		
A. Operating cord 4.3.1.1 <i>Cordless Operating System</i> : “The product shall have no operating cords”. 4.3.1.2 <i>Short Static or Access Cords</i> : “The product shall have a Short Cord”. 4.3.1.3 <i>Inaccessible Operating Cords</i> : “The operating cords shall be inaccessible as determined per the test requirements in Appendix C: Test Procedure for Accessible Cords”.	Presence of the operating cord .....  If present, measure the length in any position of the window covering.  If present, observe whether accessible .....	(a) Not present <i>or</i>  (b) 8 inches or shorter <i>or</i>  (c) Inaccessible using cord accessibility probe.
<b>Stock and Custom Window Coverings, Section of the Standard</b>		
B. Inner cord 4.5 <i>Inner Cords</i> : “All products with inner cords must meet the requirements in Appendix C and Appendix D.” Appendix C. Test Procedure for Accessible Cords. Appendix D. Hazardous Loop Test Procedure.	If present, determine whether accessible .....  If present, determine whether a child’s head can penetrate the opening.	(a) Inaccessible using cord accessibility probe <i>or</i>  (b) Pull inner cord and measure to determine whether the opening is less than 17 inches. For 15(j) purposes, this is comparable to inserting a head probe with a force of 10 pounds.
C. Manufacturer label 5.3 <i>Manufacturer Label</i> : There shall be a permanent label(s) or marking on all finished window covering products.	Presence of a permanent label or marking within or on the headrail or on the roller tube.	Observe whether the label is present and contains the following: (a) The name, city, and state of the manufacturer/importer/fabricator (b) Month and year of manufacture (c) Designation of window covering as “Custom” or “Stock”.

*A. Defined Characteristics Are Readily Observable*

1. Operating Cords on Stock Window Coverings

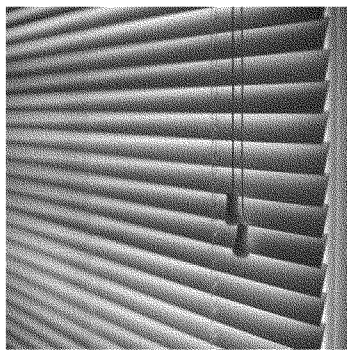
Section 4.3.1 of ANSI/WCMA–2018 requires the operating cords of stock window coverings to be: (1) Not present (cordless) (section 4.3.1.1); (2) inaccessible (section 4.3.1.3); or (3) eight inches long or shorter in any position of the stock window covering (section 4.3.1.2). The Commission preliminarily determines that these characteristics of operating cords on stock window coverings are “readily observable” because they require visual observation

and measurement to assess conformance with sections 4.3.1.1 through 4.3.1.4 of ANSI/WCMA–2018.

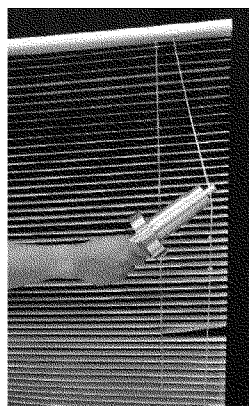
CPSC staff can quickly visually observe the presence or absence of an operating cord (*i.e.*, the portion of a cord that the user interacts with during operation) on a stock window covering. Figures 11, 11a, and 12 show window coverings, two containing accessible cords on a horizontal blind (Figures 11 and 11a), and one horizontal blind without operating cords, meaning a cordless blind (Figure 12). Figure 11a demonstrates operating cords that are accessible using a cord accessibility

probe, although the presence of cords is easily observable with visual confirmation and does not require a probe. For a window covering with accessible operating cords, as shown in Figures 11 and 11a, a CPSC investigator would proceed to determine whether the length of the operating cord is hazardous. A window covering without operating cords (Figure 12) is compliant with the operating cord requirement in section 4.3.1 of ANSI/WCMA–2018, because it conforms with section 4.3.1.1, and no further inspection of the operating cord is necessary.

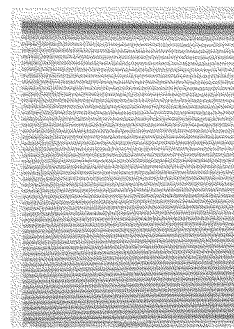
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**Figure 11**  
**Horizontal Blind with Accessible**  
**Operating Cord**



**Figure 11a**  
**Horizontal Blind with**  
**Accessible Operating Cord**  
**Using Cord Accessibility Probe**



**Figure 12**  
**Horizontal Blind with No**  
**Operating Cord**

Another way a stock window covering can conform to section 4.3.1 of ANSI/WCMA is to make an operating cord inaccessible to children, pursuant to section 4.3.1.3. The CPSC investigator would attempt to touch the operating cord using the cord accessibility probe. A cord accessibility probe, shown in figure 11a, is a tool used to determine whether an operating cord, inner cord, or inner cord shroud is accessible to a child.<sup>9</sup> If a cord accessibility probe cannot touch the cord, the cord is inaccessible and complies with section 4.3.1 of ANSI/WCMA. No further testing is required. For most products sold in the United States, staff can visually observe whether an operating cord is accessible without using a cord accessibility probe. Although stock window coverings that use a rigid cord

shroud to encase an operating cord are sold in other countries, staff is not aware of a stock product containing a rigid cord shroud sold in the United States.<sup>10</sup>

The final way to comply with the operating cord requirement for stock products is to ensure that if an operating cord is accessible, the operating cord does not have a length exceeding 8 inches in any position of the window covering, as set forth in section 4.3.1.2 of ANSI/WCMA–2018. Whether an accessible operating cord is longer than 8 inches in any position of the window covering is readily observable by taking a simple measurement with a tape measure. To observe the operating cord length, the CPSC investigator must first keep the product stationary, by having another person hold it, hanging it up on

a fixed surface, or placing the window covering on the floor. The investigator can then measure the length of the operating cord with a tape measure or ruler. Figure 13 demonstrates fully lowered, mid-length, or fully raised positions of the window covering where the CPSC investigator can take a measurement. The presence of an accessible operating cord that is longer than 8 inches in any position does not conform to section 4.3.1.2, and no further inspection is necessary. The Commission proposes to deem the presence of an accessible operating cord longer than 8 inches in any position an SPH, because a child can wrap a cord or looped cord longer than 8 inches around his or her neck, and the child could strangle on the long cord.

<sup>9</sup> The probe is an inexpensive measuring device designed to simulate a child's hands and fingers, by considering children's anthropometric dimensions. Tab I of Staff's NPR Briefing Package contains additional information on cord accessibility probes.

Staff estimates that the cost to manufacture the probe ranges from \$50, to 3D print the part from plastic, to \$200, to machine the part from an aluminum rod. Manufacturers of window coverings should already have this cord accessibility probe.

<sup>10</sup> Tab D of Staff's NPR Briefing Package shows an example of a window covering with a rigid cord shroud.



**Figure 13. One product showing the length of the operating cord in three positions: fully lowered, middle height, fully raised**

## 2. Inner Cords on Stock and Custom Window Coverings

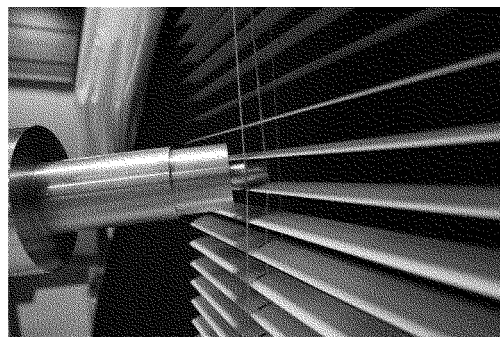
If a stock window covering conforms to the readily observable operating cord requirements in section 4.3.1 of ANSI/WCMA–2018, the CPSC investigator would then observe whether the window covering has hazardous inner cords, as set forth in section 4.5, 6.3, 6.7, and Appendices C and D, of ANSI/WCMA–2018. Investigators would also assess whether a custom window product contains a hazardous inner cord. ANSI/WCMA–18 requires that inner cords on stock and custom window coverings be: (1) Not present (cordless); (2) inaccessible; or (3) short enough not to create a loop large enough for a child to insert their head. The Commission preliminarily determines

that these characteristics of inner cords on stock and custom window coverings are “readily observable” because they require visual observation and direct measurements of the product to assess conformance with sections 4.5, 6.3, 6.7, Appendix C, and Appendix D of ANSI/WCMA–2018.

The presence of an inner cord (*i.e.*, the portion of a cord connecting head rail and bottom rail) is readily observable with a visual check. A window covering without inner cords, such as a roller shade, is compliant with the inner cord requirement in section 4.5, and no further inspection is necessary for inner cords.

If a window covering has inner cords, the CPSC investigator must determine whether a child can access the inner cord, and if so, whether the cord is

hazardous because it can form a loop large enough for a child to insert their head. Accessibility to an inner cord of an open construction window covering type, such as horizontal, Roman, and pleated shades, is observable by checking whether the cord accessibility probe can touch the cords located 12 inches below the headrail before reaching a 2-inch diameter section, or by inserting a 2-inch diameter section to any opening. Figure 14 shows how staff observes whether an inner cord is accessible on a horizontal blind by touching the inner cord with the probe. Because the inner cord on this sample is accessible, the CPSC investigator would next proceed to determine whether a hazardous opening can be created by the inner cord, by pulling on the inner cord.



**Figure 14. Accessibility to inner cord in an open-construction horizontal blind**

Figure 15 depicts a Roman shade. Although this example has no operating

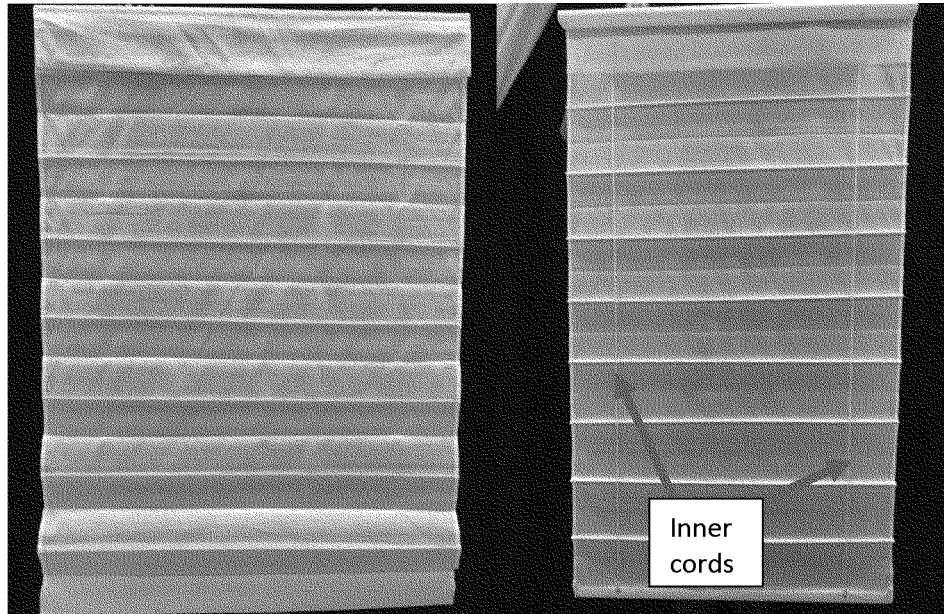
cords, the backside of the shade contains two inner cords that run

through the rear side of the shade. In this case, the inner cords are routed

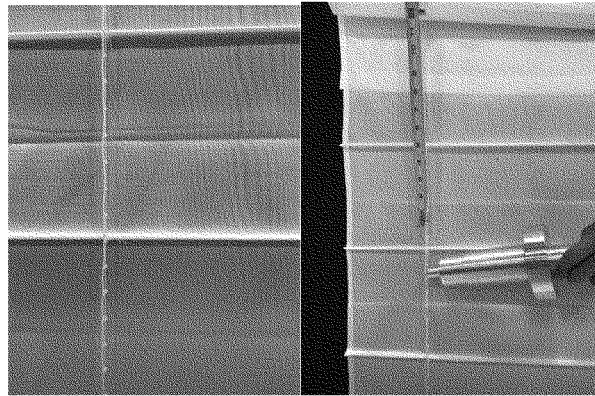
through inner cord shrouds. Because the cord accessibility probe can touch the inner cords on this sample (Figure 15a),

the cord is accessible under section 4.5 of ANSI/WCMA–2018. Accordingly, the CPSC investigator would proceed to the

next step to determine whether the inner cord opening is hazardous.



**Figure 15. Front and backside of a Roman Shade**



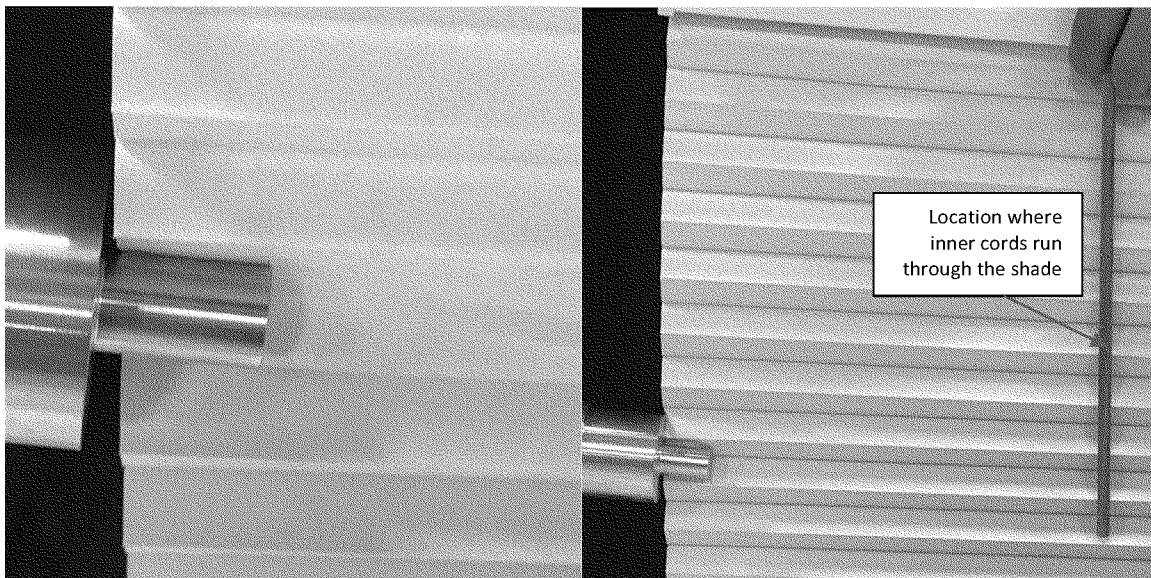
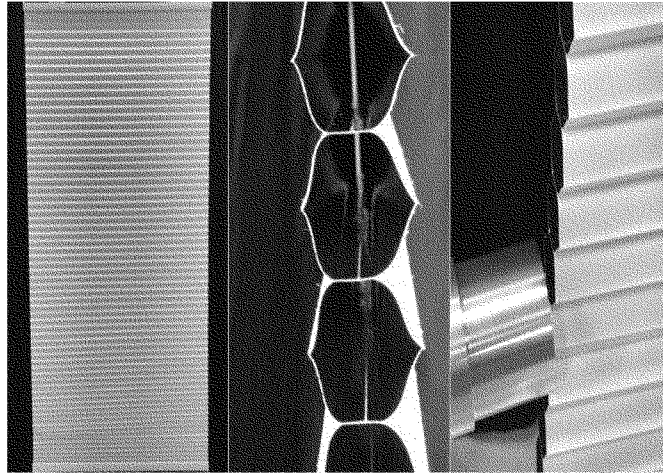
**Figure 15a. The cord accessibility probe can touch the inner cord on this Roman shade**

Accessibility to an inner cord of a closed-construction window covering type, such as a cellular shade, is readily observable by checking whether the: (1) Cord accessibility probe can touch the cords located 12 inches below the head rail before reaching the 4-inch diameter section of the probe, or (2) 4-inch

diameter section of the probe can be inserted into any opening.

Figure 16 demonstrates a cellular shade with no operating cord. The two inner cords are run between the two layers of the shade. The cord accessibility probe cannot be inserted through the opening and touch the cords. Because the inner cord is not

accessible, the hazardous loop test cannot be performed. In this example, the cellular shade complies with both operating cord and inner cord requirements in ANSI/WCMA–2018. Accordingly, this shade is compliant with the voluntary standard and would not create an SPH related to inner-cord accessibility.



**Figure 16. Accessibility to the inner cord in a closed construction (cellular) window covering**

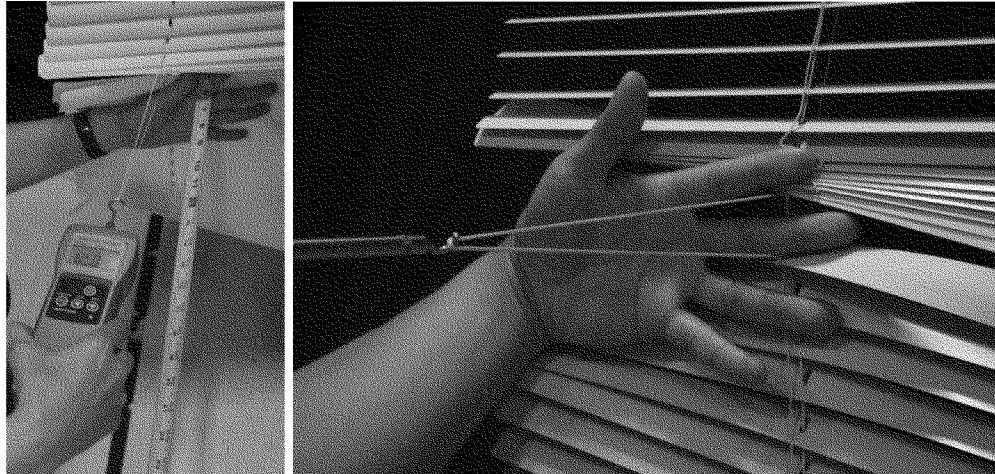
If the CPSC investigator observes that an inner cord is accessible with the cord accessibility probe, then the investigator would need to assess the size of a cord loop, created by pulling on the inner cord, to determine whether a child could put their head through the loop. Observing whether the inner cord

opening is hazardous requires first fully lowering the window covering, and pulling on the inner cord with a force gauge, until the gauge reaches 5 pounds in a direction most likely to create the maximum length, or the inner cord has been pulled 25 inches, whichever comes first (see Figure 17). A force gauge is a

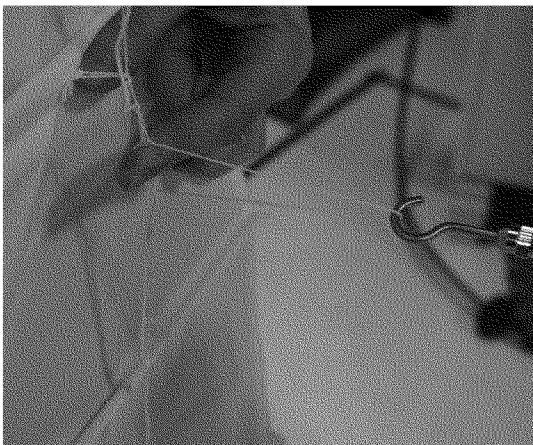
widely available tool<sup>11</sup> used to pull on the window covering inner cord to determine whether a hazardous loop can be created, by measuring a force intended to simulate a child pulling on the cord.

<sup>11</sup> Staff found this measuring device available at various online retailers for around \$50-\$100,

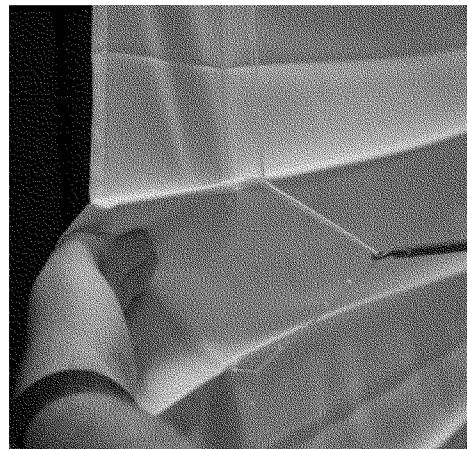
depending on product features. Window covering manufacturers should already have this gauge.



**Figure 17. Inner cord opening on a horizontal blind**



**Figure 18. Inner cord opening on a Roman shade**

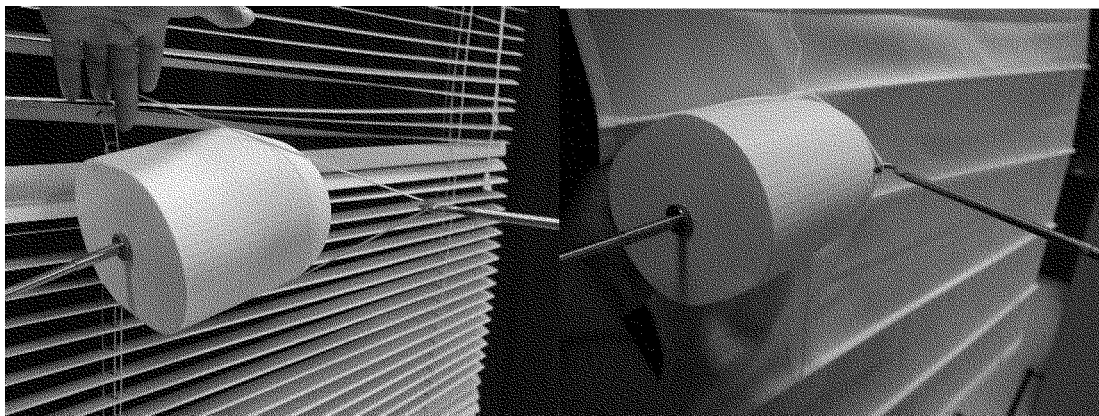


**Figure 19. Nonrigid shroud opening on a Roman shade**

Finally, to determine whether the loop created by the pulled inner cord is hazardous, a CPSC investigator would determine whether a child could insert his or her head into the loop, by

attempting to insert a head probe. The head probe is designed to simulate the head size of a fifth percentile 7-month to 9-month-old child, as shown in Figure 20.<sup>12</sup> However, a tape measure

can also be used to measure the perimeter of the opening, as shown in Figure 21. Manufacturers should already have the probe, or they can use a tape measure to assess an inner cord.



**Figure 20. Inserting the head probe into the inner cord loop and nonrigid cord shroud**

<sup>12</sup>The head probe is another inexpensive measuring device that can be made using readily

available materials or 3D printed for approximately

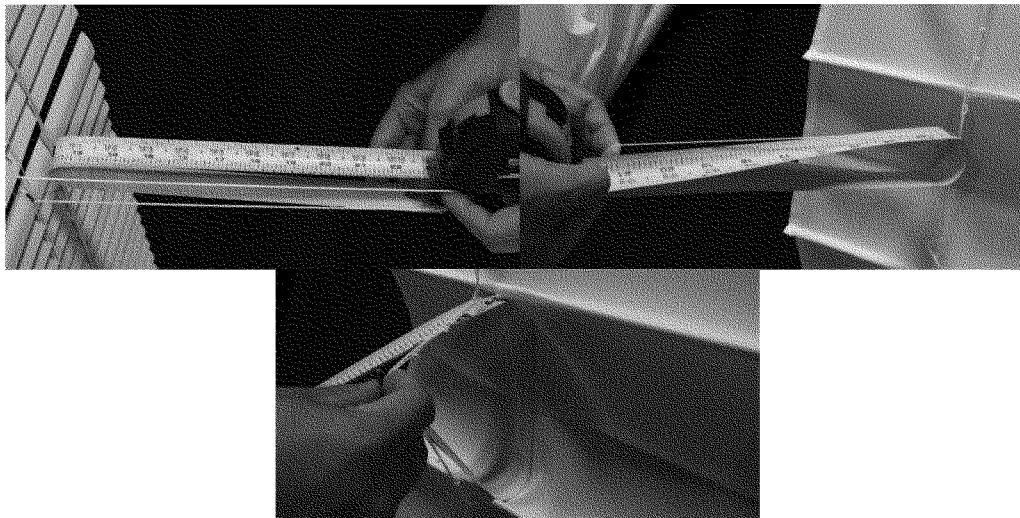
\$50. Tab I of Staff's NPR Briefing Package describes the head probe in more detail.

The Commission proposes that if the head probe can be inserted into the inner cord opening or nonrigid shroud opening, the product would be deemed to have an SPH pursuant to the NPR, because the inner cord is not in conformance with sections 4.5, 6.3, 6.7,

and Appendices C and D of ANSI/WCMA–2018. A nonconforming inner cord presents a strangulation hazard, because a child could insert his or her head into the inner cord opening.

Staff found that measuring the perimeter of the inner cord opening

with a measuring tape provides a result equivalent to inserting a head probe with a force gauge. Figure 21 shows the perimeter openings on a horizontal blind, Roman shade inner cord, and Roman shade inner cord shroud.



**Figure 21. Perimeter measurement on a horizontal blind (top), Roman shade inner cord (middle), and Roman shade inner cord shroud (bottom)**

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The Commission proposes to deem the presence of an accessible inner cord on stock and custom window coverings that creates a loop large enough for a child to insert his or her head when tested per sections 4.5, 6.3, 6.7, and Appendices C and D of ANSI/WCMA–2018 to be an SPH, because a child can strangle on a noncompliant inner cord loop.

**3. Manufacturer Label on Stock and Custom Window Coverings**

Section 5.3 of ANSI/WCMA–2018 requires that stock and custom window coverings display a permanent label on the headrail (or roller tube) of a window covering, with the following information:

- The readily distinguishable name, city, and state of the manufacturer/importer/fabricator;
- the month and year of manufacture;
- the designation of the window covering as “Custom” or “Stock.”

A CPSC investigator can perform a visual observation of the label and its contents quickly, in less than a minute.

The Commission preliminarily determines that the absence of a manufacturer label is readily observable with a visual observation of the window covering. The Commission proposes that the absence of a manufacturer label on a window covering is an SPH, because the window covering would not

be in compliance with section 5.3 of ANSI/WCMA–2018. Additionally, the absence of this manufacturer label would make it difficult for staff, manufacturers, and consumers to identify the product and class of products subject to a recall, and to distinguish stock from custom window coverings. Differentiating stock from custom products is important as long as the operating cord requirements for stock and custom products are not identical. For example, the Commission anticipates that a final rule under section 15(j) of the CPSA can issue before a rule under sections 7 and 9 of the CPSA. Once a rule for operating cords on custom products is complete, substantive cord requirements for all window coverings will be the same. Before that time, only inner cords on custom products will be subject to a rule. Therefore, CPSC, manufacturers, and consumers must be able to differentiate stock products from custom products until the operating cord requirements are the same; and product information that aids a recall will always be necessary to effect and expedite a recall.

*B. Window Coverings That Conform to ANSI/WCMA–2018 Are Effective at Reducing the Risk of Injury Associated With the Identified Readily Observable Characteristics*

Based on CPSC staff’s analysis, the Commission preliminarily determines that stock window coverings that comply with section 4.3.1 of the revised 2018 version of the ANSI/WCMA standard effectively eliminate or significantly reduce the risk of strangulation from operating cords, by removing operating cords, making operating cords inaccessible to children, or by ensuring that operating cords are not long enough for a child to wrap around his or her neck. *See* Tabs G and I of Staff’s NPR Briefing Package. Staff’s review of the incident data found that if stock window coverings had complied with the requirements in sections 4.3.1 of ANSI/WCMA–2018 at the time of the incident, all operating cord incidents would have been prevented. *Id.* Even though the requirements in the 2018 standard, when followed, should lead to safe stock window coverings, the Commission acknowledges that it will take a long time, approximately 2 decades, for existing window coverings in consumers’ homes to be replaced.<sup>13</sup>

<sup>13</sup> For window coverings manufactured before the effective date of the voluntary standard, the Window Covering Safety Council (WCSC)



Based on staff's assessment, the Commission also preliminarily determines that stock and custom window coverings that comply with the inner cord requirements in sections 4.5, 6.3, 6.7, and Appendices C and D of ANSI/WCMA–2018 effectively eliminate or reduce the strangulation risk to children from hazardous inner cords. *Id.* Like the operating cord requirements for stock window coverings, the inner cord requirements eliminate hazardous cords, by removing them from the product, shrouding inner cords to make them inaccessible to children, or ensuring that if a child pulls on an inner cord, the loop created is not large enough for a child to insert his or her head. Staff's review of the incident data found that if stock and custom window coverings had been in compliance with section 4.5 of ANSI/WCMA–2018, all inner cord incidents would have been prevented. *Id.*

Finally, the Commission preliminarily determines that stock and custom window coverings that comply with section 5.3 of ANSI/WCMA–2018, by displaying the required manufacturer label, are effective at reducing the risk of injury, by identifying whether a product is stock or custom, and by identifying the manufacturer and the manufacture date of the products. This information allows CPSC, manufacturers, and consumers to differentiate stock products from custom products, and it also aids in expediting timely and effective recalls. *See* Tab D of Staff's NPR Briefing Package.

### *C. Window Coverings Substantially Comply With the Identified Readily Observable Characteristics of Window Coverings*

The Commission has several bases to determine preliminarily that window coverings substantially comply with the requirements for operating cords in ANSI/WCMA–2018.<sup>14</sup> First, WCMA, the trade association for window coverings and the body that created the voluntary standard, stated in a comment on the ANPR (comment ID: CPSC\_2013–0028–

distributes safety devices through its website, and during October safety month, CPSC and WCSC promote safe window coverings, and offer guidance on what to do to reduce the strangulation hazard.

<sup>14</sup> CPSC staff observes some decline in pediatric incident data that suggests compliance with the voluntary standard is effective at reducing the number of incidents (*see* Tab A of Staff's NPR Briefing Package for CPSRMS and NCHS data). We expect a similar trend to continue for stock products given the substantial improvements made to the standard in 2018. However, because window coverings are used for many years, and will be replaced over time with safer products that conform to the voluntary standard, several more years of incident data are required to more definitively demonstrate a reduction in incidents.

1555) that there has been substantial compliance with the voluntary standard since its first publication. WCMA also stated that the association's message to all manufacturers is that, to sell window coverings in the United States, compliance with the standard is mandatory.

Additionally, the Commission instructed the staff to investigate the level of compliance of window coverings with the voluntary standard. CPSC contracted with D+R International, which interviewed window covering manufacturers and component manufacturers to collect anecdotal information on the distribution of stock and custom product sales and the impact of compliance with the voluntary standard (D+R International, 2021). Various manufacturers indicated retail customers would not stock noncompliant products. Manufacturers are also aware of their customers' procedures, and they would not ship to them, if there were concerns about the assembly and installation process. The D+R report indicates that the voluntary standard has caused U.S. window covering manufacturers to design and offer cordless lift operations for most stock window covering categories. All manufacturers interviewed were aware of the standard and had implemented compliance in all stages of their development process, from product design to fabrication.

CPSC field staff also confirmed compliance of the categorization for "stock" and "custom" window coverings, as defined in the ANSI/WCMA standard. CPSC field staff conducted unannounced in-store visits to 18 firms, comprising wholesalers, manufacturers, and retailers. Window coverings in 13 locations demonstrated compliance with the voluntary standard for operating cords for stock and custom products. However, in four locations, staff observed noncompliance of custom window coverings with the ANSI/WCMA standard, primarily for characteristics that are not subject to this rule, including: Length of operating cords 40 percent longer than the window covering length, with no accompanying specific customer request; lack of warning label; lack of manufacturer label; lack of hang tag; and use of a cord tilt, instead of wand tilt, without an accompanying specific customer request. Staff found one location with a noncomplying stock window covering. This stock window covering was being sold with long beaded-cord loops in various sizes. Tab E of Staff's NPR Briefing Package contains a more detailed description of

staff's assessment of substantial compliance with the voluntary standard.

Finally, CPSC technical staff tested custom product samples, using test parameters defined in ANSI/WCMA–2018, with a cord accessibility probe and force gauge. The samples tested by staff also indicated a high level of conformance in custom products regarding inner cord accessibility.

Based on incident data, WCMA's statements, contractor report findings, and staff's examination and testing of window covering products, the Commission preliminarily determines that a substantial majority of window coverings sold in the United States comply with the readily observable safety characteristics identified in ANSI/WCMA–2018.

### **III. Description of the Proposed Rule**

The proposed rule would add several new paragraphs in part 1120. The proposed rule includes two new definitions in sections 1120.2(f) and (g), which would define "stock window covering" and "custom window covering" consistent with the definitions in section 3 of ANSI/WCMA–2018, definitions 5.02 and 5.01, respectively. The proposed rule defines a "stock window covering" as a product that is "completely or substantially fabricated" prior to being distributed in commerce and is a stock-keeping unit (SKU). The definition further explains that even when a seller, manufacturer, or distributor modifies a pre-assembled product by, for example, adjusting the size, attaching a top rail or bottom rail, or tying cords to secure the bottom rail, the product is still considered "stock." Additionally, the definition clarifies that online sales of the product, or the quantity of an order, such as a large quantity for a multifamily housing unit, do not make the product a non-stock product. The proposed rule defines a "custom window covering" as any window covering that is not classified as a stock window covering.

Proposed section 1120.3 lists substantial product hazards by product, identifying the readily observable characteristics of each product, and the sections of the voluntary standards that address each hazard. The proposed rule would modify § 1120.3 by adding "stock window coverings" and "custom window coverings" as § 1120.3(e) and (f), respectively. Proposed § 1120.3(e) would deem stock window coverings that fail to comply with one or more of three readily observable characteristics in ANSI/WCMA–2018 an SPH:

(1) Operating cord requirements in sections 4.3.1.1 (cordless operating

system), 4.3.1.2 (short static or access cord), or 4.3.1.3 (inaccessible operating cord);

(2) Inner cord requirements in sections 4.5, 6.3, 6.7, Appendix C, and Appendix D; and

(3) On-product manufacturer label in section 5.3.

Additionally, proposed § 1120.3(f) would deem custom window coverings that fail to comply with one or more of two readily observable characteristics in ANSI/WCMA–2018 an SPH:

(1) Inner cord requirements in section 4.5, 6.3, 6.7, Appendix C, and Appendix D; and

(2) On-product manufacturer label in section 5.3.

These characteristics and the ANSI/WCMA–2018 requirements are explained in more detail in section II, and Tables 2 and 3, of this preamble.

Finally, the proposed rule would add § 1120.4(d), which provides the incorporation by reference details for the ANSI/WCMA standard.

#### IV. Effect of the Proposed 15(j) Rule

Section 15(j) of the CPSA allows the Commission to issue a rule specifying that a consumer product or class of consumer products has characteristics whose presence or absence creates a substantial product hazard. Such a rule would not be a consumer product safety rule, and thus, would not trigger the statutory requirements of a consumer product safety rule. For example, a rule under section 15(j) of the CPSA does not trigger the testing or certification requirements under section 14(a) of the CPSA.

Although a rule issued under section 15(j) of the CPSA is not a consumer product safety rule, placing a consumer product on the SPH list in 16 CFR part 1120 would have certain ramifications. A product that is or has an SPH is subject to the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b). A manufacturer, importer, distributor, or retailer that fails to report an SPH to the Commission is subject to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069, and is possibly subject to criminal penalties under section 21 of the CPSA, 15 U.S.C. 2070.

A product that is or contains an SPH also is subject to corrective action under sections 15(c) and (d) of the CPSA, 15 U.S.C. 2064(c) and (d). Thus, if the Commission issues a final rule under section 15(j) for stock and custom window coverings, the Commission could order the manufacturer, importer, distributor, or retailer of window coverings that do not conform to one or more of the identified readily observable characteristics to offer to repair or

replace the product or to refund the purchase price to the consumer.

A product that is offered for import into the United States and is or contains an SPH shall be refused admission into the United States under section 17(a) of the CPSA, 15 U.S.C. 2066(a). Additionally, Customs and Border Protection (CBP) has the authority to seize certain products offered for import under the Tariff Act of 1930 (19 U.S.C. 1595a) (Tariff Act), and to assess civil penalties that CBP, by law, is authorized to impose. Section 1595a(c)(2)(A) of the Tariff Act states that CBP may seize merchandise, and such merchandise may be forfeited if: “its importation or entry is subject to any restriction or prohibition which is imposed by law relating to health, safety, or conservation and the merchandise is not in compliance with the applicable rule, regulation, or statute.” Thus, if the proposed rule is finalized, stock and custom window coverings that violate the rule are subject to CBP seizure and forfeiture.

#### V. Regulatory Flexibility Act Analysis<sup>15</sup>

The Regulatory Flexibility Act (RFA) requires that proposed rules be reviewed for the potential economic impact on small entities, including small businesses. 5 U.S.C. 601–612. Section 603 of the RFA requires agencies to prepare and make available for public comment an Initial Regulatory Flexibility Analysis (IRFA), describing the impact of the proposed rule on small entities and identifying impact-reducing alternatives. The requirement to prepare an IRFA does not apply if the agency certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. *Id.* 605. Because the Commission expects that the economic effect on all entities will be minimal, absent public comment with relevant information and evidence to the contrary, the Commission intends to certify at the final rule stage that the rule will not have a significant economic impact on a substantial number of small entities.

##### *A. Small Entities to Which the Proposed Rule Would Apply*

The proposed rule would apply to all “window coverings,” as defined in the draft proposed rule, consistent with the definition in ANSI/WCMA A100.1–2018. Window coverings include the following product categories: Blinds, shades, and curtains and draperies. The

<sup>15</sup> The RFA analysis is based on Tab F of Staff’s NPR Briefing Package.

shades category includes: cellular shades, pleated shades, roller shades, and Roman shades. The blinds category includes horizontal blinds and vertical blinds of varying material types. The total window covering market size in 2020 was approximately \$6.6 billion.<sup>16</sup> (Euromonitor 2021a). CPSC staff estimates that firms classified as small by U.S. Small Business Administration (SBA) guidelines account for \$4.08 billion annually, and none of these firms accounts for more than 3 percent of total market share by revenue. (Euromonitor 2021b).

The North American Industry Classification System (NAICS) defines product codes for U.S. firms. Firms that manufacture window coverings may list their business under the NAICS product code for blinds and shades manufacturers (337920 Blind and Shade Manufacturing) or retailers (442291 Window Treatment Stores).<sup>17</sup> Importers of window coverings are generally listed in Home Furnishing Merchant Wholesalers (423220), which includes other home furnishing items and is nonspecific to window coverings.

Under SBA guidelines, a manufacturer of window coverings is categorized as small if the firm has fewer than 1,000 employees; retailers are considered small if they have sales revenue less than \$8.0 million, and importers if the firm has fewer than 100 employees. Based on 2017 data, 1,898 firms were categorized as blinds and shades manufacturers and retailers (Census Bureau, 2020). Of these, about 1,840 firms (302 manufacturers and 1,538 retailers) are small. As the NAICS code for importers is nonspecific to window coverings, CPSC staff reviewed CBP data, firm financial reports, and Dun & Bradstreet reports to obtain an estimate. CPSC staff estimates that there are approximately 83 importers that meet the SBA guidelines for a small business (Laciak 2020). Nearly all of the 302 small manufacturers identified are far below the 1,000 employee SBA threshold, as a majority are firms with under five employees. CPSC staff believes that the window coverings produced by these firms would meet the voluntary standard definition of a “custom” window covering, because many are hand crafters, and they

<sup>16</sup> Stock window coverings most likely account for a minority of the total market size in terms of revenue due to significant average price differences between stock and custom products. (D+R International 2021).

<sup>17</sup> The two product codes 337920 and 442291 encompass most products in the window coverings market. However, some drapery and curtain manufacturers may be listed under 322230, stationary product manufacturing.

produce products to a specific customer order.

*B. Potential Impact of the Proposed Rule*

A proposed rule designating stock and custom window covering products that do not conform to the specified readily observable characteristics of ANSI/WCMA A100.1–2018 as an SPH will not likely have a significant impact on a substantial number of small businesses or other small entities. Data collected in person at manufacturers, retailers, and importers by CPSC staff indicate that the level of conformance with the sections of the WCMA standard concerning stock products is high and most likely greater than 90 percent (Tab E).<sup>18</sup> Samples tested by CPSC staff also indicate a high level of conformance of custom products related to inner cord accessibility.<sup>19</sup>

Firms already conforming to the standard would experience no impact by the proposed rule. However, CPSC staff notes that at least one small manufacturer that does not currently conform to the accessible cord provision will experience a significant cost impact by the rule.<sup>20</sup> Staff does not believe that a substantial number of small manufacturers will experience this cost impact. Retailers and importers are not expected to be impacted significantly by the rule, because potential costs to conform will be borne by manufacturers. Should a window covering retailer and/or importer bear a cost related to conformance, staff expects the cost to account only for a small portion of total revenues, because these firms typically sell/import other home furnishing products in addition to window coverings.

Based on the available information, the Commission could certify that a rule to deem nonconforming operating cords and inner cords on stock window

coverings, and nonconforming inner cords on custom products, to be SPHs, because such a rule would likely not have a significant impact on a substantial number of small businesses or other small entities. Absent additional information identified through notice and comment, in the final rule, the Commission will certify that the rule will not have a significant impact on a substantial number of small businesses.

**VI. Environmental Considerations**

Generally, the Commission’s regulations are considered to have little or no potential for affecting the human environment, and environmental assessments and impact statements are not usually required. See 16 CFR 1021.5(a). The proposed rule to deem stock and custom window covering cords that do not comply with the identified readily observable characteristics to be an SPH is not expected to have an adverse impact on the environment, and it is considered to fall within the “categorical exclusion” for the purposes of the National Environmental Policy Act. 16 CFR 1021.5(c).

**VII. Paperwork Reduction Act**

This proposed rule to amend the substantial product hazard list in 16 CFR part 1120 to include hazardous window covering cords contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (“OMB”) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- A title for the collection of information;
- a summary of the collection of information;

- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that shall result from the collection of information; and
- notice that comments may be submitted to the OMB.

*Title:* Substantial Product Hazard List: Manufacturer Label on Window Coverings.

*Description:* To address the risk of strangulation to children 8 years old and younger from hazardous cords on window coverings, the Consumer Product Safety Commission (CPSC) is proposing a rule to deem that one or more of the following readily observable characteristics of window coverings present a substantial product hazard under the Consumer Product Safety Act (CPSA): The presence of hazardous operating cords on stock window coverings, the presence of hazardous inner cords on stock and custom window coverings, and the absence of a manufacturer label on stock and custom window coverings. All three of these product characteristics are addressed in the voluntary standard for window coverings, ANSI/WCMA–2018. The requirement to place a manufacturer label on the product is set forth in section 5.3 of ANSI/WCMA–2018. The requirement for an on-product label falls within the definition of “collection of information,” as defined in 44 U.S.C. 3502(3).

*Description of Respondents:* Persons who manufacture or import stock or custom window coverings.

*Estimated Burden:* We estimate the burden of this collection of information as follows:

TABLE 8—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1120.3(e)(3) & 1120.3(f)(2) .....	391	11	4,301	1	4,301

Our estimate is based on the following:

The Commission proposes in the NPR to deem the absence of a manufacturer label, required on both stock and custom window coverings, as set forth

in section 5.3 of ANSI/WCMA–2018, an SPH. Section 5.3 of the voluntary standard requires: “There shall be a permanent label(s) or marking on all finished window covering products.” The required label must be on the

headrail or on the roller tube of every window covering. The label must contain: The name, city, and state of the manufacturer, importer, or fabricator; the month and year of manufacture; and

<sup>18</sup> CPSC staff conducted in person unannounced visits to window covering retailers, manufacturers, and importers in major metropolitan areas and found only one violation in which a stock product was available with accessible cords. Four violations

were found concerning warning/manufacturer labels not related to inner cords on custom products.

<sup>19</sup> Staff tested custom product samples using test parameters defined in ANSI/WCMA A100.1–2018,

which involved the use of a cord accessibility probe and force gauge.

<sup>20</sup> See Tab K of Staff’s NPR Briefing Package.

the designation of the window covering as either “Stock” or “Custom.”

Three hundred ninety-one (391) known entities supply window coverings to the U.S. market. If modifications to existing product labels are required, we estimate that the time required to make these modifications is about 1 hour per model. Based on an evaluation of supplier product lines, each of the 391 entities supplies an average of 11 models of window coverings;<sup>21</sup> therefore, the estimated burden associated with labels is 1 hour per model × 391 entities × 11 models per entity = 4,301 hours. We estimate the hourly compensation for the time required to create and update labels is \$33.78 (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation,” March 2021, total compensation for all sales and office workers in goods-producing private industries: <http://www.bls.gov/ncs/>). Therefore, the estimated annual cost to industry associated with the labeling requirements is \$145,288 (\$33.78 per hour × 4301 hours = \$145,288). No operating, maintenance, or capital costs are associated with the collection.

This burden estimate is the largest possible, assuming that every manufacturer had to modify the on-product label. However, based on staff’s review of stock and custom window products, window coverings already substantially comply with the on-product manufacturer label requirement in section 5.3 of ANSI/WCMA–2018. Accordingly, product modification and any associated burden is unlikely. Under the OMB’s regulations (5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the “normal course of their activities” are excluded from a burden estimate, where an agency demonstrates that the disclosure activities required to comply are “usual and customary.” Staff estimates a high degree of compliance with the voluntary standard, more than 90 percent of stock products and a substantial number of the custom products, such that window coverings already comply with the on-product manufacturer label requirement in the voluntary standard. Therefore, CPSC could estimate that no burden hours are associated with the proposed rule, because any burden associated with the on-product manufacturer label would be “usual and customary” and not within

<sup>21</sup> This number was derived from a review of manufacturers product offerings listed on the firms/ associated retailer websites and market research conducted in support of the preliminary regulatory analysis.

the definition of “burden” under the OMB’s regulations.

We request comments on this potential estimate of no burden. We also request comment on the analysis demonstrating that the largest possible burden estimate for the proposed standard to require the manufacturer label in section 5.3 of ANSI/WCMA–2018 on stock and custom window coverings to be 4,301 hours at a cost of \$145,288 annually.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted the information collection requirements of this rule to the OMB for review. Interested persons are requested to submit comments regarding information collection by February 7, 2022, to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this notice).

Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

- Whether the collection of information is necessary for the proper performance of the CPSC’s functions, including whether the information will have practical utility;
- the accuracy of the CPSC’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information to be collected;
- ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and
- the estimated burden hours associated with label modification, including any alternative estimates.

#### VIII. Preemption

The proposed rule under section 15(j) of the CPSA would not establish a consumer product safety rule. Accordingly, the preemption provisions in section 26(a) of the CPSA, 15 U.S.C. 2075(a), would not apply to this rule.

#### IX. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of a final rule. 5 U.S.C. 553(d). The Commission proposes that any stock or custom window coverings that do not conform to the specified sections of ANSI/WCMA A100.1–2018, be deemed an SPH effective 30 days after publication of a final rule in the **Federal Register**. After that date, all stock and custom window coverings that are subject to,

but do not comply with, ANSI/WCMA A100.1–2018 regarding the identified readily observable characteristics, will be deemed to be an SPH.

The Commission believes that a 30-day effective date is appropriate because stock and custom window coverings substantially comply with the identified readily observable safety characteristics in ANSI/WCMA A100.1–2018, and because there is widespread knowledge of these requirements among importers and manufacturers. Accordingly, relevant stakeholders are on notice of the requirements in ANSI/WCMA A100.1–2018. Moreover, importers likely will have ample time and opportunity to acquire conforming products, if necessary, from suppliers within normal business cycles before a final rule is promulgated. Based on the available information, the Commission concludes that a 30-day effective date would not likely result in significant impacts on industry, nor disrupt the supply of conforming products.

#### X. Incorporation by Reference

The Commission proposes to incorporate by reference certain provisions of ANSI/WCMA A100.1–2018, American National Standard for Safety of Corded Window Covering Products. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. The OFR revised these regulations to require that, for a proposed rule, agencies must discuss in the preamble of the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency worked to make the materials reasonably available. In addition, the preamble of the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR’s requirements, sections I.B.2.(d), II.A, and Table 3 of this preamble summarize the provisions of ANSI/WCMA A100.1–2018 that the Commission proposes to incorporate by reference. ANSI/WCMA A100.1–2018 is copyrighted. You can view a read-only copy of ANSI/WCMA A100.1–2018 at: [https://wcmnet.com/wp-content/uploads/2021/07/WCMA-A100-2018\\_v2\\_websitePDF.pdf](https://wcmnet.com/wp-content/uploads/2021/07/WCMA-A100-2018_v2_websitePDF.pdf). To download or print the standard, interested persons can purchase a copy of ANSI/WCMA A100.1–2018 from WCMA, through its website (<http://wcmnet.com>), or by mail from the Window Covering Manufacturers Association, Inc. 355 Lexington Avenue, New York, NY 10017; telephone: 212.297.2122. Alternatively, interested parties may inspect a copy of the

standard free of charge by contacting Alberta E. Mills, Division of the Secretariat, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: 301-504-7479; email: [cpssc-os@cpsc.gov](mailto:cpssc-os@cpsc.gov).

## XI. Request for Comments

The Commission invites interested persons to submit their comments to the Commission on any aspect of the proposed rule. Comments should be submitted as provided in the instructions in the **ADDRESSES** section at the beginning of this notice.

### List of Subjects in 16 CFR Part 1120

Administrative practice and procedure, Clothing, Consumer protection, Cord sets, Extension cords, Household appliances, Lighting, Window coverings, Cords, Infants and children, Imports, Incorporation by reference.

For the reasons stated above, and under the authority of 15 U.S.C. 2064(j), 5 U.S.C. 553, and section 3 of Public Law 110-314, 122 Stat. 3016 (August 14, 2008), the Consumer Product Safety Commission proposes to amend 16 CFR part 1120 as follows:

## PART 1120—SUBSTANTIAL PRODUCT HAZARD LIST

■ 1. The authority citation for part 1120 continues to read as follows:

**Authority:** 15 U.S.C. 2064(j).

■ 2. Amend § 1120.2 by adding paragraphs (f) and (g) to read as follows:

### § 1120.2 Definitions.

\* \* \* \* \*

(f) *Stock window covering* (also known as a *stock blind*, *shade*, or *shading*) defined in section 3, definition 5.02, of ANSI/WCMA A100.1-2018, is a window covering that is completely or substantially fabricated prior to being distributed in commerce and is a specific stock-keeping unit (SKU). Even when the seller, manufacturer, or distributor modifies a pre-assembled product by adjusting to size, attaching the top rail or bottom rail, or tying cords to secure the bottom rail, the product is still considered stock. Online sales of the product or the size of the order such as multi-family housing do not make the product a non-stock product. These examples are provided in ANSI/WCMA A100.1-2018 to clarify that as long as the product is “substantially fabricated,” subsequent changes to the product do not change its categorization.

(g) *Custom window covering* (also known as a *custom blind*, *shade*, or

*shading*) defined in section 3, definition 5.01, of ANSI/WCMA A100.1-2018, is a window covering that does not meet the definition of a stock window covering.

■ 3. Amend § 1120.3 by adding paragraphs (e) and (f) to read as follows:

### § 1120.3 Products deemed to be substantial product hazards.

\* \* \* \* \*

(e) *Stock window coverings* that fail to comply with one or more of the following requirements of ANSI/WCMA A100.1-2018:

(1) Operating cord requirements in section 4.3.1: section 4.3.1.1 (cordless operating system), 4.3.1.2 (short static or access cord), or 4.3.1.3 (inaccessible operating cord);

(2) Inner cord requirements in sections 4.5, 6.3, 6.7, and Appendices C and D; and

(3) On-product manufacturer label requirement in section 5.3.

(f) *Custom window coverings* that fail to comply with one or more of the following requirements of ANSI/WCMA A100.1-2018:

(1) Inner cord requirements in sections 4.5, 6.3, 6.7, and Appendices C and D; and

(2) On-product manufacturer label in section 5.3.

■ 4. Amend § 1120.4 by adding paragraph (d) to read as follows:

### § 1120.4 Standards incorporated by reference.

\* \* \* \* \*

(d) Window Covering Manufacturers Association, Inc. 355 Lexington Avenue, New York, New York 10017. telephone: 212.297.2122. <http://wcmanet.com>.

(1) ANSI/WCMA A100.1-2018. *American National Standard For Safety Of Corded Window Covering Products*, IBR approved for §§ 1102.2(f) and (g), and §§ 1120.3 (e) and (f).

(2) [Reserved]

**Alberta E. Mills,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 2021-27897 Filed 1-6-22; 8:45 am]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 112

[Docket No. FDA-2021-N-0471]

### Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water; Proposed Rule; Public Meetings; Request for Comments

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notification of public meetings; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA, the Agency, or we) is announcing two virtual public meetings entitled “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water.” The purpose of the public meetings is to discuss the proposed rule entitled “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water,” which was issued under the FDA Food Safety Modernization Act (FSMA). These public meetings are intended to facilitate and support the public’s evaluation and commenting process on the proposed rule.

**DATES:** The public meetings will be held virtually on February 14, 2022, from 11:45 a.m. Eastern Time to 7:45 p.m. Eastern Time and February 25, 2022, from 8:45 a.m. Eastern Time to 4:45 p.m. Eastern Time. Submit either electronic or written comments on the proposed rule “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water” by April 5, 2022. See “How to Participate in the Public Meetings” in the **SUPPLEMENTARY INFORMATION** section of this document for closing dates for advanced registration and other information regarding meeting participation.

**ADDRESSES:** Due to the impact of the COVID-19 pandemic, these meetings will be held virtually to help protect the public and limit the spread of the virus.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 5, 2022. The <https://www.regulations.gov> electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of

April 5, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2021-N-0471 for the proposed rule "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between

9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

**FOR FURTHER INFORMATION CONTACT:** For general questions about the public meetings or for special accommodations due to a disability, contact Juanita Yates, Center for Food Safety and Applied Nutrition (HFS-009), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-1731, [Juanita.Yates@fda.hhs.gov](mailto:Juanita.Yates@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Congress enacted FSMA (Pub. L. 111-353) in 2011 in response to dramatic changes in the global food system and in our understanding of foodborne illness. FSMA transformed the nation's food safety system by shifting the focus

from responding to foodborne illness to preventing it.

In November 2015, FDA issued the "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption" rule (80 FR 74354, November 27, 2015) (2015 produce safety final rule) (codified at part 112 (21 CFR part 112)), which established science-based minimum standards for the safe growing, harvesting, packing, and holding of fruits and vegetables grown for human consumption. The provisions of the rule focus on addressing major routes of microbial contamination—including agricultural water; biological soil amendments; domesticated and wild animals; worker health and hygiene; and equipment, buildings, and tools.

Part 112, subpart E in the 2015 produce safety final rule, which outlines standards for agricultural water, includes a general requirement that agricultural water must be safe and adequate for its intended uses (§ 112.41). It also includes microbial water quality criteria (§ 112.44) and requirements for testing certain water sources (§ 112.46). The microbial quality criteria are based on the intended use of the agricultural water, such as for growing activities for covered produce other than sprouts (including irrigation water applied using direct water application methods and water used in preparing crop sprays) (commonly referred to as "pre-harvest agricultural water"),<sup>1</sup> and for certain other specified uses, including sprout irrigation water and water applications that directly contact covered produce during or after harvest.<sup>2</sup> Since finalizing the rule, however, we have received consistent feedback from stakeholders expressing concern about the complexity of and implementation challenges with certain agricultural water requirements.

Accordingly, in the **Federal Register** of December 6, 2021 (86 FR 69120), FDA published the proposed rule entitled "Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water" (2021 agricultural water proposed rule). This proposed rule would amend the agricultural water provisions of the produce safety regulation to replace the microbial criteria and testing requirements for pre-harvest agricultural water for covered produce (other than sprouts) that

<sup>1</sup> The produce safety regulation refers to pre-harvest agricultural water used during sprout production as "sprout irrigation water."

<sup>2</sup> Because sprouts present a unique safety risk, the produce safety regulation establishes sprout-specific requirements on multiple topics, including agricultural water.

covered farms have found to be complex and challenging to implement, with provisions for comprehensive assessments of pre-harvest agricultural water systems, practices, and on-farm conditions.

The proposed agricultural water assessments would provide additional flexibility to covered farms, using a systems-based approach that would be feasible to implement across the wide variety of pre-harvest agricultural water systems, uses, and farm operations and would be adaptable as scientific understanding of agricultural water quality expands in the future. We also are proposing to require expedited mitigation for hazards related to certain activities associated with adjacent and nearby land in light of findings from several recent produce outbreak investigations.

These proposed revisions to the produce safety regulation, if finalized, would set forth requirements for comprehensive pre-harvest agricultural water assessments and mitigation measures that minimize the risk of

serious adverse health consequences or death, including those reasonably necessary to prevent the introduction of known or reasonably foreseeable biological hazards into or onto produce, and to provide reasonable assurances that the produce is not adulterated on account of these hazards.

FDA is announcing two virtual public meetings entitled “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption Relating to Agricultural Water” so that stakeholders can better understand, evaluate, and comment on the proposed rule. These meetings will be held during the formal comment period on the proposed rule. The two public meetings will cover the same agenda items and are intended to facilitate and support the public’s evaluation and commenting process.

**II. Purpose and Format of the Public Meetings**

The purpose of the public meetings is to provide information and facilitate public comment on the proposed rule. We invite interested parties to provide

information and offer comments related to the proposed rule. During the public meetings we will provide an overview of the current requirements that apply for pre-harvest agricultural water for non-sprout covered produce and discuss the proposed provisions for systems-based pre-harvest agricultural water assessments that are designed to be more feasible to implement across the wide variety of agricultural water systems, uses, and practices, while also being adaptable to future advancements in agricultural water quality science and achieving improved public health protections. There will be an opportunity for questions, as well as an opportunity for open public comment.

**III. How to Participate in the Public Meetings**

There will be a total of two virtual public meetings with different timeframes, which will provide persons in different regions an opportunity to comment on the proposed rule.

Table 1 provides information on participation in the public meetings.

TABLE 1—INFORMATION ON PARTICIPATING IN THE PUBLIC MEETINGS AND ON SUBMITTING COMMENTS TO THE PROPOSED RULE DOCKET

Activity	Date	Electronic address	Other information
First public meeting	February 14, 2022; 11:45 a.m. to 7:45 p.m. EST.	Webcast information will be sent upon completion of registration.	Webcast will have closed captioning.
Request to make an oral presentation.	By February 2, 2022 .....	<a href="https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements">https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements</a> .	
Notice confirming opportunity to make an oral presentation.	By February 4, 2022 .....	.....	An Agency representative will confirm the opportunity to make an oral presentation and will provide the approximate time on the public meeting agenda to do so.
Second public meeting.	February 25, 2022; 8:45 a.m. to 4:45 p.m. EST.	Webcast information will be sent upon completion of registration.	Webcast will have closed captioning.
Request to make an oral presentation.	By February 11, 2022 .....	<a href="https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements">https://www.fda.gov/food/news-events-cfsan/workshops-meetings-webinars-food-and-dietary-supplements</a> .	
Notice confirming opportunity to make an oral presentation.	By February 15, 2022 .....	.....	An Agency representative will confirm the opportunity to make an oral presentation and will provide the approximate time on the public meeting agenda to do so.
Submitting either electronic or written comments.	Submit comments by April 5, 2022 .....	<a href="https://www.regulations.gov">https://www.regulations.gov</a> .....	See <b>ADDRESSES</b> for additional information on submitting comments.

#### IV. Transcripts

Please be advised that as soon as a transcript is available, it will be accessible at: <https://www.regulations.gov>. You may also view the transcript at the Dockets Management Staff (see **ADDRESSES**).

Dated: December 29, 2021.

**Lauren K. Roth,**

*Associate Commissioner for Policy.*

[FR Doc. 2021–28503 Filed 1–6–22; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG–2021–0661]

RIN 1625–AA11

#### Regulated Navigation Area; Offshore, Cape Canaveral, Florida

**AGENCY:** Coast Guard, DHS.

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** On September 17, 2021, the Coast Guard published a notice of proposed rulemaking (NPRM) proposing to replace the existing safety zone in Captain of the Port (COTP) zone Jacksonville, Offshore Cape Canaveral, Florida with a regulated navigation area (RNA). Changes in the type and size of launch vehicles, rocket component recovery methods, and the increased frequency of launches now pose variable risks to marine traffic and require a more flexible regulatory tool. After considering comments received from the public, the Coast Guard is making modifications to the regulated area in the proposed rule. This supplemental notice requests comments on the revised proposal.

**DATES:** Comments and related material must be received by the Coast Guard on or before February 7, 2022.

**ADDRESSES:** You may submit comments identified by docket number USCG–2021–0661 using the Federal Decision Making Portal at <https://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Lieutenant Junior Grade Stephanie Miranda,

Seventh District, Waterways Management Branch (Dpw), U.S. Coast Guard; telephone 305–415–6748, email [stephanie.l.miranda@uscg.mil](mailto:stephanie.l.miranda@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background, Purpose, and Legal Basis

The Coast Guard proposes to replace the existing safety zone in 33 CFR 165.775 titled, “Safety Zone; Captain of the Port Zone Jacksonville; Offshore Cape Canaveral, Florida” with a regulated navigation area (RNA). The existing safety zone established in 2009 is composed of four large regulated areas and was established in 2009 with the intent of protecting marine traffic from the hazards associated with the launching of space vehicles, to expedite notification to the public, and to reduce the administrative workload of the Coast Guard. However, since the establishment of the safety zone in § 165.775, changes in the type and size of launch vehicles, rocket component recovery methods, and the increased frequency of launches pose variable risks to marine traffic and require a more flexible regulatory tool.

On September 17, 2021, the Coast Guard published a notice of proposed rulemaking entitled, “Regulated Navigation Area; Offshore, Cape Canaveral, Florida in the **Federal Register** (86 FR 51845) in order to replace the existing safety zone in § 165.775 with a RNA. During the comment period that ended on October 18, 2021, we received three comments and those comments are addressed in Section III of this SNPRM.

The Coast Guard is proposing this SNPRM under authority in 46 U.S.C. 70034. The purpose of this SNPRM is to revise the regulatory text as proposed in the NPRM to expand the zone to include additional missions which are expected to be conducted (including the Transport 2 mission conducted by the U.S Space Launch Delta 45 (SLD 45) and operations by the Blue Origin, LLC), and to include the Captain of the Port’s (COTP) consideration of analysis from (SLD 45) when activating a zone. The revised regulatory text we are proposing in this SNPRM appears at the end of this document. It differs from the text proposed in the NPRM, primarily in that it expands the zone westward to include

areas of operation by the SLD 45 and the Blue Origin, LLC.

##### III. Discussion of Comments on the NPRM and Change to the Proposed Rule

In response to the NPRM, the Coast Guard received three public comments. Unless we receive recommendations for changes during the SNPRM comment period, we plan to adopt the regulations proposed in the NPRM with revisions to the regulatory text as reflected in this SNPRM. The SNPRM provides an additional comment period to shape the final regulatory action. Concerns received on this SNPRM will be addressed in the final rule.

The Coast Guard received a comment addressing the growing effect of commercial space travel in terms of potential for pollution and hazards to land and sea vehicles in the path of flight. The commenter felt the proposed change was valid and important. No changes were made based on this comment.

Another comment addressed the growth of the aerospace industry in the region and associated increase in launch activity observed since 2009. The commenter felt that an evaluation of the 2009 rulemaking and the associated changes proposed in the NPRM were warranted and in the interest of preserving the safety of marine interests in the area. No changes were made based on this comment.

The Coast Guard received a comment from the Blue Origin Florida, LLC and included a request for an adjustment to the dimensions of the RNA to provide a launch hazard area suitable for potential future launches to Polar Orbits. The change was evaluated and implemented. In response to this comment, the Coast Guard made changes to the regulatory text in this SNPRM by making an adjustment to the southeast launch hazard area to encompass dimensions aligned to a Polar Orbit-mission specific launch exclusion area as provided by the SLD 45.

##### IV. Discussion of Proposed Rule

The proposed rule would establish a RNA in the following revised area based on comments received during the NPRM comment period: All waters offshore Cape Canaveral from surface to bottom, encompassed by a line connecting the following points beginning with Point 1 at 28°48’54” N, 80°28’40” W; thence southwest to Point 2 at 28°43’20” N, 80°41’00” W; thence south along the shoreline to Point 3 at 28°25’18” N, 80°34’43” W; thence continuing south offshore to Point 4 at 28°11’00” N,



80°29'00" W; thence east to Point 5 at 28°10'00" N, 80°21'13" W; thence north along the 12 nautical mile line back to Point 1. Coordinates are in WGS 1984. These coordinates are based on the furthest north and south trajectories of typical rocket launch vehicles originating from Cape Canaveral. In addition, there are five launch hazard areas in which the majority of rocket launches will fall and are meant to alert mariners to the general areas in which launches will occur. We list the coordinates and locations of the five launch hazard areas in the regulatory text of this SNPRM.

When the RNA is deemed activated, the COTP or a designated representative would be able to restrict vessel movement including but not limited to transiting, anchoring, or mooring within this RNA to protect vessels from hazards associated with rocket launches. Active restrictions are based on mission specific launch exclusion areas provided by the SLD 45, are temporary in nature, and would only be enacted and enforced prior to and just after a launch. The COTP would be able to activate any single area, a combination of areas, or establish areas within the RNA boundary area as warranted by specific risks posed by individual launches. The determination of risk would be at the discretion of the COTP and informed by the mission specific launch exclusion areas provided by SLD-45.

The COTP would inform the public of the activation or status of the RNA and specific exclusion areas, by Broadcast Notice to Mariners on VHF-FM channel 16, Public Notice of Enforcement, on-scene presence, and by the display of a yellow ball from a 90-foot pole near the shoreline.

## V. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This NPRM has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB).

The RNA will operate in a similar way to the existing safety zone, but will reduce the size of exclusionary areas for each specific rocket launch. We expect the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. The RNA will only be activated a reasonable time before a launch and deactivated once the area is no longer hazardous.

### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

The total time of the RNA activation and thus restriction to the public is expected to be approximately one hour per launch. Vessels would be able to transit around the activated RNA locations during these launches. We do not anticipate any significant economic impact resulting from activation of the RNA.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

### C. Collection of Information

This proposed rule would not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

### D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132 (Federalism), if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves the activation of a RNA with exclusionary zones smaller than the existing safety zones. The activation of the RNA is expected to be an hour total per occurrence. Normally such actions

are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

*G. Protest Activities*

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

**VI. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

*Submitting comments.* We encourage you to submit comments through the Federal Decision Making Portal at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG-2021-0661 in the search box and click "Search." Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

*Viewing material in docket.* To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select "Supporting & Related Material" in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the <https://www.regulations.gov> Frequently Asked Questions web page. We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not

to post off-topic, inappropriate, or duplicate comments that we receive.

*Personal information.* We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.2.

■ 2. Revise § 165.775 to read as follows:

**§ 165.775 Regulated Navigation Area; Launch Area Offshore Cape Canaveral, FL.**

(a) *Location.*

(1) The following area is a regulated navigation area (RNA): All waters offshore Cape Canaveral from surface to bottom, encompassed by a line connecting the following points beginning with Point 1 at 28°48'54" N, 80°28'40" W; thence southwest to Point 2 at 28°43'20" N, 80°41'00" W; thence south along the shoreline to Point 3 at 28°25'18" N, 80°34'43" W; thence continuing south offshore to Point 4 at 28°11'00" N, 80°29'00" W; thence east to Point 5 at 28°10'00" N, 80°21'13" W; thence north along the 12 nautical mile line back to Point 1. Coordinates are in WGS 1984. These coordinates are based on the furthest north and south trajectories of typical rocket launch vehicles originating from Cape Canaveral.

(2) Restrictions may be enforced anywhere within the boundaries of the RNA. Restrictions will be based on the risk assessment of the Captain of the Port Jacksonville and informed by the mission specific launch exclusion areas provided by U.S Space Launch Delta 45 (SLD 45). There are five launch hazard areas that cover rocket launches. Launch hazard areas include all navigable waters within the following coordinates, encompassed by a line starting at Point 1 connecting the following points:

(i) Northeast Launch Hazard Area:

Point 1 .....	28°47'47" N	080°27'48" W
Point 2 .....	28°42'18" N	080°34'55" W
Point 3 .....	28°39'13" N	080°37'49" W
Point 4 .....	28°32'29" N	080°33'58" W
Point 5 .....	28°34'00" N	080°29'00" W
Point 6 .....	28°39'43" N	080°21'57" W

(ii) East Northeast Launch Hazard Area:

Point 1 .....	28°43'53" N	080°24'50" W
Point 2 .....	28°36'10" N	080°35'20" W
Point 3 .....	28°31'46" N	080°33'40" W
Point 4 .....	28°34'42" N	080°28'40" W
Point 5 .....	28°40'45" N	080°22'28" W

(iii) Large East Launch Hazard Area:

Point 1 .....	28°40'32" N	080°22'21" W
Point 2 .....	28°39'14" N	080°37'48" W
Point 3 .....	28°27'00" N	080°31'55" W
Point 4 .....	28°27'35" N	080°18'27" W

(iv) Small East Launch Hazard Area:

Point 1 .....	28°39'42" N	080°21'56" W
Point 2 .....	28°39'00" N	080°31'00" W
Point 3 .....	28°38'00" N	080°36'58" W
Point 4 .....	28°32'00" N	080°33'45" W
Point 5 .....	28°31'51" N	080°20'41" W

(v) Southeast Launch Hazard Area:

Point 1 .....	28°37'00" N	080°29'00" W
Point 2 .....	28°35'48" N	080°34'59" W
Point 3 .....	28°25'18" N	080°34'43" W
Point 4 .....	28°11'00" N	080°29'00" W
Point 5 .....	28°10'00" N	080°21'13" W
Point 6 .....	28°19'36" N	080°23'10" W
Point 7 .....	28°22'11" N	080°20'17" W

(b) *Definitions.* The following definitions apply to this section: *Designated representative* means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port (COTP) Jacksonville in the enforcement of RNAs, safety zones, and security zones.

(c) *Regulations.* (1) The COTP Jacksonville or a designated represented may restrict vessel movement including but not limited to transiting, anchoring, or mooring within this RNA to protect vessels from hazards associated with rocket launches. These restrictions are temporary in nature and will only be enacted and enforced prior to and just after a launch.

(2) The COTP Jacksonville may activate restrictions within any single area, a combination of areas, or establish ad hoc areas within the RNA boundary area. Activation of prescribed or ad hoc Launch Hazard Areas will be based on the risk assessment of the Captain of the Port Jacksonville and informed by the mission specific launch exclusion areas

provided by SLD 45 to account for the specific risks posed by individual launches.

(d) *Notice of activation of RNA.* The COTP Jacksonville will inform the public of the activation or status of the RNA and specific exclusion areas, by Broadcast Notice to Mariners on VHF-FM channel 16, Public Notice of Enforcement, on-scene presence, and by the display of a yellow ball from a 90-

foot pole near the shoreline at approximately 28°35'00" N, 080°34'36" W and from a 90-foot pole near the shoreline at approximately 28°55'18" N, 080°35'00" W. Coast Guard assets or other Federal, State, or local law enforcement assets will be clearly identified by lights, markings, or with agency insignia.

(e) *Contact information.* The COTP Jacksonville may be reached by

telephone at (904) 564-7513. Any on-scene Coast Guard or designated representative assets may be reached on VHF-FM channel 16.

Dated: December 22, 2021.

**Brendan C. McPherson,**

*Rear Admiral, Commander, Seventh Coast Guard District.*

[FR Doc. 2021-28537 Filed 1-6-22; 8:45 am]

**BILLING CODE 9110-04-P**

# Notices

Federal Register

Vol. 87, No. 5

Friday, January 7, 2022

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No. AMS-FGIS-21-0092]

RIN 0581-AD94

#### 2022 Rates for Grain Inspection Services Under the United States Grain Standards Act

**AGENCY:** Agricultural Marketing Service, Department of Agriculture (USDA).

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) is announcing the 2022 rate it will charge for official inspection and weighing services, supervision of official inspection and weighing services, and miscellaneous fees for other services performed under the United States Grain Standards Act, as amended. This action publishes the annual review of fees and the resulting fees.

**DATES:** Applicable February 1, 2022.

**ADDRESSES:** Prospective customers can find the fee scheduled posted on the Agency's public website: <https://www.ams.usda.gov/about-ams/fgis-program-directives>.

**FOR FURTHER INFORMATION CONTACT:**

Denise Ruggles, FGIS Executive Program Analyst, USDA AMS; Telephone: 816-702-3897; Email: [Denise.M.Ruggles@usda.gov](mailto:Denise.M.Ruggles@usda.gov).

**SUPPLEMENTARY INFORMATION:** The United States Grain Standards Act (USGSA) provides the Secretary of Agriculture with the authority to charge and collect reasonable fees to cover the costs of performing official services and costs associated with managing the program. The regulations require that Federal Grain Inspection Service (FGIS) annually review the national and local tonnage fees, supervision fee, and fees for service (7 CFR 800.71).

#### 7 CFR 800.71(a)(1) Schedule A Calculations

After calculating the tonnage fees according to the regulatory formula in 7 CFR 800.71(b)(1), FGIS then reviews the amount of funds in the operating reserve at the end of the fiscal year (FY2021 in this case) to ensure that it has 4½ months of operating expenses as required by section 800.71(b)(3) of the regulations. If the operating reserve has more, or less than 4½ months of operating expenses, then FGIS must adjust all Schedule A fees. For each \$1,000,000, rounded down, that the operating reserve varies from the target of 4½ months, FGIS will adjust all Schedule A fees by 2 percent. If the operating reserve exceeds the target, all Schedule A fees will be reduced. If the operating reserve does not meet the target, all Schedule A fees will be increased. The maximum annual increase or decrease in fees is 5 percent (7 CFR 800.71(b)(3)(i)-(ii)).

Tonnage fees for the 5-year rolling average tonnage were calculated on the previous 5 fiscal years (2017, 2018, 2019, 2020, and 2021). Tonnage fees consist of the national tonnage fee and local tonnage fee and are calculated and rounded to the nearest \$0.001 per metric ton. The tonnage fees are calculated as following:

**National tonnage fee.** The national tonnage fee is the national program administrative costs for the previous fiscal year divided by the average yearly tons of export grain officially inspected and/or weighed by delegated States and designated agencies, excluding land carrier shipments to Canada and Mexico, and outbound grain officially inspected and/or weighed by FGIS during the previous 5 fiscal years.

The fiscal year 2022 national tonnage fee, prior to the operating reserve review, is \$0.054 per metric ton. The calculation of this fee rate is based on FY2021 national administrative costs of \$6,687,477, divided by 5-year rolling tonnage average of 123,853,477.

Fiscal year	Metric tons
2017 .....	135,017,935
2018 .....	129,687,652
2019 .....	107,896,235
2020 .....	110,090,771
2021 .....	136,574,792
5-Year Rolling Average .....	123,853,477

**Local tonnage fee.** The local tonnage fee is the field office administrative costs for the previous fiscal year divided by the average yearly tons of outbound grain officially inspected and/or weighed by FGIS field offices during the previous 5 fiscal years.

Field office	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	5-Year rolling average
New Orleans .....	70,439,862	66,996,126	57,807,378	59,768,303	72,482,289	65,498,792
League City .....	13,307,780	8,424,216	7,939,994	9,318,595	12,877,525	10,373,622
Portland .....	5,175,459	4,643,241	2,530,648	3,331,672	4,136,482	3,963,500
Toledo .....	2,229,920	1,802,762	1,597,584	948,840	1,154,856	1,546,792

The local field office administrative costs for fiscal year 2021 and the fiscal year 2022 calculated local field office

tonnage fee, prior to the operating reserve review, are as follows:

Field office	FY 2021 local administrative costs	Calculated FY 2022 local tonnage fee
New Orleans .....	\$1,268,285	\$0.019

Field office	FY 2021 local administrative costs	Calculated FY 2022 local tonnage fee
League City .....	444,041	0.043
Portland .....	531,013	0.134
Toledo .....	182,736	0.118

*Operating reserve.* In order to maintain an operating reserve that is not less than 3 and not more than 6 months of operating expenses, FGIS reviewed the value of the operating reserve at the end of FY 2021 to ensure that an operating reserve equivalent to 4½ months of operating expenses is maintained.

The program operating reserve at the end of fiscal year 2021 was \$7,073,637 with a monthly operating expense of \$3,151,244. The target of 4.5 months of operating reserve is \$14,180,599. Therefore, the operating reserve is less than 4.5 times the monthly operating expenses by \$7,073,637. For each \$1,000,000, rounded down, above the target level, all Schedule A fees must be increased by 2 percent. The operating reserve is \$7.1 million below the target level, implying a 14 percent increase in fees is required. However, section 800.71(b)(3)(ii) limits annual fee changes to 5 percent. Therefore, for 2022, FGIS is increasing all the 2021 Schedule A fees for service in Schedule A in paragraph (a)(1) by 5 percent, including calculated fiscal year 2022 national and local tonnage fees. All Schedule A fees for service are rounded to the nearest \$0.10, except for fees based on tonnage or hundredweight. The fee Schedule A will be published on the agency's public website after **Federal Register** publication.

**7 CFR 800.71(a)(2) Schedule B Calculations**

FGIS calculates the supervision tonnage fee using the prior year's actual costs and the 5-year average tonnage of domestic U.S. grain shipments inspected, weighed, or both, including land carrier shipments to Canada and Mexico.

*Operating reserve adjustment.* In order to maintain an operating reserve not less than 3 and not more than 6 months, FGIS reviewed the value of the operating reserve at the end of FY 2021 to ensure that an operating reserve of 6 months is maintained.

The operating reserve adjustment is the difference between FY 2021 ending reserves and the operating reserve threshold, which is equivalent to 6 months of supervisory costs. FY 2021 supervision costs were \$1,369,123. The operating reserve threshold for FY 2022

is calculated by dividing FY 2021 supervision costs by 2 (\$1,369,123/2 = \$684,562). FY 2021 operating reserve ending balance (\$2,042,268) exceeds the operating reserve threshold (\$684,562) by \$1,357,707. Therefore, the operating reserve adjustment for calendar year 2022 is -\$1,357,707.

*Supervision tonnage fee.* FGIS adds the total prior year supervision costs and the operating reserve adjustment, then divide the result by the previous 5-year average tonnage. If the calculated fee is zero or a negative value, FGIS will suspend collection of supervision tonnage fees for the next calendar year.

The supervision tonnage fee for calendar year 2022 is \$0.000 per ton. The calculation, based on FY 2021 supervision costs of \$1,369,123, is \$1,369,123 plus the operating reserve adjustment of -\$1,357,707, which equals \$11,416, divided by 5-year average tonnage of 231,147,201, which equals \$0.000 per ton.

Fiscal year	Metric tons
2017 .....	244,355,906
2018 .....	234,298,085
2019 .....	206,693,881
2020 .....	237,649,430
2021 .....	232,738,700
5-Year Rolling Average .....	231,147,201

Therefore, for 2022, FGIS will suspend the assessment of the supervision tonnage fee on domestic shipments officially inspected and/or weighed, including land carrier shipments to Canada and Mexico, performed by delegated States and/or designated agencies on or after January 1, 2022. The fee Schedule B will be published on the agency's public website after **Federal Register** publication.

**7 CFR 800.71(d) Miscellaneous Fees for Other Services Calculations**

*Registration certificates and renewals.* FGIS calculates the application fee by multiply the Schedule A non-contract hourly rate (Table 1 in § 800.71(a)) by a quantity of five. The resulting fee is expected to cover FGIS personnel costs to review applications, fee publication expenses, and administrative expenses. The Schedule A non-contract hourly rate is \$66.20. Thus, the application fee for 2022 will be \$66.20 times 5, or \$331.

The fee will be published on the agency's public website after **Federal Register** publication.

*Designation amendments.* FGIS calculates the rate using the **Federal Register** publication rate for three columns, plus one hour of noncontract hourly rate from § 800.71(a) Table 1 of Schedule A. The fee covers FGIS personnel costs, administrative expenses, and **Federal Register** publication costs. The **Federal Register** publication rate \$151 per column and the Schedule A non-contract hourly rate is \$66.20. FGIS calculates the fee will be \$519.20 for calendar year 2022. The fee will be published on the agency's public website after **Federal Register** publication.

*Authority:* 7 U.S.C. 71–87k.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2022–00026 Filed 1–6–22; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF AGRICULTURE**

[Docket No. **USDA–2022–0001**]

**Privacy Act of 1974; New System of Records**

**AGENCY:** Office of the Assistant Secretary for Civil Rights, Department of Agriculture.

**ACTION:** Notice of a new system of records.

**SUMMARY:** Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Office of the Assistant Secretary for Civil Rights (OASCR), a component within the United States Department of Agriculture (USDA or “the Department”), proposes to develop a new system of records notice titled, “USDA Reasonable Accommodations and Personal Assistance Services (RAPAS).” USDA/RAPAS–01 proposes to establish this system of records to allow USDA and its mission areas and agencies to collect and maintain records on: Applicants for employment who have disabilities; individuals with disabilities to facilitate their participation in a USDA program or activity, including attendance at a meeting, training, conference or other

USDA-sponsored event at either a USDA facility or outside USDA employees who seek accommodations to allow them to perform the essential functions of their job; employees with disabilities who request or receive reasonable accommodation as required by the Department as the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended by the Americans with Disabilities Amendment Act of 2008 (ADAAA); individuals who receive accommodations under the Family Medical Leave Act, and individuals who request or receive accommodations under Title VII of the Civil Rights Act of 1964. Another purpose of this system is to track and report the processing of USDA-wide requests for reasonable accommodation while ensuring compliance with applicable laws and regulations, including confidentiality requirements protecting information individuals submit in support of accommodation requests.

**DATES:** In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which to comment on the routine uses, described below.

**ADDRESSES:** The public, OMB, and Congress are invited to submit any comments by mail to the United States Department of Agriculture, Privacy Office, ATTN: Privacy Analyst, 1400 Independence Ave. SW, Washington, DC 20250; by telephone at 202-384-5026; or by email at *SM.OCIO.CIO.UsdaPrivacy*.

**FOR FURTHER INFORMATION CONTACT:** Sullie Coleman, Chief Privacy Officer, 1400 Independence Ave. SW, Washington, DC 20250, 202-604-0467.

**SUPPLEMENTARY INFORMATION:** This system of records covers information necessary and relevant to USDA activities providing reasonable accommodation (RA) to qualified employees and applicants with disabilities, personal assistance services (PAS) to employees with targeted disabilities, and qualified people with disabilities an equal opportunity to obtain and successfully perform a job to the same extent as employees without disabilities, and enjoy the benefits and privileges of employment.

USDA is establishing "USDA Reasonable Accommodations (RA) and Personal Assistance Services (PAS)." USDA/RAPAS-01, as a USDA-wide Privacy Act system of records. A USDA-wide system of records notice (SORN) will support multiple USDA paper or electronic recordkeeping systems. USDA components maintaining the same kind of information on individuals

for the same purpose maintain the system. The establishment of a USDA-wide SORN helps USDA standardize the rules governing the collection, maintenance, use, and sharing of personal information in key areas across the department. A USDA-wide SORN also reduce duplicative and overlapping SORNs published by separate USDA components. The creation of USDA/RAPAS-01 SORN is expected to make locating relevant SORN easier for USDA personnel and the public and create efficiencies in the operation of the USDA privacy program.

This SORN describes reasonable accommodation and assistive technology records maintained by all component parts of the USDA, wherever they are maintained. The system covers both electronic and paper records and will be used by USDA components and offices to maintain records about accommodations based on disability requested by or provided to employees and applicants for employment and participants in USDA programs and activities. The Rehabilitation Act of 1973, as amended, generally requires Federal agencies to provide accommodations which enable individuals with disabilities to perform USDA employment and participate in USDA programs and activities, unless such accommodation would impose an undue burden.

**SYSTEM NAME AND NUMBER:**

USDA Reasonable Accommodations (RA) and Personal Assistance Services (PAS)." USDA/RAPAS-01.

**SECURITY CLASSIFICATION:**

Controlled Unclassified Information.

**SYSTEM LOCATION:**

The agency, U.S. Department of Agriculture, address is 1400 Independence Ave. SW, Washington, DC 20250. RA and PAS records are located in personnel or designated Reasonable Accommodation Coordinator offices in the mission areas, agencies or staff offices in which the reasonable accommodation requests were filed.

**SYSTEM MANAGER:**

Contact information of the agency official who is responsible for this system is the Office of the Assistant Secretary for Civil Rights (OASCR), 1400 Independence Ave. SW, Washington, DC 20250, (202) 720-3808.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Rehabilitation Act of 1973, §§ 501 and 504, Public Law 93-112, as amended; the Americans with Disabilities Act of 1990, Public Law

101-336 (1990), as amended by the ADA Amendments Act of 2008 (ADAA), Public Law 110-325 (2009); Title VII of the Civil Rights Act of 1964, Public Law 88-352, as amended; and the Family and Medical Leave Act of 1993, Public Law 103-3 (1993), as amended; Executive Order 13164 (July 28, 2000); and Executive Order 13548 (July 26, 2010); Executive Order 14042 (September 09, 2021); and Executive Order 14043 (September 09, 2021).

**PURPOSE(S) OF THE SYSTEM:**

The purpose of this system is to allow USDA's mission areas, agencies or staff offices, to collect and maintain records on individuals who seek or receive accommodations to facilitate their participation in USDA RA program or activity, their attendance at a meeting, training, conference or event at a USDA facility or sponsored by USDA, and employees and applicants for employment who request or receive reasonable accommodation by the Department under the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, as amended by the ADAAA, and Title VII of the Civil Rights Act of 1964, as amended. Additionally, this system allows USDA to collect records related to leave requests under the Family and Medical Leave Act of 1993, including accommodation requests and information. Another purpose of this system is to track and report the processing of requests for reasonable accommodation USDA-wide to comply with applicable laws and regulations and to preserve and maintain the confidentiality of the information provided in support of the accommodation request.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Categories of individuals covered by this system include applicants for employment and employees who request or receive reasonable accommodations under: The Rehabilitation Act of 1973, Public Law 93-112, as amended, the Americans with Disabilities Act of 1990, Public Law 101-336 (1990), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAA); Title VII of the Civil Rights Act of 1964, Public Law 88-352, as amended; and employees who request leave under the Family and Medical Leave Act of 1993 (FMLA), Public Law 103-3 (1993), as amended.

This also includes participants in USDA programs and activities, non-Federal County Office (CO) employees in the Farm Service Agency (FSA) and

elected or appointed FSA County and State Committee members, visitors at USDA facilities (and USDA-sponsored events at other facilities), and authorized individuals or representatives (e.g., family member or attorney) who request a reasonable accommodation on behalf of an applicant for employment or employee. It also includes current employees who request or receive and former employees who requested or received a reasonable accommodation or leave (under FMLA) during their employment with USDA.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Requestor's status (applicant or anybody who identifies or recognizes the need for an accommodation at a USDA facility);

- First, middle, and last name of the person who requires the accommodation;
- Address, phone number, and email address of the person who requires the accommodation;
- Date of request;
- Meeting or other event for which the request was made (room number, date and time of the meeting/event);
- Program or activity for which the request was made;
- Job (occupational series, grade level, and bureau or office) for which reasonable accommodation was requested; and

• Information concerning the nature of the disability and/or the need for accommodation, including appropriate medical or other documentation when the disability and/or need for accommodation is not obvious or the accommodation cannot be easily provided with little effort or expense.

Information concerning the nature of the disability and/or need for accommodation includes:

- Medical documentation provided by the requester or at the requestor's direction or request (e.g., by a representative or the individual's healthcare provider) as required to substantiate an individual's disability or need to care themselves or a family member (medical documentation supporting the reasonable accommodation request must be kept in a confidential file separate and apart from the requestor's Official Personnel Folder, Employee Performance File, or drop file);

• Information related to employees and their family members, including, but not limited to, first, middle, and last name, relationship to the employee, as required to substantiate need to care for a new child, recover from a serious illness, or care for a seriously ill family member.

- Type(s) of accommodation(s) requested or received;
- Request approvals and denials notice of procedures for informal dispute resolution or appeal processes, forms, correspondence, records of oral conversations, policy guidance documents, and supporting notes and documentation.
  - Expense(s) information associated with the requested accommodation;
  - Information about a requestor's religious beliefs, voluntarily provided by the requestor in support of a request for accommodation or exemption from a requirement or penalty;
  - Whether the request came from someone planning to visit a USDA facility;
  - Whether an accommodation requested or provided occurred pre-employment, during current or former employment or for a particular event;
  - How the requested accommodation would assist in job performance, participation in a USDA program or activity, or attendance at a USDA-sponsored meeting or event;
  - The amount of time taken to process the request;
  - Whether the request was granted or denied and reason; and
  - The sources of technical assistance consulted in trying to identify a possible reasonable accommodation.

#### RECORD SOURCE CATEGORIES:

Information is obtained from applicants for employment with disabilities as well as employees with disabilities, employees seeking leave under FMLA, participants in USDA programs and activities, visitors at USDA facilities, and authorized individuals or representatives (e.g., family member or attorney) who requested or received reasonable accommodations from USDA's mission areas, agencies or staff offices as required by the Rehabilitation Act of 1973, the ADAAA, and Title VII of the Civil Rights Act, as amended.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside USDA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- (1) To the United States Department of Justice ("DOJ"), for the purpose of representing or providing legal advice to the Department in a proceeding before a court, adjudicative body, or other

administrative body before which the Department is authorized to appear, when such proceeding involves:

(a) The Department or any component thereof;

(b) Any employee of the Department in his or her official capacity;

(c) Any employee of the Department in his or her individual capacity where DOJ or the Department has agreed to represent the employee; or

(d) The United States, when the Department determines that litigation is likely to affect the Department or any of its components; and the use of such records by the DOJ is deemed by the DOJ or the Department to be relevant and necessary to the litigation.

(2) To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations;

(3) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) To the National Archives and Records Administration Archivist (or the Archivist's designee) pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906;

(5) To appropriate agencies, entities, and person when (1) the Department of Agriculture and/or Office of the Assistant Secretary for Civil Rights suspects or has confirmed that there has been a breach of the system of records; (2) the Department of Agriculture and/or Office of the Assistant Secretary for Civil Rights has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department of Agriculture and/or Office of the Assistant Secretary for Civil Rights (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department of Agriculture's and/or of the Assistant Secretary for Civil Rights efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm;

(6) To another Federal agency or Federal entity, when the Department of the Treasury and/or the Office of Civil

Rights and Diversity determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach;

(7) To medical personnel to meet a bona fide medical emergency;

(8) To an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee;

(9) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in information discovery proceedings; and

(10) To contractors, grantees, experts, consultants, students, interns, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records in this system are on paper and/or in digital or other electronic form. Digital and other electronic images are stored on a storage area network in a secured environment. Records, whether paper or electronic, may be stored in a separate, secure location at the USDA Headquarters or at the mission area, agency or staff office level.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records may be retrieved by name of the requester, employing mission area, agency or staff office, or any unique identifier to the request if applicable.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

To the extent applicable, to ensure compliance with Americans with Disabilities Act (ADA) and the Rehabilitation Act, medical information must be "maintained on separate forms and in separate medical files and be treated as a confidential medical record." 42 U.S.C. 12112(d)(3)(B). This means that medical information and

documents must be stored separately from other personnel records. As such, the Department must keep medical records for at least one year from creation date. 29 CFR 1602.14. Further, records compiled under this SORN will be maintained in accordance with NARA General Records Schedule (GRS) 2.7, Items 010, 070 or 080, and NARA records retention schedules DAA-GRS2017-0010-0001, DAA-GRS2017-0010-0012, and DAA-GRS2017-0010-0013, to the extent applicable.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

The Department safeguards records in this system according to applicable rules and policies, including all applicable USDA automated systems security and access policies. The Department has imposed strict controls to minimize the risk of compromising the information that is being stored. Paper records are maintained in a secure, access-controlled room, with access limited to authorized personnel.

#### **RECORD ACCESS PROCEDURES:**

All requests for access to records must be in writing and should be addressed to the USDA Departmental FOIA Office, ATTN: Departmental FOIA Officer, 1400 Independence Avenue SW, South Building, Room 4104, Washington, DC 20250-0706, Email: [USDAFOIA@ocio.usda.gov](mailto:USDAFOIA@ocio.usda.gov). The envelope and letter should be clearly marked "Privacy Act Access Request." The request must describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request must include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Additional details on procedures for access under the Privacy Act can be found in USDA Department Regulation 3515-002 Privacy Policy and Compliance for Personally Identifiable Information (PII) or at Privacy Policy and Compliance for Personally Identifiable Information (PII) ([usda.gov](https://www.usda.gov)).

#### **CONTESTING RECORD PROCEDURES:**

Individuals seeking to contest or amend records maintained in this system of records must direct their requests to the address indicated in the "RECORD ACCESS PROCEDURES" paragraph, above. All requests to contest or amend records must be in writing and the envelope and letter should be clearly marked "Privacy Act Amendment Request." All requests

must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record. Additional details on procedures for contesting or amending records under the Privacy Act can be found in USDA Department Regulation 3515-002 Privacy Policy and Compliance for Personally Identifiable Information (PII) or at Privacy Policy and Compliance for Personally Identifiable Information (PII) ([usda.gov](https://www.usda.gov)).

#### **NOTIFICATION PROCEDURES:**

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the "RECORD ACCESS PROCEDURES" paragraph, above.

#### **EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

#### **HISTORY:**

None.

**Sullie Coleman,**

*Chief Privacy Officer, United States Department of Agriculture.*

[FR Doc. 2021-28547 Filed 1-6-22; 8:45 am]

**BILLING CODE 3410-90-P**

## **COMMISSION ON CIVIL RIGHTS**

### **Agenda and Notice of Public Meeting of the Delaware Advisory Committee**

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of meetings.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the Delaware Advisory Committee to the Commission will hold virtual meetings on Wednesday, February 2, 2022; Wednesday, March 2, 2022, and Wednesday, April 6, 2022, from 1:00 p.m.-2:00 p.m. (ET). The purpose of the meetings is for project planning pre and post briefings on the topic of COVID 19 and health disparities experienced by people of color in Delaware.

**DATES:** These meetings will be held from 1:00 p.m. to 2:00 p.m. (ET) on 1/5/22, 2/2/22, and 3/2/22. The access information for all three meetings is the same:

- To join by web conference: <https://bit.ly/3kfvUJu>
- To join by phone only, dial 1-800-360-9505; Access code: 1996 49 4260#



**FOR FURTHER INFORMATION CONTACT:** Ivy L. Davis, at [ero@usccr.gov](mailto:ero@usccr.gov) or by phone at 202-376-7533.

**SUPPLEMENTARY INFORMATION:** These meetings are available to the public through the Webex links above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges.

Individuals who are deaf, deafblind and hard of hearing, may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the call-in number found through registering at the web link provided for each meeting.

Members of the public are entitled to make comments during the open period at the end of each meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Ivy David at [ero@usccr.gov](mailto:ero@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (202) 809-9618.

Records and documents discussed during the meeting will be available for public viewing as they become available at [www.facadatabase.gov](http://www.facadatabase.gov). Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Regional Programs Unit at the above phone number or email address.

### Agenda

*Wednesdays at 1:00 p.m. (ET): Jan. 5, Feb. 2, and March 2, 2022*

- I. Welcome and Roll Call
- II. Project Planning
- III. Other Business
- IV. Next Planning Meeting
- V. Public Comments
- VI. Adjourn

Dated: January 3, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-00050 Filed 1-6-22; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the North Carolina Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of web briefing.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules

and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the North Carolina Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a web briefing on Tuesday, February 15, 2022, at 12:00 p.m. ET to hear testimony on Legal Financial Obligations in the state.

**DATES:** The meeting will take place via Webex on Tuesday, February 15, 2022, at 12:00 p.m. ET.

*Online Registration (Audio/Visual):* <https://bit.ly/3eKbhRI>.

*Telephone (Audio Only):* Dial (800) 360-9505 USA Toll Free; Access Code: 2761 199 2982.

**FOR FURTHER INFORMATION CONTACT:** Victoria Moreno, DFO, at [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov) or (434) 515-0204.

#### SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1 (800) 877-8339 and providing the Service with the conference details found at the web link above. To request additional accommodations, please email [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov) at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at [lschiller@usccr.gov](mailto:lschiller@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, North Carolina Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the phone number above.

### Agenda

- I. Welcome & Roll Call
- II. Opening Statement
- III. Briefing
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: January 3, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-00061 Filed 1-6-22; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Illinois Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of web briefing.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Illinois Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a web briefing on Tuesday, February 22, 2022, at 11:00 a.m. CT to hear testimony on Equal Access to Post-Secondary Education in the state.

**DATES:** The meeting will take place via Webex on Tuesday, February 22, 2022, at 11:00 a.m. CT.

*Online Registration (Audio/Visual):* <https://bit.ly/32IhY4o>.

*Telephone (Audio Only):* Dial (800) 360-9505 USA Toll Free; Access Code: 2760 847 3639.

**FOR FURTHER INFORMATION CONTACT:** Ana Fortes, DFO, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or (202) 519-2938.

#### SUPPLEMENTARY INFORMATION:

Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1 (800) 877-8339 and providing the Service with the

conference details found at the web link above. To request additional accommodations, please email [afortes@usccr.gov](mailto:afortes@usccr.gov) at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at [lschiller@usccr.gov](mailto:lschiller@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Illinois Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the phone number above.

#### Agenda

- I. Welcome & Roll Call
- II. Opening Statement
- III. Briefing
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: January 3, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-00062 Filed 1-6-22; 8:45 am]

**BILLING CODE P**

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## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Iowa Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Iowa Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a meeting on Friday, January 21, 2022, at 1:00 p.m. Central Time. The Committee will review a project proposal on employment discrimination and administrative closures of complaints.

**DATES:** The meeting will take place on Friday, January 21, 2022, at 1:00 p.m. CT.

**Online Registration (Audio/Visual):** <https://civilrights.webex.com/meet/afortes>.

**Telephone (Audio Only):** Dial 800-360-9505 USA Toll Free; Access code: 199 167 8181.

**FOR FURTHER INFORMATION CONTACT:** Ana Fortes, DFO, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or (202) 519-2938.

**SUPPLEMENTARY INFORMATION:**

Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email [afortes@usccr.gov](mailto:afortes@usccr.gov) at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Corrine Sanders at [csanders@usccr.gov](mailto:csanders@usccr.gov). Persons who desire additional information may contact the Regional Programs Coordination Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Iowa Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above email or street address.

#### Agenda

- I. Welcome and Introductions
- II. Review Project Proposal
- III. Public Comment
- IV. Next Steps
  - a. Vote or Continue to Review Proposal

b. Schedule Next Meeting  
V. Adjournment

Dated: Monday, January 3, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-00054 Filed 1-6-22; 8:45 am]

**BILLING CODE P**

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## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Illinois Advisory Committee to the U.S. Commission on Civil Rights

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of virtual business meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Illinois Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Webex at 3:00 p.m. CT on Tuesday, January 18, 2022. The Committee will continue planning a series of web hearing on the topic, Equal Access to Post-Secondary Education.

**DATES:** The meeting will take place on Tuesday, January 18, 2022, at 3:00 p.m. CT.

**Online Registration (Audio/Visual):** <https://civilrights.webex.com/meet/afortes>.

**Telephone (Audio Only):** Dial 800-360-9505 USA Toll Free; Access code: 199 167 8181.

**FOR FURTHER INFORMATION CONTACT:** Ana Fortes, DFO, at [afortes@usccr.gov](mailto:afortes@usccr.gov) or (202) 519-2938.

**SUPPLEMENTARY INFORMATION:**

Committee meetings are available to the public through the conference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Individuals who are deaf, deafblind, and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference details found through registering at the web link above. To request additional accommodations, please email [afortes@usccr.gov](mailto:afortes@usccr.gov) at least ten (10) days prior to the meeting.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Liliana Schiller at [lschiller@usccr.gov](mailto:lschiller@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via [www.facadatabase.gov](http://www.facadatabase.gov) under the Commission on Civil Rights, Illinois Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, <http://www.usccr.gov>, or may contact the Regional Programs Coordination Unit at the above email or street address.

#### Agenda

- I. Welcome & Roll Call
- II. Administrative Announcements
  - a. DFO Rotation
  - b. Vice Chair Nominations and Vote
- III. Planning for Web Hearings
  - a. Date
  - b. Review of Potential Speakers and Prep Questions
- IV. Public Comment
- V. Next Steps
- VI. Publicity
  - a. Schedule Next Planning Meeting
- VII. Adjournment

Dated: Monday, January 3, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-00053 Filed 1-6-22; 8:45 am]

**BILLING CODE P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Tennessee Advisory Committee

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Tennessee Advisory Committee to the Commission will convene by conference call on Wednesday, January 26, 2022, at 11:00 a.m. (CT). The purpose is to discuss the proposal for their next project.

**DATES:** The meeting will be held on: Wednesday, January 26, 2022; 11:00 a.m. CT

Join via Webex: <https://civilrights.webex.com/civilrights/j.php?MTID=m9c8f90d5669efb4844365bf0dcec37a1>

Join via phone: 800-360-9505 USA Toll Free; Access Code: 276 348 210 55#

#### FOR FURTHER INFORMATION CONTACT:

Victoria Moreno at [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov) or by phone at 434-515-0204.

**SUPPLEMENTARY INFORMATION:** This meeting is available to the public through the WebEx link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the call-in number found through registering at the web link provided above for the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the respective meeting. Written comments may be emailed to Victoria Moreno at [vmoreno@usccr.gov](mailto:vmoreno@usccr.gov). All written comments received will be available to the public.

Persons who desire additional information may contact the Regional Programs Unit at (202) 809-9618. Records and documents discussed during the meeting will be available for public viewing as they become available at the [www.facadatabase.gov](http://www.facadatabase.gov). Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Regional Programs Unit at the above phone number or email address.

#### Agenda

*Wednesday, January 26, 2022; 11:00 a.m. (CT)*

1. Welcome & Roll Call
2. Chair's Comments
3. Discussion on Proposal
4. Next Steps
5. Public Comment
6. Adjourn

Dated: January 3, 2022.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2022-00046 Filed 1-6-22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; License Transfer

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on October 19, 2021, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* Bureau of Industry and Security, Commerce.

*Title:* License Transfer.

*OMB Control Number:* 0694-0126.

*Form Number(s):* None.

*Type of Request:* Regular submission, extension of a current information collection.

*Number of Respondents:* 100.

*Average Hours per Response:* 28 minutes.

*Burden Hours:* 28.

*Needs and Uses:* Export licenses approved by BIS are granted to only those persons who certify on the application that they are subject to the jurisdiction of the United States and that they will be strictly accountable for the use of the license in accordance with the EAR. Certain circumstances such as company mergers, company takeovers, etc., necessitate the transfer of an active export license from one party to another. When a licensee transfers an unexpired license to another party, there must be assurances that the other party, the transferee, will also be accountable for the proper use of the license. The required information collected from both parties provides assurances that the balance of the shipments will not be diverted or used for purposes contrary to the authorized use of the approved license.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* On Occasion.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Section 4812 and 4813 of the Export Control Reform Act (ECRA).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0694–0126.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2022–00104 Filed 1–6–22; 8:45 am]

BILLING CODE 3510–33–P

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–580–876]

**Welded Line Pipe From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2019–2020**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain producers/exporters subject to this administrative review made sales of subject merchandise at less than normal value (NV). Interested parties are invited to comment on these preliminary results of review.

**DATES:** Applicable January 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** David Goldberger or Adam Simons, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–6172, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 4, 2021, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on welded line pipe from the Republic of Korea

(Korea).<sup>1</sup> The period of review is December 1, 2019, through November 30, 2020. In August 2021, we extended the preliminary results of this review to no later than December 30, 2021.<sup>2</sup> For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>3</sup>

**Scope of the Order**

The merchandise subject to the *Order* is welded line pipe.<sup>4</sup> The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.5000, 7306.19.1010, 7306.19.1050, 7306.19.5110, and 7306.19.5150. Although the HTSUS subheadings are provided for convenience and for customs purposes, the written product description remains dispositive.

**Methodology**

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. A list of the topics discussed in the

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 8166 (February 4, 2021); see also *Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders*, 80 FR 75056, 75057 (December 1, 2015) (*Order*).

<sup>2</sup> See Memorandum, “Extension of Deadline for Preliminary Results of 2019–2020 Antidumping Duty Administrative Review,” dated August 9, 2021.

<sup>3</sup> See Memorandum, “Decision Memorandum for the Preliminary Results of the 2019–2020 Administrative Review of the Antidumping Duty Order on Welded Line Pipe from Korea,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>4</sup> For a complete description of the scope of the order, see Preliminary Decision Memorandum.

Preliminary Decision Memorandum is attached as Appendix I to this notice.

**Preliminary Determination of No Shipments**

Among the companies under review, HiSteel Co., Ltd. (HiSteel) properly filed a statement that it made no shipments of subject merchandise to the United States during the POR.<sup>5</sup> Based on its certification and our analysis of U.S. Customs and Border Protection (CBP) information, we preliminarily determine that HiSteel had no reviewable transactions during the POR.<sup>6</sup> Consistent with our practice, we are not preliminarily rescinding the review with respect to HiSteel. Instead, we will complete the review for HiSteel and issue appropriate instructions to CBP based on the final results of this review.<sup>7</sup>

**Preliminary Results of the Review**

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period December 1, 2019, through November 30, 2020:

Producer or exporter	Weighted-average dumping margin (percent)
Hyundai Steel Company <sup>8</sup> .....	1.93
SeAH Steel Corporation .....	0.00
Companies Not Selected for Individual Review <sup>9</sup> .....	1.93

**Review-Specific Average Rate for Companies Not Selected for Individual Review**

The exporters or producers not selected for individual review are listed in Appendix II.

<sup>5</sup> See HiSteel’s Letter, “No Shipments Letter,” dated March 5, 2021.

<sup>6</sup> See Memorandum, “Results of No Shipments Inquiry for HiSteel Co., Ltd.,” dated April 6, 2021.

<sup>7</sup> See, e.g., *Welded Line Pipe From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017*, 84 FR 4046, 4047 (February 14, 2019), unchanged in *Welded Line Pipe from the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2016–2017*, 84 FR 27762 (June 14, 2019).

<sup>8</sup> We also initiated an administrative review of Hyundai HYSCO. In 2015, Hyundai HYSCO merged with Hyundai Steel subsequent to the period of investigation and Hyundai HYSCO no longer exists. See *Welded Line Pipe from the Republic of Korea: Final Determination of Sales at Less Than Fair Value*, 80 FR 61366 (October 13, 2015), and accompanying Issues and Decision Memorandum at 1.

<sup>9</sup> Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually examined, excluding any

### Assessment Rates

Upon issuing the final results, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), where Hyundai Steel Company (Hyundai Steel) reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. SeAH Steel Corporation (SeAH) did not report actual entered value for all of its U.S. sales; in such instances, we calculated importer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the weighted average of the cash deposit rates calculated for Hyundai Steel and SeAH excluding any which are zero, *de minimis*, or determined entirely on adverse facts available. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>10</sup>

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by Hyundai Steel or SeAH for which the reviewed companies did not know that the merchandise they sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

margins that are zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}." For these preliminary results, we have preliminarily calculated a weighted-average dumping margins for these companies using the calculated rates of the mandatory respondents, Hyundai Steel and SeAH, which are not zero or *de minimis*, or determined entirely on the basis of facts available.

<sup>10</sup> See section 751(a)(2)(C) of the Act.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, then the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.38 percent, the all-others rate established in the LTFV investigation.<sup>11</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

### Disclosure

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.<sup>12</sup>

### Verification

On May 17, 2021, Commerce received a request from domestic producers Maverick Tube Corporation (Maverick) and IPSCO Tubulars Inc. (IPSCO Tubulars) to conduct verification of the responses in this administrative

<sup>11</sup> See *Order*.

<sup>12</sup> See 19 CFR 351.224(b).

review.<sup>13</sup> Commerce is currently unable to conduct on-site verification of the information relied upon for the final results of this review. Accordingly, we intend to take additional steps in lieu of on-site verification. Commerce will notify interested parties of any additional documentation or information required.

### Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.<sup>14</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>15</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>16</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice.<sup>17</sup> Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.<sup>18</sup>

### Final Results

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication of these preliminary results in the **Federal Register**, unless otherwise extended.<sup>19</sup>

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR

<sup>13</sup> See Maverick's and IPSCO Tubulars' Letter, "Request for Verification," dated May 17, 2021.

<sup>14</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>15</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>16</sup> See 19 CFR 351.303.

<sup>17</sup> See 19 CFR 351.310(c).

<sup>18</sup> See 19 CFR 351.310(d).

<sup>19</sup> See section 751(a)(3)(A) of the Act.

351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

**Appendix I**

**List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Preliminary Determination of No Shipments
- V. Discussion of the Methodology
- VI. Recommendation

**Appendix II**

**Review-Specific Average Rate Applicable to Companies Not Selected for Individual Review**

1. AJU Besteel Co., Ltd.
2. BDP International, Inc.
3. Daewoo International Corporation
4. Dong Yang Steel Pipe
5. Dongbu Incheon Steel Co.
6. Dongbu Steel Co., Ltd.
7. Dongkuk Steel Mill
8. EEW Korea Co., Ltd.
9. Husteel Co., Ltd.
10. Hyundai RB Co. Ltd.
11. Kelly Pipe Co., Ltd.
12. Keonwoo Metals Co., Ltd.
13. Kolon Global Corp.
14. Korea Cast Iron Pipe Ind. Co., Ltd.
15. Kurvers Piping Italy S.R.L.
16. Miju Steel MFG Co., Ltd.
17. MSTEEL Co., Ltd.
18. NEXTEEL Co. Ltd.
19. Poongsan Valinox (Valtimet Division)
20. POSCO
21. POSCO Daewoo
22. R&R Trading Co. Ltd.
23. Sam Kang M&T Co., Ltd.
24. Sin Sung Metal Co., Ltd.
25. SK Networks
26. Soon-Hong Trading Company
27. Steel Flower Co., Ltd.
28. TGS Pipe
29. Tokyo Engineering Korea Ltd.

[FR Doc. 2022-00079 Filed 1-6-22; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-520-807]

**Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: Preliminary Results of Antidumping Duty Administrative Review; 2019–2020**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that the producers/exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), December 1, 2019, through November 30, 2020. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable January 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Benjamin A. Luberda or Steven Seifert, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2185 or (202) 482-3350, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On February 4, 2021, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review on circular welded carbon-quality steel pipe (CWP) from the United Arab Emirates (UAE).<sup>1</sup> This review covers five producers/exporters of the subject merchandise. Commerce selected Ajmal Steel Tubes & Pipes Ind. L.L.C./Ajmal Steel Tubes & Pipes Ind., L.L.C.-Branch-1 (collectively, Ajmal)<sup>2</sup> and Universal Tube and Plastic Industries, Ltd./THL Tube and Pipe Industries LLC/KHK Scaffolding and

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 8166 (February 4, 2021).

<sup>2</sup> We collapsed Ajmal Steel Tubes and Pipes Ind. L.L.C. and Noble Steel Industries L.L.C. together in the final results of the 2016–2017 administrative review. See *Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Final Results of Antidumping Duty Administrative Review; 2016–2017*, 84 FR 44845 (August 27, 2019) (*CWP from UAE 2016–2017 Final Results*). Additionally, we preliminarily find that Ajmal Steel Tubes & Pipes Ind., L.L.C.-Branch-1 is the successor-in-interest to Noble Steel Industries L.L.C. See Memorandum, “Preliminary Successor-In-Interest Determination for Ajmal Steel Tubes & Pipes Ind., L.L.C.-Branch-1,” dated concurrently with, and hereby adopted by, this notice.

Framework LLC (collectively, Universal) for individual examination.<sup>3</sup>

On August 18, 2021, Commerce extended the deadline for the preliminary results of this administrative review until December 30, 2021.<sup>4</sup> For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>5</sup>

**Scope of the Order**<sup>6</sup>

The merchandise subject to the *Order* is welded carbon-quality steel pipes and tube, of circular cross-section, with an outside diameter not more than nominal 16 inches (406.4 mm), regardless of wall thickness, surface finish, end finish, or industry specification, and generally known as standard pipe, fence pipe and tube, sprinkler pipe, or structural pipe (although subject product may also be referred to as mechanical tubing). The products subject to the *Order* are currently classifiable in Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting numbers 7306.19.1010, 7306.19.1050,

<sup>3</sup> See Memorandum, “2019–2020 Antidumping Duty Administrative Review of Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Selection of Respondents for Individual Examination,” dated April 8, 2021 at 2–3. Commerce previously determined that Universal is a single entity consisting of the following three producers/exporters of subject merchandise: Universal Tube and Plastic Industries, Ltd.; KHK Scaffolding and Framework LLC; and Universal Tube and Pipe Industries LLC (UTP). See *Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Affirmative Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 81 FR 36882 (June 8, 2016), and accompanying Preliminary Decision Memorandum, unchanged in *Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Final Determination of Sales at Less Than Fair Value*, 81 FR 75030 (October 28, 2016), and accompanying Issues and Decision Memorandum. Because there is no information on the record of this administrative review that would lead us to revisit this determination, we are continuing to treat these companies as part of a single entity for purposes of this administrative review. Additionally, we previously determined that THL Tube and Pipe Industries LLC is the successor-in-interest to Universal Tube and Pipe Industries LLC. See *CWP from UAE 2016–2017 Final Results*.

<sup>4</sup> See Memorandum, “Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Extension of Deadline for Preliminary Results of 2019–2020 Antidumping Duty Administrative Review,” dated August 18, 2021.

<sup>5</sup> See Memorandum, “Decision Memorandum for the Preliminary Results of the 2019–2020 Administrative Review of the Antidumping Duty Order on Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>6</sup> See *Circular Welded Carbon-Quality Steel Pipe from the Sultanate of Oman, Pakistan, and the United Arab Emirates: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Orders*, 81 FR 91906 (December 19, 2016) (*Order*).

7306.19.5110, 7306.19.5150, 7306.30.1000, 7306.30.5015, 7306.30.5020, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, 7306.30.5090, 7306.50.1000, 7306.50.5030, 7306.50.5050, and 7306.50.5070. Although the HTSUS subheadings are provided for convenience and for customs purposes, the written product description remains dispositive.<sup>7</sup>

**Methodology**

Commerce is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary

Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Rate for Non-Examined Companies**

The Act and Commerce’s regulations do not address the rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when

calculating the rate for companies that were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.”

Consistent with section 735(c)(5)(A) of the Act, we determined the weighted-average dumping margin for each of the non-selected companies by using the weighted-average dumping margins calculated for Ajmal and Universal in this administrative review.

**Preliminary Results of the Review**

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist for the period December 1, 2019, through November 30, 2020:

Exporter/producer	Weighted-average dumping margin (percent)
Ajmal Steel Tubes & Pipes Ind. L.L.C./Ajmal Steel Tubes & Pipes Ind. L.L.C.-Branch-1 .....	2.12
Universal Tube and Plastic Industries, Ltd/THL Tube and Pipe Industries LLC/KHK Scaffolding and Framework LLC .....	3.54
Conares Metal Supply Limited .....	2.68
TSI Metal Industries L.L.C. <sup>8</sup> .....	2.68
K.D. Industries Inc .....	2.68

**Disclosure and Public Comment**

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.<sup>9</sup> Case briefs or other written comments may be submitted to Commerce. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.<sup>10</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>11</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>12</sup>

Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.<sup>13</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after publication of this notice.<sup>14</sup> Hearing requests should contain: (1) The party’s name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.<sup>15</sup> Parties should confirm by telephone the

date and time of the hearing two days before the scheduled date.

An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication date of this notice, unless otherwise extended.<sup>16</sup>

**Assessment Rates**

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.<sup>17</sup> If the weighted average dumping margin for Ajmal or Universal

<sup>7</sup> For a complete description of the scope of the order, see Preliminary Decision Memorandum.

<sup>8</sup> We preliminarily find that TSI Metal Industries L.L.C is the successor-in-interest to Tiger Steel Industries L.L.C. See Memorandum, “Preliminary Successor-In-Interest Determination for Tiger Steel

Industries L.L.C.,” dated concurrently with, and hereby adopted by, this notice.

<sup>9</sup> See 19 CFR 351.224(b).

<sup>10</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

<sup>11</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>12</sup> See 19 CFR 351.303.

<sup>13</sup> See *Temporary Rule*.

<sup>14</sup> See 19 CFR 351.310(c).

<sup>15</sup> See 19 CFR 351.310(d).

<sup>16</sup> See section 751(a)(3)(A) of the Act.

<sup>17</sup> See 19 CFR 351.212(b).

is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).<sup>18</sup> Where the respondent did not report entered value, we will calculate the entered value in order to calculate the assessment rate. If the weighted-average dumping margin for the respondents listed above is zero or *de minimis* in the final results, or an importer-specific assessment rate is zero or *de minimis* in the final results, we will instruct CBP not to assess antidumping duties on any of their entries in accordance with the *Final Modification for Reviews*.<sup>19</sup>

For the companies that were not selected for individual review, we intend to assign an assessment rate based on the methodology described in the "Rate for Non-Examined Companies" section. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>20</sup>

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>21</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP

<sup>18</sup> In these preliminary results, Commerce applied the assessment rate calculation adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

<sup>19</sup> *Id.* at 8102.

<sup>20</sup> See section 751(a)(2)(C) of the Act.

<sup>21</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the exporters listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review or previous segment, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently-completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 5.95 percent, the all-others rate established in the less-than-fair-value investigation.<sup>22</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Successor-in-Interest
- V. Companies Not Selected for Individual Examination
- VI. Discussion of the Methodology
- VII. Currency Conversion
- VIII. Recommendation

[FR Doc. 2022-00081 Filed 1-6-22; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-845]

#### Agreement Suspending the Antidumping Duty Investigation on Sugar From Mexico; Preliminary Results of the 2019-2020 Administrative Review

**AGENCY:** Enforcement & Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that the respondents selected for individual examination, respectively, Impulsora Azucarera Del Trópico, S.A. de C.V. (Impulsora Del Tropic) and its affiliate and Ingenio Huixtla SA de C.V. (Ingenio Huixtla) and its affiliates are in compliance with the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico, as amended (AD Agreement). Commerce also preliminarily determines that the AD Agreement continues to meet its statutory requirements under sections 734(c) and (d) of the Tariff Act of 1930, as amended (the Act). However, Commerce intends to address certain issues identified in this review by further discussing these issues with the signatory Mexican producers/exporters and the Government of Mexico (GOM), as appropriate. We may request consultations pursuant to the AD Agreement, as necessary, to resolve these issues.

**DATES:** Applicable January 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon or Jesse Montoya, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401

<sup>22</sup> See *Order*.



Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-0162 or (202) 482-8211, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On December 19, 2014, Commerce signed the AD Agreement with a representative of Mexican producers/exporters accounting for substantially all imports of sugar from Mexico, under section 734(c) of the Act, which suspended the antidumping duty (AD) investigation on sugar from Mexico.<sup>1</sup> On January 15, 2020, the AD Agreement was amended.<sup>2</sup>

On December 17, 2020, the American Sugar Coalition (ASC) and its members (petitioners)<sup>3</sup> filed a timely request for an administrative review of the AD Agreement.<sup>4</sup> On February 4, 2021, Commerce initiated an administrative review for the period December 1, 2019, through November 30, 2020.<sup>5</sup>

On March 23, 2021, Commerce selected two companies as mandatory respondents, listed in alphabetical order: Impulsora Del Tropico and Ingenio Huixtla.<sup>6</sup>

#### Scope of the AD Agreement

The product covered by this AD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. Merchandise covered by this AD Agreement is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1020, 1701.14.1040, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1015, 1701.99.1017, 1701.99.1025, 1701.99.1050, 1701.99.5015, 1701.99.5017, 1701.99.5025, 1701.99.5050, and

1702.90.4000.<sup>7</sup> The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this AD Agreement is dispositive.<sup>8</sup>

#### Methodology and Preliminary Results

Commerce has conducted this review in accordance with section 751(a)(1)(C) of the Act, which specifies that Commerce shall “review the current status of, and compliance with, any agreement by reason of which an investigation was suspended.” In this case, Commerce and Mexican producers/exporters accounting for substantially all imports of sugar from Mexico, signed the AD Agreement, which suspended the underlying antidumping duty investigation, on December 19, 2014, and was subsequently amended on January 15, 2020. Pursuant to the AD Agreement, each signatory producer/exporter individually agrees that it will not sell subject merchandise at prices less than the reference prices established in Appendix I to the AD Agreement.<sup>9</sup> Each signatory producer/exporter also individually agrees that for each entry the amount by which the estimated normal value exceeds the export price (or the constructed export price) will not exceed 15 percent of the weighted average amount by which the estimated normal value exceeded the export price (or constructed export price) for all less-than-fair-value entries of the producer/exporter examined during the course of the investigation.<sup>10</sup> The signatory producers/exporters also individually agree to provide documentation upon request from Commerce<sup>11</sup> and provide certifications each quarter<sup>12</sup> to allow Commerce to monitor the AD Agreement. In addition, the signatory producers/exporters agree to incorporate into their sales contracts with Intermediary Customers<sup>13</sup> the obligation that such customers will

abide by the terms of the AD Agreement.<sup>14</sup> Lastly, the signatory producers/exporters agree to ensure that Other Sugar<sup>15</sup> is tested for polarity by a laboratory approved by CBP upon entry into the United States and that the importers of record report the polarity test results for each entry to Commerce within 30 days of entry.<sup>16</sup>

After reviewing the information received to date from the respondent companies in their questionnaire and supplemental questionnaire responses, we preliminarily determine that the respondents have adhered to the terms of the AD Agreement and that the AD Agreement is functioning as intended. Further, we preliminarily determine that the AD Agreement continues to meet the statutory requirements under sections 734(c) and (d) of the Act. However, Commerce is exploring additional measures to help prevent reporting and recordkeeping issues with regard to certain transactions that may serve to diminish the effective monitoring and enforcement of the AD Agreement. Commerce intends to address certain issues identified in this review by discussing these issues with the signatory Mexican producers/exporters and the GOM, as appropriate. We may request consultations pursuant to the AD Agreement, as necessary, to resolve these issues.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. Commerce is also addressing proprietary issues concerning each of the respondents in separate memoranda which we incorporate into the Preliminary Decision Memorandum.<sup>17</sup>

#### Verification

As provided in section 782(i)(3)(a) of the Act, Commerce verified the information relied upon in making its preliminary results. Normally, Commerce verifies information using

<sup>1</sup> See *Sugar from Mexico: Suspension of Antidumping Investigation*, 79 FR 78039 (December 29, 2014) (AD Agreement).

<sup>2</sup> See *Sugar from Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation*, 85 FR 3620 (January 22, 2020) (AD Amendment) (collectively, as integrated into the AD Agreement, amended AD Agreement).

<sup>3</sup> The members of the American Sugar Coalition are as follows: American Sugar Cane League; American Sugarbeet Growers Association; American Sugar Refining, Inc.; Florida Sugar Cane League; Rio Grande Valley Sugar Growers, Inc.; Sugar Cane Growers Cooperative of Florida; and the United States Beet Sugar Association.

<sup>4</sup> See Petitioners’ Letter, “Sugar from Mexico: Request for Administrative Review,” dated December 17, 2020.

<sup>5</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 8166 (February 4, 2021).

<sup>6</sup> See Memorandum, “2019–2020 Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico As Amended; Respondent Selection,” dated March 23, 2021.

<sup>7</sup> Prior to July 1, 2016, merchandise covered by the AD Agreement was classified in the HTSUS under subheading 1701.99.1010. Prior to January 1, 2020, merchandise covered by the AD Agreement was classified in the HTSUS under subheadings 1701.14.1000 and 1701.99.5010.

<sup>8</sup> For a complete description of the Scope of the AD Agreement, see Memorandum, “Issues and Decision Memorandum for the Preliminary Results of the 2019–2020 Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico, as Amended,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>9</sup> See amended AD Agreement at Section VI and Appendix I.

<sup>10</sup> *Id.* at Section VI.

<sup>11</sup> *Id.* at Sections VII.B.1, VII.B.2, and VII.B.4.

<sup>12</sup> *Id.* at Section VII.C.4.

<sup>13</sup> “Intermediary Customer” is defined in Section II.N of the AD Agreement.

<sup>14</sup> See AD Amendment at Section VII.C.5.

<sup>15</sup> “Other Sugar” is defined Section II.F of the AD Amendment.

<sup>16</sup> See AD Amendment at Section VII.C.6.

<sup>17</sup> See Preliminary Decision Memorandum at 6 and footnote 47.

standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID-19 pandemic, Commerce is unable to conduct on-site verification in this review. Accordingly, we chose to verify the information relied upon in making the preliminary results through alternative means in lieu of an on-site verification. Commerce issued a questionnaire in lieu of on-site verification to each of the respondents in the review.<sup>18</sup> Any issues that arose are addressed in the Preliminary Decision Memorandum and in the accompanying proprietary memorandum for each respondent.

#### Public Comment

Case briefs are due 30 days from the publication of these preliminary results in the **Federal Register**. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.

Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>19</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>20</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via Commerce's electronic records system, ACCESS. An electronically filed request must be received successfully in its entirety by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>21</sup> Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to

<sup>18</sup> See Commerce's Letter, "Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico: In Lieu of On-Site Verification Questionnaire," dated November 23, 2021.

<sup>19</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

<sup>20</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>21</sup> See 19 CFR 351.310(c).

be determined.<sup>22</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act, unless extended.

#### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2021.

#### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022-00074 Filed 1-6-22; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-829]

#### Steel Concrete Reinforcing Bar From the Republic of Turkey: Notice of Court Decision Not in Harmony With the Amended Final Determination in the Less-Than-Fair-Value Investigation; Notice of Amended Final Determination

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On September 4, 2020, the U.S. Court of International Trade (CIT) sustained the Department of Commerce's (Commerce) third remand redetermination pertaining to the less-than-fair-value (LTFV) investigation of steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey). Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's *Amended Final Determination* in the LTFV investigation of rebar from Turkey. Pursuant to the CIT's final judgment, Commerce is amending the estimated weighted-average dumping margins for respondents Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas) and Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas), and all other producers and exporters of subject merchandise.

**DATES:** Applicable September 14, 2020.

<sup>22</sup> See 19 CFR 351.310(d).

**FOR FURTHER INFORMATION CONTACT:** Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2371.

#### SUPPLEMENTARY INFORMATION:

#### Background

On May 22, 2017, Commerce published its *Final Determination* in the LTFV investigation of rebar from Turkey.<sup>1</sup> Subsequently, on July 14, 2017, Commerce published its *Amended Final Determination* and *Order*.<sup>2</sup> As reflected in Commerce's *Amended Final Determination*, Commerce calculated estimated weighted-average dumping margins of 5.39 percent for Habas, 9.06 percent for Icdas, and 7.43 percent for all other producers and exporters of subject merchandise.<sup>3</sup>

Habas and Icdas appealed Commerce's *Final Determination*, as amended by the *Amended Final Determination*, to the CIT. On January 23, 2019, the CIT remanded the *Amended Final Determination* for Commerce to: (1) Reconsider its calculation of the plaintiffs' duty drawback adjustment; and (2) reconsider the application of partial adverse facts available (AFA) to Icdas.<sup>4</sup> On May 17, 2019, Commerce issued its first results of redetermination, in which it determined to: (1) Grant Habas and Icdas the full amount of duties that were drawn back or forgiven to U.S. price, and add the same per unit duty amount to normal value (NV) as a circumstance-of-sale (COS) adjustment; and (2) continue to find that the application of partial AFA to Icdas, concerning its failure to provide the manufacturer information for certain sales in the home market, was appropriate.<sup>5</sup> As a result of the changes in the *First*

<sup>1</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value*, 82 FR 23192 (May 22, 2017) (*Final Determination*), and accompanying Issues and Decision Memorandum.

<sup>2</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey and Japan: Amended Final Affirmative Antidumping Duty Determination for the Republic of Turkey and Antidumping Duty Orders*, 82 FR 32532 (July 14, 2017) (*Amended Final Determination and Order*).

<sup>3</sup> *Id.*, 82 FR at 32533.

<sup>4</sup> See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S., and Icdas Celik Enerji Tersane ve Ulasim Sanayi, A.S. v. United States*, 361 F. Supp. 3d 1314 (CIT 2019).

<sup>5</sup> See *Final Results of Redetermination Pursuant to Court Remand, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S., et al., v. United States*, Consol. Ct. No. 17-00204, Slip Op. 19-10, dated May 17, 2019 (*First Redetermination*), available at <https://enforcement.trade.gov/remands/19-10.pdf>.

*Redetermination*, Commerce calculated estimated weighted-average dumping margins of 4.98 percent for Habas, 8.66 percent for Icdas, and 7.03 percent for all other producers and exporters of subject merchandise.<sup>6</sup>

On October 17, 2019, in its *Second Remand Order*, the CIT sustained Commerce’s duty drawback adjustment as applied to export price, but remanded Commerce to recalculate NV without making a COS adjustment in the same amount. The CIT also sustained Commerce’s use of partial AFA with respect to Icdas.<sup>7</sup>

On January 15, 2020, Commerce issued its second results of redetermination, in which it recalculated each respondent’s NV without making the COS adjustment related to duty drawback.<sup>8</sup> In addition, Commerce made an adjustment to cost in the amount of the duty forgiven divided by the production data to arrive at the annual average per-unit import duty burden, which was added to the cost of production. Commerce continued to adjust the full amount of duties drawn back to U.S. price as in the *First Redetermination*. As a result of the

changes to our duty drawback methodology in the *Second Redetermination*, Commerce calculated estimated weighted-average dumping margins of 4.08 percent for Habas, 4.17 percent Icdas, and 4.13 percent for all other producers and exporters of subject merchandise.<sup>9</sup>

On April 17, 2020, in its *Third Remand Order*, the CIT granted Commerce’s request for voluntary remand and ordered Commerce to include Inward Processing Certificate (IPC) #36 in its duty drawback calculation for Habas.<sup>10</sup> On July 1, 2020, in the third results of redetermination, Commerce revised Habas’ duty drawback calculation to include IPC #36, which had mistakenly been omitted previously.<sup>11</sup> As a result of this revision to Habas’ duty drawback calculation in the *Third Redetermination*, Commerce calculated an estimated weighted-average dumping margin of 3.96 percent for Habas, and 4.07 percent for all other producers and exporters of subject merchandise. Icdas’ weighted-average dumping margin remained at 4.17 percent calculated in the *Second Redetermination*.<sup>12</sup> On

September 4, 2020, the court sustained Commerce’s *Third Redetermination*.<sup>13</sup>

**Timken Notice**

In its decision in *Timken*,<sup>14</sup> as clarified by *Diamond Sawblades*,<sup>15</sup> the Court of Appeals for the Federal Circuit held that, pursuant to section 516A of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not “in harmony” with a Commerce determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s September 4, 2020 judgment constitutes a final decision of the Court that is not in harmony with Commerce’s *Amended Final Determination*.<sup>16</sup> Thus, this notice is published in fulfillment of the publication requirements of *Timken* and section 516A of the Act.

**Amended Final Determination**

Because there is now a final court decision, Commerce is amending its *Amended Final Determination*. The revised estimated weighted-average dumping margins are as follows:

Exporter or producer	Weighted-average dumping margin (percent)	Cash deposit (adjusted for subsidy offsets)
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S .....	3.96	3.92
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S .....	4.17	4.00
All Others .....	4.07	3.90

**Cash Deposit Requirements**

Because there have been subsequent administrative reviews for Habas and Icdas, the cash deposit rate will remain the rates established in the most recently completed administrative reviews for these companies. The cash deposit rate for all other producers and exporters is revised from 7.26 percent in the *Amended Final Determination and Order* to 3.90 percent, as a result of the final court decision.

**Notification to Interested Parties**

This notice is issued and published in accordance with sections 516A(c)(1) and (e), 735(d), 736(a), 751(a) and 777(i) of the Act.

Dated: December 30, 2021.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022–00107 Filed 1–6–22; 8:45 am]

**BILLING CODE 3510–DS–P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–570–053]

**Certain Aluminum Foil From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) finds that exporters of certain aluminum foil (aluminum foil) from the People’s Republic of China

<sup>6</sup> See *First Redetermination* at 21.

<sup>7</sup> See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States*, 415 F. Supp. 3d 1195 (CIT 2019) (*Second Remand Order*).

<sup>8</sup> See *Final Results of Redetermination Pursuant to Court Remand, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. v. United States*, Consol. Ct. No. 17–00204, Slip Op. 19–130, dated January 15, 2020 (*Second Redetermination*), available at <https://enforcement.trade.gov/remands/19-130.pdf>.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States*, 439 F. Supp. 3d 1342 (CIT 2020) (*Third Remand Order*).

<sup>11</sup> See *Final Results of Redetermination Pursuant to Court Remand, Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. v. United States*, Consol. Ct. No. 17–00204, Slip Op. 20–51, dated July 1, 2020 (*Third Redetermination*), available at <https://enforcement.trade.gov/remands/20-51.pdf>.

<sup>12</sup> *Id.* at 5.

<sup>13</sup> See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States*, 470 F.Supp. 3d 1363 (CIT September 4, 2020).

<sup>14</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>15</sup> See *Diamond Sawblades Manufacturers Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>16</sup> See *Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi, A.S. v. United States*, 470 F.Supp. 3d 1363 (CIT September 4, 2020).

(China) made sales of subject merchandise at prices less than normal value during the period of review (POR) April 1, 2019, through March 31, 2020.

**DATES:** Applicable January 7, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Scarlet Jaldin or Michael J. Heaney AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4275 or (202) 482-4475 respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

Commerce published the *Preliminary Results* on July 7, 2021.<sup>1</sup> On October 28, 2021, and December 14, 2021, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for issuing the final results, until December 30, 2021.<sup>2</sup> For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>3</sup>

The administrative review covers two mandatory respondents: (1) Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.; Jiangsu Zhongji Lamination Materials Stock Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., Ltd.; and Jiangsu Huafeng Aluminum Industry Co., Ltd. (collectively, Zhongji), and (2) Jiangsu Alcha Aluminum Co., Ltd. (Jiangsu Alcha). The administrative review also covers 11 other companies that were not selected for individual examination.<sup>4</sup>

<sup>1</sup> See *Certain Aluminum Foil from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Antidumping Duty Administrative Review, and Preliminary Determination of No Shipments; 2019-2020*, 86 FR 35747 (July 7, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Memorandum, "Certain Aluminum Foil from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated October 28, 2021; see also Memorandum, "Certain Aluminum Foil from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review," dated December 14, 2021.

<sup>3</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Certain Aluminum Foil from the People's Republic of China: 2019-2020," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>4</sup> We incorrectly stated in the *Preliminary Results* that this administrative review covers 14 companies that were not selected for individual examination. The correct number is 11 companies.

**Scope of the Order**<sup>5</sup>

The merchandise covered by the *Order* is aluminum foil from China. For a full description of the scope, see the Issues and Decision Memorandum.

**Analysis of Comments Received**

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum. A list of the issues raised by interested parties and to which we responded in the Issues and Decision Memorandum is provided in the appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Changes Since the Preliminary Results**

Based on our review of the record and comments received from interested parties, we made certain changes to the preliminary margin calculation for Zhongji,<sup>6</sup> and consequently, to the rate assigned to the non-examined, separate rate respondents.<sup>7</sup>

**Final Determination of No Shipments**

In the *Preliminary Results*, we preliminarily determined that Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; Hangzhou Teemful Aluminium Co., Ltd.; and Hangzhou Five Star Aluminium Co., Ltd. had no shipments of subject merchandise during the POR.<sup>8</sup> We received no information to contradict this determination.<sup>9</sup> Therefore, we continue to find that these companies had no shipments of subject merchandise during the POR and will issue appropriate liquidation instructions that are consistent with our "automatic

<sup>5</sup> See *Certain Aluminum Foil from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 83 FR 17362 (April 19, 2018) (*Order*).

<sup>6</sup> See Memorandum, "Zhongji Analysis for the Final Results" (Zhongji Final Analysis Memorandum); Memorandum, "Final Results Surrogate Value Memorandum" (Final Results Surrogate Value Memorandum), both dated concurrently with this notice.

<sup>7</sup> For details on the changes made since the *Preliminary Results*, see the Issues and Decision Memorandum.

<sup>8</sup> See *Preliminary Results*, 86 FR at 35747.

<sup>9</sup> We received interested party comments that certain company names contained minor spelling errors in the *Preliminary Results*, and we have corrected the spellings for these final results. See Issues and Decision Memorandum at Comment 10.

assessment" clarification for these final results.<sup>10</sup>

**Separate Rate Respondents**

In the *Preliminary Results*, we found that each of the following companies demonstrated its eligibility for separate rate status: (1) Zhongji; (2) Alcha International Holdings Limited; (3) Dingsheng Aluminum Industries (Hong Kong) Trading Co.; (4) Hangzhou Dingsheng Import & Export Co., Ltd.; (5) Hunan Suntown Marketing Limited; (6) Shanghai Huaafon Aluminum Corporation; (7) Suntown Technology Group Limited; (8) Xiamen Xiashun Aluminum Foil Co., Ltd.; and (9) Yinbang Clad Materials Co., Ltd. (Yinbang Clad).<sup>11</sup> We received comments with respect to Shanghai Huaafon Aluminum Corporation; we find that this company was incorrectly included in the preliminary list of companies eligible for a separate rate, and we have removed this company for the final results.<sup>12</sup> We also received comments that certain company names were incorrectly identified in the *Preliminary Results*, and we have corrected the spellings of these company names for these final results.<sup>13</sup> We received no other argument since the issuance of the *Preliminary Results* that provide a basis for reconsideration of these determinations.

Therefore, we find for these final results that the following companies demonstrated their eligibility for separate rate status: (1) Zhongji; (2) Alcha International Holdings Limited; (3) Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (a.k.a. Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.); (4) Hangzhou Dingsheng Import&Export Co., Ltd. (a.k.a. Hangzhou Dingsheng Import and Export Co., Ltd.); (5) Hunan Suntown Marketing Limited; (6) Suntown Technology Group Corporation Limited (a.k.a. Suntown Technology Group Co., Ltd.); (7) Xiamen Xiashun Aluminum Foil Co., Ltd. and (8) Yinbang Clad Materials Co., Ltd. (Yinbang Clad).

**Rate for Non-Examined Separate Rate Respondents**

As noted in the *Preliminary Results*,<sup>14</sup> the statute and Commerce's regulations do not address what rate to apply to

<sup>10</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (*Assessment Practice Refinement*).

<sup>11</sup> See *Preliminary Results* Preliminary Decision Memorandum at 10-14.

<sup>12</sup> See Issues and Decision Memorandum at Comment 11.

<sup>13</sup> See Issues and Decision Memorandum at Comment 10.

<sup>14</sup> See *Preliminary Results*, 86 FR at 35748.

respondents not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-

others rate should be calculated by averaging the weighted-average dumping margins for individually examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available. Where the rates for the individually examined companies are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use “any reasonable method” to establish the all-others rate. In this review, we calculated a rate for

Zhongji that is not zero, *de minimis*, or based entirely on facts available, and we have continued to assign the rate calculated for Zhongji to the companies not selected for individual examination but that are eligible for a separate rate.

**Final Results of Review**

Commerce determines that the following weighted-average dumping margins exist for the period April 1, 2019, through March 31, 2020:

Exporter	Final weighted-average dumping margin (percent)
Jiangsu Zhongji Lamination Materials Co., (HK) Ltd./Jiangsu Zhongji Lamination Materials Stock Co., Ltd./Jiangsu Zhongji Lamination Materials Co., Ltd./Jiangsu Huafeng Aluminum Industry Co., Ltd .....	62.02
<b>Review-Specific Rate Applicable to the Following Companies<sup>15</sup></b>	
Alcha International Holdings Limited .....	62.02
Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (a.k.a Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.) .....	62.02
Hangzhou Dingsheng Import&Export Co., Ltd. (a.k.a. Hangzhou Dingsheng Import and Export Co., Ltd.) .....	62.02
Hunan Suntown Marketing Limited .....	62.02
Suntown Technology Group Corporation Limited (a.k.a. Suntown Technology Group Co., Ltd .....	62.02
Xiamen Xiashun Aluminum Foil Co., Ltd .....	62.02
Yinbang Clad Materials Co., Ltd .....	62.02

**Disclosure**

Commerce intends to disclose the calculations performed in connection with these final results of review to parties in this review within five days after public announcement of the final results, or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

**China-Wide Entity**

In the *Preliminary Results*, Commerce found that Jiangsu Alcha and SNTO International Group Limited (SNTO) did not establish eligibility for a separate rate because SNTO did not file a separate rate application or certification with Commerce, and because Jiangsu Alcha failed to respond to our standard NME antidumping questionnaire. No interested party commented on Commerce’s preliminary determination with respect to Jiangsu Alcha and SNTO. Therefore, for these final results, we determine these companies to be part of the China-wide entity.

Commerce’s policy regarding conditional review of the China-wide entity applies to this administrative

review.<sup>16</sup> Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review and the entity’s rate (*i.e.*, 105.80 percent) is not subject to change.<sup>17</sup>

**Assessment Rates**

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For each individually examined respondent in this review which has a final weighted-average dumping margin that is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we will calculate importer- (or customer-) specific per-unit duty assessment rates based on the ratio of the total amount of dumping calculated for the importer’s (or customer’s) examined sales to the total sales quantity associated with those sales, in accordance with 19 CFR 351.212(b)(1).<sup>18</sup> We will also calculate estimated *ad valorem* importer-specific assessment rates with which to determine whether the per-unit assessment rates are *de minimis*.<sup>19</sup> Where either the respondent’s weighted-average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>20</sup>

For the respondents which were not selected for individual examination in this administrative review and which qualified for a separate rate, the assessment rate will be equal to the rate assigned to them for the final results (*i.e.*, 62.02 percent). For the companies identified as part of the China-wide

<sup>15</sup> Rate applicable to the non-examined separate rate respondents, as discussed above.

<sup>16</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

<sup>17</sup> See *Order*, 83 FR 17362.

<sup>18</sup> See Zhongji Final Analysis Memorandum at Attachment 2.

<sup>19</sup> *Id.*

<sup>20</sup> See 19 CFR 351.106(c)(2).

entity, we will instruct CBP to apply a per-unit assessment rate of 105.80 percent to all entries of subject merchandise during the POR which were produced or exported by those companies. Pursuant to a refinement in our non-market economy practice, for sales that were not reported in the U.S. sales data submitted by companies individually examined during this review, we will instruct CBP to liquidate entities associated with those sales at the rate for the China-wide entity. Furthermore, where we found that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's cash deposit rate) will be liquidated at the rate for the China-wide entity.<sup>21</sup>

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For the companies identified in the chart above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that have received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific cash deposit rate published for the completed segment of the most recent period; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers Regarding Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of

antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of double antidumping duties.

### Notification Regarding Administrative Protective Orders (APO)

This notice also serves as a final reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

### Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2021.

### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
  - Comment 1: Selection of Surrogate Country
  - Comment 2: HTS Classifications for Certain Material Inputs and By-Products
  - Comment 3: Ocean Freight
  - Comment 4: Double Remedies Adjustment
  - Comment 5: Sales to Foreign Trade Zones
  - Comment 6: Differential Pricing Methodology
  - Comment 7: Calculation of Zhongji's Margin
  - Comment 8: Separate Rate Margin
  - Comment 9: Selection of Individually Examined Respondents
  - Comment 10: Correction of Company Names
  - Comment 11: Review of Shanghai Huafon Aluminum Corporation
- VI. Recommendation

[FR Doc. 2022-00080 Filed 1-6-22; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-201-846]

### Agreement Suspending the Countervailing Duty Investigation on Sugar From Mexico; Preliminary Results of the 2020 Administrative Review

**AGENCY:** Enforcement & Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that the signatory, the Government of Mexico (GOM), and the respondent companies selected for individual examination, respectively, Impulsora Azucarera Del Tropico, S.A. de C.V. (Impulsora Del Tropico) and its affiliate and Ingenio Huixtla SA de C.V. (Ingenio Huixtla) and its affiliates are in compliance with the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico, as amended (CVD Agreement), except for certain instances of inconsequential non-compliance. Commerce also preliminarily determines that the CVD Agreement continues to meet its statutory requirements under sections 704(c) and (d) of the Tariff Act of 1930, as amended (the Act), during the POR. However, Commerce intends to address certain issues identified in this review by discussing these issues with the GOM and Mexican producers/exporters, as appropriate. We may request consultations pursuant to the CVD Agreement, as necessary, to resolve these issues.

**DATES:** Applicable January 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Sally C. Gannon or David Cordell, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482-0162 or (202) 482-0408, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On December 19, 2014, Commerce signed an agreement under section 704(c) of the Act, with the GOM, suspending the countervailing duty (CVD) investigation on sugar from Mexico.<sup>1</sup> On January 15, 2020, the CVD Agreement was amended.<sup>2</sup>

<sup>1</sup> See *Agreement Suspending the Countervailing Duty Investigation of Sugar from Mexico*, 79 FR 78044 (December 29, 2014) (*CVD Agreement*).

<sup>2</sup> See *Sugar from Mexico: Amendment to the Agreement Suspending the Countervailing Duty Investigation*, 85 FR 3613 (January 22, 2020) (*CVD*

<sup>21</sup> For a full description of this practice, see *Assessment Practice Refinement*, 86 FR 65694.

On December 17, 2020, the American Sugar Coalition (ASC) and its members (petitioners)<sup>3</sup> filed a timely request for an administrative review of the CVD Agreement.<sup>4</sup> On February 4, 2021, Commerce initiated an administrative review for the period January 1, 2020, through December 31, 2020.<sup>5</sup>

On March 23, 2021, Commerce selected two companies as mandatory respondents, listed in alphabetic order: Impulsora Del Tropico and Ingenio Huixtla SA de C.V.<sup>6</sup> In addition, the review covered the GOM, which is the signatory to the CVD Agreement.

### Scope of the CVD Agreement

The product covered by this CVD Agreement is raw and refined sugar of all polarimeter readings derived from sugar cane or sugar beets. Merchandise covered by this AD Agreement is typically imported under the following headings of the HTSUS: 1701.12.1000, 1701.12.5000, 1701.13.1000, 1701.13.5000, 1701.14.1020, 1701.14.1040, 1701.14.5000, 1701.91.1000, 1701.91.3000, 1701.99.1015, 1701.99.1017, 1701.99.1025, 1701.99.1050, 1701.99.5015, 1701.99.5017, 1701.99.5025, 1701.99.5050, and 1702.90.4000.<sup>7</sup> The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this CVD Agreement is dispositive.<sup>8</sup>

*Amendment*) (collectively, as integrated into the CVD Agreement, amended CVD Agreement).

<sup>3</sup> The members of the American Sugar Coalition are as follows: American Sugar Cane League; American Sugarbeet Growers Association; American Sugar Refining, Inc.; Florida Sugar Cane League; Rio Grande Valley Sugar Growers, Inc.; Sugar Cane Growers Cooperative of Florida; and the United States Beet Sugar Association.

<sup>4</sup> See Petitioners' Letter, "Sugar from Mexico: Request for Administrative Review," dated December 17, 2020.

<sup>5</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 8166 (February 4, 2021).

<sup>6</sup> See Memorandum, "2019–2020 Administrative Review of the Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico As Amended; Respondent Selection," dated March 23, 2021.

<sup>7</sup> Prior to July 1, 2016, merchandise covered by the AD Agreement was classified in the HTSUS under subheading 1701.99.1010. Prior to January 1, 2020, merchandise covered by the AD Agreement was classified in the HTSUS under subheadings 1701.14.1000 and 1701.99.5010.

<sup>8</sup> For a complete description of the Scope of the CVD Agreement, see Memorandum, "Issues and Decision Memorandum for the Preliminary Results of the 2020 Administrative Review of the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico, as Amended," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

### Methodology and Preliminary Results

Commerce has conducted this review in accordance with section 751(a)(1)(C) of the Act, which specifies that Commerce shall "review the current status of, and compliance with, any agreement by reason of which an investigation was suspended." Pursuant to the CVD Agreement, the GOM agrees that subject merchandise is subject to export limits.<sup>9</sup> The GOM also agrees to other conditions including limits on exports of Refined Sugar<sup>10</sup> and restrictions on shipping patterns for exports.<sup>11</sup> The CVD Agreement also requires the GOM to issue contract-specific export licenses,<sup>12</sup> submit compliance monitoring reports to Commerce,<sup>13</sup> and institute penalties for non-compliance with certain key terms of the CVD Agreement and the companion Agreement Suspending the Antidumping Duty Investigation on Sugar from Mexico, as amended (AD Agreement).<sup>14</sup>

After reviewing the information received to date from the GOM and respondent companies in their questionnaire and supplemental questionnaire responses, we preliminarily determine that the GOM and respondent companies have adhered to the terms of the CVD Agreement, except for certain instances of inconsequential non-compliance by the respondent companies, and that the CVD Agreement is functioning as intended. Further, we preliminarily determine that the CVD Agreement continues to meet the statutory requirements under sections 704(c) and (d) of the Act. However, Commerce is exploring additional measures to help prevent reporting and recordkeeping issues that may serve to diminish the effective monitoring and enforcement of the CVD Agreement. Commerce intends to address certain issues identified in this review by discussing these issues with the GOM and Mexican producers/exporters, as appropriate. We may request consultations pursuant to the CVD Agreement, as necessary, to resolve these issues. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The

<sup>9</sup> See *amended CVD Agreement* at Section V.

<sup>10</sup> "Refined Sugar" is defined in Section III.L of the *amended CVD Agreement*.

<sup>11</sup> *Id.* at Section V.C.

<sup>12</sup> *Id.* at Section VI and Appendix I.

<sup>13</sup> *Id.* at Section VIII.B.1 and Appendix II.

<sup>14</sup> *Id.* at Section VIII.B.4; see also *Sugar from Mexico: Suspension of Antidumping Investigation*, 79 FR 78039 (December 29, 2014); and *Sugar from Mexico: Amendment to the Agreement Suspending the Antidumping Duty Investigation*, 85 FR 3620 (January 22, 2020).

Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>. Commerce is also addressing proprietary issues concerning each of the respondents in separate memoranda which we incorporate into the Preliminary Decision Memorandum.<sup>15</sup>

### Verification

As provided in section 782(i)(3)(a) of the Act, Commerce verified the information relied upon in making its preliminary results. Normally, Commerce verifies information using standard procedures, including an on-site examination of original accounting, financial, and sales documentation. However, due to current travel restrictions in response to the global COVID-19 pandemic, Commerce is unable to conduct on-site verification in this review. Accordingly, we chose to verify the information relied upon in making the preliminary results through alternative means in lieu of an on-site verification. Commerce issued questionnaires in lieu of on-site verification to the GOM and each of the respondents in the review.<sup>16</sup> Any issues that arose are addressed in the Preliminary Decision Memorandum and in the accompanying proprietary memorandum for each respondent.

### Public Comment

Case briefs are due 30 days from the publication of these preliminary results in the **Federal Register**. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than seven days after the deadline date for case briefs.

Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>17</sup> Pursuant to 19 CFR

<sup>15</sup> See Preliminary Decision Memorandum at 9, n. 78 and 12, n. 87.

<sup>16</sup> See Commerce's Letters, "2020 Administrative Review of the Agreement Suspending the Countervailing Duty Investigation on Sugar from Mexico: In Lieu of On-Site Verification Questionnaire," dated November 12, 2021.

<sup>17</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19*, 85 FR 17006 (March 26, 2020); and *Temporary Rule Modifying AD/CVD Service Requirements Due to*

351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>18</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via Commerce's electric records system, ACCESS. An electronically filed request must be received successfully in its entirety by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>19</sup> Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.<sup>20</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act, unless extended.

#### Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 30, 2021.

#### Ryan Majerus,

*Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2022-00077 Filed 1-6-22; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Public Comment on the Annotated Outline of the Fifth National Climate Assessment

**AGENCY:** Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric

Administration (NOAA), Department of Commerce, (DOC).

**ACTION:** Notice of request for public comment and public engagement on the Annotated Outlines for the Fifth National Climate Assessment.

**SUMMARY:** This notice sets forth the U.S. Global Change Research Program seeks public comment on the proposed themes and framework of the Fifth National Climate Assessment as indicated by the chapter annotated outlines linked here. Based on input received from this notice, chapter author teams will develop their draft chapters.

**DATES:** Comments must be submitted to the web address specified below and received by 45 days after the publication date of this FRN.

**ADDRESSES:** Comments from the public will be accepted electronically via <http://www.globalchange.gov/notices>. Instructions for submitting comments are available on the website. Submitters may enter text or upload files in response to this notice.

**FOR FURTHER INFORMATION CONTACT:**

Chris Avery, (202) 419-3474, [cavery@usgcrp.gov](mailto:cavery@usgcrp.gov), U.S. Global Change Research Program.

**SUPPLEMENTARY INFORMATION:** The U.S. Global Change Research Program (USGCRP) is mandated under the Global Change Research Act (GCRA) of 1990 to conduct a quadrennial National Climate Assessment. The most recent was completed in 2018 and delivered in two volumes: The Climate Science Special Report ([science2017.globalchange.gov](https://science2017.globalchange.gov)) and Impacts, Risks, and Adaptation in the United States ([nca2018.globalchange.gov](https://nca2018.globalchange.gov)).

In addition to these two volumes, other recent assessments by the U.S. Government will inform the Fifth National Climate Assessment (NCA5), including the Second State of the Carbon Cycle Report ([carbon2018.globalchange.gov](https://carbon2018.globalchange.gov)); the Impacts of Climate Change on Human Health in the United States ([health2016.globalchange.gov](https://health2016.globalchange.gov)); and Climate Change, Global Food Security, and the U.S. Food System (<https://www.usda.gov/oce/energy-and-environment/food-security>) As with all previous USGCRP assessments, NCA5 development will be transparent and inclusive, offering opportunities for public participation throughout the process. The production and review processes are designed to result in a report that is authoritative, timely, relevant, and policy neutral; valued by authors and users; accessible to the

widest possible audience; and fully compliant with the GCRA.

Background information, additional details, and instructions for submitting comments can be found at <http://www.globalchange.gov/notices>.

Responses to this Request for Comment can be entered via that website.

The U.S. Global Change Research Program seeks public comment on the Annotated Outlines of each chapter of the Fifth National Climate Assessment (NCA5), in particular on the scope and framing of chapter's proposed topic areas. Input received on proposed themes within each chapter's Annotated Outline will be used by chapter author teams to develop their draft chapters.

Authors of each chapter of NCA5 will develop chapter content structured around the topic areas proposed in the Annotated Outlines, highlighting the risk climate change poses to the things Americans value. All chapters are charged with focusing on scientific advancements since the last assessment was released in 2018. Because Chapter 1 is an overview summary of the final report, there is no Annotated Outline for Chapter 1 at this time.

Response to this Request for Comment is voluntary. Respondents need not reply to all questions or topics.

Responses may be used by the U.S. Government for program planning on a non-attribution basis. NOAA therefore requests that no business proprietary information or copyrighted information be submitted in response to this Request for Comment. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

The full list of NCA5 chapters is below and can also be found <https://www.globalchange.gov/nca5>. Chapter titles reflect the target topics or regions for the chapters. Final titles for the chapter may evolve as authors assess published literature.

#### Introduction and Summary

1. Overview (not included in this review)

#### Physical Sciences

2. Earth Systems Processes  
3. Climate Trends

#### National Topics

4. Water  
5. Energy  
6. Land Cover & Land-Use Change  
7. Forests  
8. Ecosystems  
9. Coastal Effects  
10. Oceans  
11. Agriculture, Food Systems, and Rural Communities

COVID-19; Extension of Effective Period, 85 FR 41363 (July 10, 2020).

<sup>18</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>19</sup> See 19 CFR 351.310(c).

<sup>20</sup> See 19 CFR 351.310(d).



12. Built Environment
13. Transportation
14. Air Quality
15. Human Health
16. Tribes & Indigenous Peoples
17. U.S. International Interests
18. Complex Systems
19. Economics
20. Human Social Systems

#### Regions

21. Northeast
22. Southeast
23. U.S. Caribbean
24. Midwest
25. Northern Great Plains
26. Southern Great Plains
27. Northwest
28. Southwest
29. Alaska
30. Hawai'i & U.S.-Affiliated Pacific Islands

#### Response

31. Adaptation
32. Mitigation

As noted in a previous Notice from October 2020 (<https://www.federalregister.gov/documents/2020/10/15/2020-22729/request-for-public-nominations-for-authors-and-scientific-technical-inputs-and-notice-of-planned>), public engagement efforts by the author teams will be undertaken while this Notice is available for comment.

Chapters will hold virtual public engagement workshops to allow interested members of the public to provide feedback on a chapter's Annotated Outlines to the author teams. The schedule for these workshops and registration opportunities has been posted on <https://www.globalchange.gov/nca5> and announced in the USGCRP newsletter.

#### Eric Locklear,

*Acting Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.*

[FR Doc. 2022-00097 Filed 1-6-22; 8:45 am]

**BILLING CODE 3510-KB-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Marine Recreational Information Program, Fishing Effort Survey

**AGENCY:** National Oceanic & Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of information collection, request for comment.

**SUMMARY:** The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

**DATES:** To ensure consideration, comments regarding this proposed information collection must be received on or before March 8, 2022.

**ADDRESSES:** Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at [Adrienne.thomas@noaa.gov](mailto:Adrienne.thomas@noaa.gov). Please reference OMB Control Number 0648-0652 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or specific questions related to collection activities should be directed to Rob Andrews, Fishery Biologist, 301-427-8105, [rob.andrews@noaa.gov](mailto:rob.andrews@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Marine recreational anglers are surveyed to collect catch and effort data, fish biology data, and angler socioeconomic characteristics. These data are required to carry out provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), as amended, regarding conservation and management of fishery resources.

Marine recreational fishing catch and effort data are collected through a combination of mail surveys, telephone surveys and on-site intercept surveys with recreational anglers. The Marine

Recreational Information Program (MRIP) Fishing Effort Survey (FES) is a self-administered, household mail survey that samples from a residential address frame to collect data on the number of recreational anglers and the number of recreational fishing trips. The survey estimates marine recreational fishing activity for all coastal states from Maine through Mississippi, as well as Hawaii and Puerto Rico.

FES estimates are combined with estimates derived from complementary surveys of fishing trips, the Access-Point Angler Intercept Survey, to estimate total, state-level fishing catch, by species. These estimates are used in the development, implementation, and monitoring of fishery management programs by NOAA Fisheries, regional fishery management councils, interstate marine fisheries commissions, and state fishery agencies.

The proposed collection will include experimental work to evaluate non-sampling errors in recreational fishing surveys. Specifically, the revision will include three mail survey questionnaires designed to evaluate measurement error in the reporting of saltwater fishing effort and possession of a saltwater fishing license.

##### II. Method of Collection

Information will be collected through self-administered mail surveys.

##### III. Data

*OMB Control Number:* 0648-0652.

*Form Number(s):* None.

*Type of Review:* Regular submission (revision of a current information collection).

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 113,000.

*Estimated Time per Response:* 5 minutes.

*Estimated Total Annual Burden Hours:* 9,417 hours.

*Estimated Total Annual Cost to Public:* 0.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

##### IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the

methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2022-00121 Filed 1-6-22; 8:45 am]

**BILLING CODE 3510-22-P**

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**Procurement List; Proposed Additions and Deletions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed additions to and deletions from the procurement list.

**SUMMARY:** The Committee is proposing to add service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) previously furnished by such agencies.

**DATES:** *Comments must be received on or before:* February 6, 2022.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785-6404 or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons

an opportunity to submit comments on the proposed actions.

**Additions**

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) and service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) and service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

*Service(s)*

*Service Type:* Facility Operations Contract Services

*Mandatory for:* U.S. Customs & Border Protection, Oroville Border Patrol Station, Oroville, WA

*Designated Source of Supply:* Bona Fide Conglomerate, Inc., El Cajon, CA

*Contracting Activity:* U.S. CUSTOMS AND BORDER PROTECTION, BORDER ENFORCEMENT CTR DIV

*Service Type:* Acquisition Support Services

*Mandatory for:* U.S. Coast Guard, Surface Forces Logistics Center, Baltimore, MD, Norfolk, VA and Oakland, CA

*Designated Source of Supply:* Skookum Educational Programs, Bremerton, WA

*Contracting Activity:* U.S. COAST GUARD, SFLC PROCUREMENT BRANCH 3(00040)

**Deletions**

The following product(s) and service(s) are proposed for deletion from the Procurement List:

*Product(s)*

*NSN(s)—Product Name(s):*

8465-00-262-5237—Lanyard, Pistol,

White

8465-00-965-1705—Lanyard, Pistol, Olive Green

*Designated Source of Supply:* Work,

Incorporated, Dorchester, MA

*Contracting Activity:* DLA TROOP SUPPORT, PHILADELPHIA, PA

*Service(s)*

*Service Type:* Administrative Services

*Mandatory for:* Internal Revenue Service Mailroom; 1919 Smith Street, Houston, TX

*Designated Source of Supply:* Lighthouse for the Blind of Houston, Houston, TX

*Contracting Activity:* TREASURY, DEPARTMENT OF THE, DEPT OF TREAS/

*Service Type:* Medical Transcription

*Mandatory for:* Federal Bureau of Prisons, Greenville, IL

*Designated Source of Supply:* Lighthouse for the Blind of Houston, Houston, TX

*Contracting Activity:* FEDERAL PRISON SYSTEM, TERMINAL ISLAND, FCI

*Service Type:* Supply and Warehousing Service

*Mandatory for:* Supply Store Operations:

Nuclear Regulatory Commission, Rockville, MD

*Designated Source of Supply:* Blind Industries & Services of Maryland, Baltimore, MD

*Contracting Activity:* NUCLEAR REGULATORY COMMISSION, OFFICE OF ADMINISTRATION

**Michael R. Jurkowski,**

*Acting Director, Business Operations.*

[FR Doc. 2022-00099 Filed 1-6-22; 8:45 am]

**BILLING CODE 6353-01-P**

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**Quarterly Public Meeting**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Committee is announcing a virtual public meeting to be held February 10, 2022.

**DATES:** *Registration is due no later than:* February 8, 2022.

**ADDRESSES:** Not applicable.

**FOR FURTHER INFORMATION CONTACT:** For further information or to submit comments contact: Angela Phifer, Telephone: (703) 798-5873 or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to register to attend a public meeting.

*Summary:* This notice provides information to access and participate in the February 10, 2022 regular quarterly public meeting of the Committee for Purchase From People Who Are Blind or Severely Disabled, operating as the U.S. AbilityOne Commission (Commission), via webinar. The Commission oversees the AbilityOne Program, which provides employment opportunities through federal contracts for people who are blind or have significant disabilities in the manufacture and delivery of products and services to the Federal Government. The Javits-Wagner-O'Day Act (41 U.S.C. Chapter 85) authorizes the contracts and established 15 Presidential appointees, including private citizens conversant with the employment interests and concerns of people who are blind or significantly disabled. Presidential appointees also include representatives of federal agencies. The public meetings include updates from the Commission and staff.

*Date and Time:* February 10, 2022, from 1:00 p.m. to 4:00 p.m., ET.

*Place:* This meeting will occur via Zoom webinar.

*Commission Statement:* As the Commission implements new strategies and priorities, we are committed to public meetings that provide substantive information. These meetings also provide an opportunity for input from the disability community and other stakeholders. For the meeting on February 10, 2022, the Commission invites comments or suggestions regarding:

1. The Individual Eligibility Evaluation (IEE) forms used by the Commission as documentation of significant disability
2. Third party certification or verification of significant disability

*Registration:* Attendees must register not later than 11:59 p.m. EDT on Tuesday, February 8, 2022. The registration link will be accessible on the Commission's home page, [www.abilityone.gov](http://www.abilityone.gov), not later than Monday, January 10, 2022. During registration, you may choose to submit comments, or you may request speaking time at the meeting. Comments submitted via the registration link will be reviewed with the Commission members prior to the meeting. The Commission may invite some attendees who submit advance comments to speak to their comments during the meeting. Comments posted in the chat box during the meeting will be shared with the Commission members after the meeting.

*Personal Information:* Do not include any information that you do not want publicly disclosed.

*For Further Information, Contact:* Angela Phifer, (703) 798-5873.

The Commission is not subject to the requirements of 5 U.S.C. 552(b); however, the Commission published this notice to encourage the broadest possible participation in its February 10, 2022 public meeting.

**Michael R. Jurkowski,**

*Acting Director, Business Operations.*

[FR Doc. 2022-00100 Filed 1-6-22; 8:45 am]

BILLING CODE 6353-01-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2022-OS-0002]

### Privacy Act of 1974; System of Records

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice of a new system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the DoD is establishing a new Department-wide system of records titled, "Defense Mass Transportation Benefits Records (DMTBR)," DoD-0009. This system of records covers DoD's maintenance of records supporting subsidy programs provided to military and civilian personnel (to include non-appropriated fund (NAF) employees) associated with commuter costs.

**DATES:** This system of records notice is effective upon publication; however, comments on the Routine Uses will be accepted on or before February 7, 2022. The Routine Uses are effective at the close of the comment period.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

\* *Federal Rulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

\* *Mail:* DoD cannot receive written comments at this time due to the COVID-19 pandemic. Comments should be sent electronically to the docket listed above.

*Instructions:* All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rahwa Keleta, Privacy and Civil Liberties Division, Directorate for Privacy, Civil Liberties and FOIA, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Department of Defense, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700, [OSD.DPCLTD@mail.mil](mailto:OSD.DPCLTD@mail.mil), (703) 571-0070.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD is establishing the Defense Mass Transportation Benefits Records (DMTBR), DoD-0009, as a DoD-wide Privacy Act system of records. A DoD-wide system of records notice (SORN) supports multiple DoD paper or electronic recordkeeping systems operated by more than one DoD component that maintain the same kind of information about individuals for the

same purpose. Establishment of DoD-wide SORNs helps DoD standardize the rules governing the collection, maintenance, use, and sharing of personal information in key areas across the enterprise. DoD-wide SORNs also reduce duplicative and overlapping SORNs published by separate DoD components. The creation of DoD-wide SORNs is expected to make locating relevant SORNs easier for DoD personnel and the public, and create efficiencies in the operation of the DoD privacy program.

The DoD Mass Transportation Benefit Program encourages employees to use mass transit for commuting to and from work by offering a commuter subsidy as an incentive. The purpose of the program is to reduce traffic congestion and pollution and to improve employee quality of life by providing them commuting flexibility through multiple transportation alternatives. DoD provides mass transportation benefits to offset commuting costs to active duty Service members and civilian personnel (to include NAF employees), as authorized by law and regulation. The program covers a wide variety of alternative transportation modes such as vanpools, commuter trains, and local busses.

DoD SORNs have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Privacy, Civil Liberties, and FOIA Directorate website at <https://dpcltd.defense.gov>.

##### II. Privacy Act

Under the Privacy Act, a "system of records" is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) Circular No. A-108, DoD has provided a report of this system of records to OMB and to Congress.

Dated: January 4, 2022.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

#### SYSTEM NAME AND NUMBER:

Defense Mass Transportation Benefits Records (DMTBR), DoD-0009.

#### SECURITY CLASSIFICATION:

Unclassified.

**SYSTEM LOCATION:**

Department of Defense (Department or DoD), located at 1000 Defense Pentagon, Washington, DC 20301-1000, and other Department installations, offices, or mission locations. Information may also be stored within a government-certified cloud, implemented and overseen by the Department's Chief Information Officer (CIO), 6000 Defense Pentagon, Washington, DC 20301-6000.

**SYSTEM MANAGER(S):**

The system manager for records for those who work or are stationed in the Washington, DC, metropolitan area is the Director, Pentagon Services Division under the Washington Headquarters Services (WHS) Executive Services Directorate at 1155 Defense Pentagon, Washington, DC 20301-1155, *whsmc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil*. Records concerning those who work or are stationed in other areas of the United States or abroad are maintained by system managers within the Military Departments, Combatant Commands, Defense Agencies, or other Field Activities. To identify the system managers at these components, please visit *www.FOIA.gov* to contact the relevant component's Freedom of Information Act (FOIA) Office.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 113, Secretary of Defense; 5 U.S.C. 7905, Programs to encourage commuting by means other than single-occupancy motor vehicles; Executive Order (E.O.) 12191, Federal Facility Ridesharing Program; E.O. 13150, Federal Workforce Transportation; DoD Instruction 1000.27, Mass Transportation Benefit Program (MTBP); and E.O. 9397 (SSN).

**PURPOSE(S) OF THE SYSTEM:**

A. To manage and administer the DoD Mass Transportation Benefit Program for military and civilian personnel (to include non-appropriated fund (NAF) employees) applying for and in receipt of a commuter subsidy.

B. To evaluate employee participation in the program.

C. To provide audit capabilities and track the use of funds to support the program; ensure appropriate accountability; and prevent misuse of the funds involved.

D. To report required information for program management and oversight to leadership and key stakeholders.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Military and civilian personnel (to include NAF employees) applying for

and/or receiving a commuter subsidy for using mass transit.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

A. Personal and Employment information to include: Name, Social Security Number (SSN), DoD ID Number, home and work address, email address, official duty telephone number, and organizational affiliation of the individual.

B. Transit information to include: Subsidy amount, name of transportation system or company used, benefit provider, point-to-point commuting expenses, commuting distance, locations of travel from initial starting point to destination, number of days an employee commutes per month, type of mass transit used, periodic certifications and reports regarding commuter subsidies, transit authority card numbers, and vanpool owner/operator certifications.

**RECORD SOURCE CATEGORIES:**

Records and information stored in this system of records are obtained from:

A. Individuals, supervisors, reviewing and approving officials, vanpool owners/operators.

B. Federal, foreign government, State, local and private corporation or business commuter transportation organizations.

C. All DoD databases flowing into or accessed through the following integrated data systems, environments, applications, and tools: WHS Mass Transit Benefits Program, Department of the Navy's Transportation Incentive Program System (TIPS), and the Department of Transportation's TRANServe.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a Routine Use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal government when necessary to accomplish an agency function related to this system of records.

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction

with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To another Federal, State or local agency for the purpose of comparing to the agency's system of records or to non-Federal records, in coordination with an Office of Inspector General in conducting an audit, investigation,

inspection, evaluation, or other review as authorized by the Inspector General Act.

J. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

K. To the U.S. Department of Transportation for purposes of verifying DoD military or civilian employees' participation in the program, and auditing and verifying disbursements.

L. To the operators of transit systems or vanpools for purposes of activating, distributing, and verifying benefits.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. Electronic records may be stored locally on digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records may be retrieved by individual's name, SSN, DoD ID number, and/or work email address.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

DoD components shall retain these records in accordance with National Archives and Records Administration approved General Records Schedule (GRS) 2.4, *Employee Compensation and Benefits Records* (December 2019). These records fall within GRS 2.4, item 131, which provides that transportation subsidy program individual case files may be destroyed two years after employee participation concludes, but longer retention is authorized if the DoD components have an approved existing agency schedule and have notified the National Archives and Records Administration per 36 CFR 1227a(3).

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated systems security and access policies. DoD policies require the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and to enforce access by those with a need to know and with appropriate clearances. Additionally, DoD has established security audit and accountability policies and procedures which support the safeguarding of PII and detection of potential PII incidents. DoD routinely

employs safeguards such as the following to information systems and paper recordkeeping systems:

Multifactor log-in authentication including CAC authentication and password; physical token as required; physical and technological access controls governing access to data; network encryption to protect data transmitted over the network; disk encryption securing disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; mandatory information assurance and privacy training for individuals who will have access; identification, marking, and safeguarding of PII; physical access safeguards including multifactor identification physical access controls, detection and electronic alert systems for access to servers and other network infrastructure; and electronic intrusion detection systems in DoD facilities.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to their records should follow the procedures in 32 CFR part 310. Individuals should address written inquiries to the DoD component with oversight of the records, as the component has Privacy Act responsibilities concerning access, amendment, and disclosure of the records within this system of records. The public may identify the contact information for the appropriate DoD office through the following website: [www.FOIA.gov](http://www.FOIA.gov). Signed written requests should contain the name and number of this system of records notice along with the full name, current address, and email address of the individual. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)."

If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

**CONTESTING RECORD PROCEDURES:**

Individuals seeking to amend or correct the content of records about them should follow the procedures in 32 CFR part 310.

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine whether information about themselves

is contained in this system of records should follow the instructions for Record Access Procedures above.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

None.

[FR Doc. 2022-00118 Filed 1-6-22; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF EDUCATION**

**Applications for New Awards; Office of Indian Education Formula Grants to Local Educational Agencies**

**AGENCY:** Office of Elementary and Secondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2022 for Office of Indian Education (OIE) Formula Grants to Local Educational Agencies, Assistance Listing Number 84.060A. This notice relates to the approved information collection under OMB control number 1810-0021.

**DATES:** Part I of Electronic Application System for Indian Education (EASIE) Applications Available: February 7, 2022.

*Deadline for Transmittal of EASIE Part I:* March 11, 2022.

*Part II of EASIE Applications Available:* April 4, 2022.

*Deadline for Transmittal of EASIE Part II:* May 13, 2022.

**FOR FURTHER INFORMATION CONTACT:** For questions about the Formula Grants program, contact Dr. Crystal C. Moore, Ed.D., U.S. Department of Education, 400 Maryland Avenue SW, MS 6335, Washington, DC 20202-6335. Telephone: (202) 453-5593. Email: [crystal.moore@ed.gov](mailto:crystal.moore@ed.gov). For technical questions about the EASIE application and uploading documentation, contact the Partner Support Center (PSC). Telephone: (877)457-3336. Email: [OIE.EASIE@ed.gov](mailto:OIE.EASIE@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), contact the Federal Relay Service (FRS), toll free, at (800)877-0996 or by email at: [federalrelay@sprint.com](mailto:federalrelay@sprint.com).

**SUPPLEMENTARY INFORMATION:**

**Full Text of Announcement**

*Note:* Applicants must meet the deadlines for both EASIE Part I and Part II to be eligible to receive a grant.

Failure to submit the required supplemental documentation, described under *Content and Form of Application Submission* in section IV of this notice, by the EASIE Part I or II deadline will result in an incomplete application that will not be considered for funding. The OIE recommends uploading the documentation at least four days prior to each deadline date to ensure that any potential submission issues are resolved prior to the deadlines.

### I. Funding Opportunity Description

*Purpose of Program:* The OIE Formula Grants to Local Educational Agencies (Formula Grants) program provides grants to support local educational agencies (LEAs), Indian Tribes and organizations, and other eligible entities in developing and implementing elementary and secondary school programs that serve Indian students. These funds must be used to support comprehensive programs that are designed to meet the unique cultural, language, and educational needs of American Indian and Alaska Native (AI/AN) students and ensure that all students meet challenging State academic standards. The information gathered from the project's final annual performance report (APR) will be utilized to complete OIE's required annual Department reporting under 34 CFR 75.110. Specifically, that report covers the Secretary's established key performance measures for assessing the effectiveness and efficiency of the Formula Grants program as detailed in this notice.

#### *Integration of Services Authorized*

As authorized under section 6116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), the Secretary will, upon receipt of an acceptable plan for the integration of education and related services, and in cooperation with other relevant Federal agencies, authorize the entity receiving the funds under this program to consolidate all Federal funds that are to be used exclusively for Indian students. Instructions for submitting an integration of education and related services plan are included in EASIE, which is described under *Application and Submission Information* in section IV of this notice.

*Note:* Under the Formula Grants program, all applicants are required to develop proposed projects in open consultation, including through public hearings held to provide a full opportunity to understand the program and to offer recommendations regarding the program (ESEA section 6114(c)(3)(C)), with parents of Indian

children and teachers of Indian children, representatives of Indian Tribes on Indian lands located within 50 miles of any school that the LEA will serve if such Tribes have any children in such school, Indian organizations (IOs), and, if appropriate, Indian students from secondary schools. LEA applicants are required to develop proposed projects with the participation and written approval of an Indian Parent Committee whose membership includes parents and family members of Indian children in the LEA's schools; representatives of Indian Tribes on Indian lands located within 50 miles of any school that the LEA will serve if such Tribes have any children in such school; teachers in the schools; and, if appropriate, Indian students attending secondary schools of the LEA (ESEA section 6114(c)(4)). The majority of the Indian Parent Committee members must be parents and family members of Indian children (section 6114(c)(4) of the ESEA).

*Definition:* The following definition is from ESEA section 6112(d)(3):

*Indian community-based organization (ICBO)* means any organization that (1) is composed primarily of Indian parents, family members and community members, Tribal government education officials, and Tribal members, from a specific community; (2) assists in the social, cultural, and educational development of Indians in such community; (3) meets the unique cultural, language, and academic needs of Indian students; and (4) demonstrates organizational and administrative capacity to manage the grant.

#### *Statutory Hiring Preference:*

(a) Awards that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). That section requires that, to the greatest extent feasible, a grantee—

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to IOs and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant.

(b) For purposes of this section, an Indian is a member of any federally recognized Indian Tribe (25 U.S.C. 1452(b)).

*Program Authority:* 20 U.S.C. 7421, *et seq.*

*Applicable Regulations:* (a) The Education Department General

Administrative Regulations in 34 CFR parts 75, 77, 81, 82, 84, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

### II. Award Information

*Type of Award:* Formula grants.

*Estimated Available Funds:* The Administration requested \$105,381,000 for Formula Grants to LEAs for FY 2022. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

*Estimated Range of Awards:* \$4,000 to \$2,772,768.

*Estimated Average Size of Awards:* \$81,000.

*Estimated Number of Awards:* 1,300.

*Note:* The Department is not bound by any estimates in this notice.

*Project Period:* 12 months.

### III. Eligibility Information

1. *Eligible Applicants:* The following entities are eligible under this program: Certain LEAs, as prescribed by ESEA section 6112(b), including charter schools authorized as LEAs under State law; certain schools funded by the Bureau of Indian Education of the U.S. Department of the Interior (BIE), as prescribed by ESEA section 6113(d); Indian Tribes and IOs under certain conditions, as prescribed by ESEA section 6112(c); and ICBOs, as prescribed by ESEA section 6112(d). Consortia of two or more eligible entities are also eligible under certain circumstances, as prescribed by ESEA section 6112(a)(4).

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* ESEA Section 6114(c)(1) requires a grantee to use these grant funds only to supplement the funds that, in the absence of these Federal funds, such agency would make available for services described in this application, and not to supplant such funds.

c. *Indirect Cost Rate Information:* This program uses a restricted indirect cost rate. For more information regarding restricted indirect costs, or to obtain a negotiated restricted indirect cost rate,

please see: [www2.ed.gov/about/offices/list/ocfo/intro.html](http://www2.ed.gov/about/offices/list/ocfo/intro.html).

d. *Administrative Cost Limitation:* We note that, under ESEA section 6115(d), no more than five percent of the funds awarded for a grant may be used for administrative costs.

#### IV. Application and Submission Information

1. *How to Request an Application Package:* You can obtain an entity-specific link for the electronic application for grants under this program by contacting the PSC listed under **FOR FURTHER INFORMATION CONTACT**.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the PSC listed under **FOR FURTHER INFORMATION CONTACT**.

2. *Content and Form of Application Submission:* (a) Requirements concerning the content of an application, together with the forms you must submit and technical assistance resources, are located on the EASIE Communities of Practice website at <https://easie.communities.ed.gov/>.

*Note:* The OIE and PSC will create dedicated technical assistance documentation to support applicants and grantees with accessing, navigating, entering data, and submitting their responses into the OMB MAX Survey. Prior to the opening of EASIE Part I, this documentation will be announced and posted on the EASIE Communities of Practice website at: <https://easie.communities.ed.gov/>.

User accounts will be replaced with an entity-specific link (also known as a token) to access the new EASIE application in the OMB MAX Survey. Only individuals that are registered as the current Point of Contact (POC), Project Director (PD), and/or Authorized Official Representative (AOR) will receive the entity-specific link to access the application for EASIE Part I and II. The AOR can continue to delegate the responsibility of completing the EASIE application in the new OMB MAX Survey to other entity contacts by sharing their entity-specific link internally. The AOR is ultimately responsible for the review and certification of the application. Please contact the PSC with any questions related to this change.

(b) *Supplementary Documentation:* The EASIE application requires submission of the following supplementary documentation in electronic Portable Document Format (PDF):

(i) In EASIE Part I, applicants that are Tribes, IOs, or ICBOs must submit the appropriate "Applying in Lieu of the LEA" agreement form with their application to verify their eligibility no later than March 11, 2022 (which is the closing date of EASIE Part I). Each separate eligibility document is identified by applicant-type as either: Tribe Applying in Lieu of an LEA Agreement; IO Agreement; or ICBO Agreement. These are available on the EASIE Communities of Practice (COP) website (<https://easie.communities.ed.gov/>) as downloadable documents. The details of the verification process, which are necessary to meet the statutory eligibility requirements for Tribes, IOs, and ICBOs, are in the application package.

(ii) In EASIE Part I, an applicant that is the lead applicant for a consortium must use the consortium agreement form that is available on the Getting Started page in the EASIE COP Portal as a downloadable document and upload it to your EASIE application survey on the OMB MAX Survey portal no later than March 11, 2022.

(iii) In EASIE Part II, for an applicant that is an LEA or a consortium of LEAs, the EASIE application requires the electronic PDF submission of the Indian Parent Committee Approval form no later than the deadline for transmittal of EASIE Part II, which is May 13, 2022. Applicants are encouraged to begin planning parent committee meetings early to ensure parent committee requirements are met before EASIE Part II closes. The form is available on the EASIE Communities of Practice website at <https://easie.communities.ed.gov/>.

3. *Submission Dates and Times:*  
*Part I of the Formula Grant EASIE Applications Available:* February 7, 2022.

*Deadline for Transmittal of EASIE Part I:* March 11, 2022, 11:59 p.m., Eastern Time.

*Part II of the Formula Grant EASIE Applications Available:* April 4, 2022.

*Deadline for Transmittal of EASIE Part II:* May 13, 2022, 11:59 p.m., Eastern Time.

Submit applications for grants under this program electronically using EASIE located in the OMB MAX Survey portal. For information (including dates and times) about how to submit your application, please refer to *Other Submission Requirements* in section IV of this notice.

OIE will only consider an application that is compliant with deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid

in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT**. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department, you must—

a. Have a Data Universal Numbering System (DUNS)/Unique Entity Identification (UEI) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS/UEI number and TIN with the System for Award Management (SAM), the Government's primary registrant database;

c. Provide your DUNS/UEI number and TIN on your SAM application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS/UEI number from Dun and Bradstreet at the following website: <http://fedgov.dnb.com/webform>. A DUNS/UEI number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data you enter in the SAM database. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS/UEI number and TIN. We strongly recommend that you register early.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your

DUNS/UEI number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS/UEI number and TIN in SAM or updating your existing SAM account, we have prepared a *SAM.gov* Tip Sheet, which you can find [www.ed.gov/fund/grant/apply/sam-faqs.html](http://www.ed.gov/fund/grant/apply/sam-faqs.html).

6. *Other Submission Requirements:*  
a. *Electronic Submission of*

*Applications.*

*Electronic Application System for Indian Education (EASIE):* EASIE is an electronic application within OMB MAX Survey using an entity-specific link. It is divided into two parts—EASIE Part I and EASIE Part II.

EASIE Part I, student count, provides the appropriate data-entry screens to submit verified, aggregated, Indian student count totals based on either the Indian School Equalization Program (ISEP) count or the Indian Student Eligibility Certification Form (ED 506 Form). All applicants must submit a current Indian student count for FY 2022. Applicants must use the ED 506 Form to document eligible Indian students; however, BIE schools may use either the ISEP count or the ED 506 Form count to verify their Indian student counts. Applicants must protect the privacy of all individual data collected and only report aggregated data to the Secretary.

Applicants that verify their Indian student count with the ED 506 Form must document their Indian student counts by completing the following: (1) Each year, the applicant must verify there is a valid ED 506 Form for each Indian child included in the count; (2) all ED 506 Forms included in the count must be completed, signed, and dated by the parent, and be on file; (3) the applicant must maintain a copy of the student enrollment roster(s) covering the same period of time indicated in the application as the count period; and (4) each Indian child included in the count must be listed on the LEA's enrollment roster(s) for at least one day during the count period.

BIE schools that enter an ISEP count to verify their Indian student count must use the most current Indian student count certified by the BIE.

Once an Indian child is determined to be eligible to be counted for such grant award, the applicant must maintain a record of such determination and must not require a new or duplicate determination or form to be made for such child for a subsequent application for a grant under this program.

Applicants must indicate the time span for the project objectives and corresponding activities and services for Indian students. Applicants can choose to set objectives that remain the same for up to four years to facilitate data collection and enhance long-term planning.

In EASIE Part II, all applicants are required to—

(1) Select the type of program being submitted as either regular formula grant program, formula grant project consolidated with a Title I schoolwide program, or integration of services under ESEA section 6116;

(2) Select the grade levels offered by the LEA or BIE school;

(3) Identify, from a list of possible Department grant programs (e.g., ESEA Title I), the programs in the LEA that are currently coordinated with a Title VI project, or with which the school district plans to coordinate during the project year, in accordance with ESEA section 6114(c)(5), and describe the comprehensive program for Indian students with those grant programs;

(4) Describe the professional development opportunities that will be provided as part of a comprehensive program to ensure that teachers and other school professionals who are new to the Indian community are prepared to work with Indian children, and that all teachers who will be involved in programs assisted by this grant have been properly trained to carry out such programs, as required by ESEA section 6114(b)(5);

(5) Provide information on how the State assessment data of all Indian students (not just those served) are used and how such information will be disseminated to the Indian community, Indian Parent Committee, and Indian Tribes whose children are served by the LEA. Also describe how assessment data from the previous school year (SY) were used, as required by ESEA section 6114(b)(6);

(6) Indicate when the public hearing was held for FY 2022–23, as required by ESEA section 6114(c)(3)(C);

(7) For an applicant that is an LEA, BIE school, or a consortium of LEAs or BIE schools, describe the process the applicant used to meaningfully collaborate with Indian Tribes located in the community in a timely, active, and ongoing manner in the development of the comprehensive program and the actions taken as a result of such collaboration (ESEA section 6114(b)(7));

(8) Identify specific project objectives that will further the goal of providing culturally responsive education for Indian students to meet their academic needs and help them meet State

achievement standards (ESEA section 6115(b)), and identify the data sources that will be used to measure progress toward meeting project objectives;

(9) For an LEA that selects a schoolwide application, identify how the use of such funds in a schoolwide program will produce benefits to Indian students that would not be achieved if the funds were not used in a schoolwide program (ESEA section 6115(c)(3));

(10) Submit a program budget and justification based on the estimated grant amount that the EASIE system calculates from the Indian student count submitted in EASIE Part I. After the initial grant amounts are determined, additional funds may become available due to such circumstances as withdrawn applications or reduction in another applicant's student count. An applicant whose award amount increases or decreases more than \$5,000 must submit a revised budget prior to receiving its grant award but will not need to re-certify its application. If an applicant's award amount increases or decreases by less than \$5,000, a budget update is not required. For an applicant that receives an increased award amount following submission of its original budget, the applicant must allocate the increased amount only to previously approved budget categories;

(11) As required by section 427 of the General Education Provisions Act (GEPA), describe the steps the applicant proposes to take to ensure equitable access to, and participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age; and

(12) If needed, provide additional comments to assist OIE in the review of the application.

*Registration for Formula Grant EASIE:* Current, former, and new applicants interested in submitting a Formula Grant EASIE application must register for EASIE. Prior to the opening of EASIE Part I, PSC will send a broadcast to prior year grantees and new prospective applicants that have contacted PSC and registered for EASIE. All recipients who receive PSC's broadcast will be asked to complete their intent to apply for the upcoming application period in the EASIE Portal. All prospective applicants will be provided the opportunity to confirm if any updates to their registration information are necessary, and/or if they would like to completely decline registration. Entities that do not have an active Registration or are new



applicants should contact the PSC listed under **FOR FURTHER INFORMATION CONTACT** to register any time before the EASIE Part I application deadline date. Registration *does not* serve as the entity's grant application. For assistance registering, contact the PSC listed under **FOR FURTHER INFORMATION CONTACT**.

*Certification for EASIE:* The applicant's AOR, which must be a senior level official (Superintendent, Tribal Chief, or similar) of the entity and legally authorized by the applicant organization to approve the application, must certify EASIE Part I and Part II by the deadline date. Each applicant should identify at least three system users, one for each of the following: Project Director, Authorized Official Representative, and another party (such as a Budget Director) designated to answer questions in the event the project director is unavailable. The certification process ensures that the information in the application is true, reliable, and valid. An applicant that provides a false statement in the application may be subject to penalties under the False Claims Act (18 U.S.C. 1001).

*b. Submission of Paper Applications by Mail.*

We discourage paper applications, but if electronic submission is not possible (e.g., you do not have access to the internet), you must provide a written statement that you intend to submit a paper application. Send this written statement no later than Monday, January 11, 2022.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date of EASIE Part I. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date of EASIE Part I. If you email the written statement, it must be sent no later than two weeks before the application deadline date to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Address and mail or fax your statement to: Dr. Crystal C. Moore, U.S. Department of Education, Office of Indian Education, 400 Maryland Avenue SW, MS 6335, Washington, DC 20202-6335. FAX: (202) 205-0606.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

You must mail the original and two copies of your application, on or before the application deadline dates for both EASIE Part I and Part II, to the Department at the following address: U.S. Department of Education, Office of

Indian Education, Attention: Assistance Listing Number 84.060A, 400 Maryland Avenue SW, MS 6335, Washington, DC 20202-6335.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

*Note:* The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

We will not consider applications postmarked after the application deadline date for EASIE Part I or Part II.

*c. Submission of Paper Applications by Hand Delivery.*

If you are submitting a paper application, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline dates for both EASIE Part I and Part II, to the Department at the following address: U.S. Department of Education, Office of Indian Education, Attention: Assistance Listing Number 84.060A, 400 Maryland Avenue SW, MS 6335, Washington, DC 20202-6335.

The program office accepts hand deliveries daily between 8:00 a.m. and 4:30 p.m., Eastern Time, except Saturdays, Sundays, and Federal holidays.

*Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the Assistance Listing Number, including suffix letter, of this program—84.060A; and

(2) The program office will mail you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should contact the program office at (202) 453-5593.

## V. Grant Administration Information

*1. Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

*2. Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice. We reference the regulations outlining the terms and conditions of a grant in the *Applicable Regulations* section of this notice.

*3. Reporting:* (a) If you apply for a grant under this program, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) You must submit a final annual performance report (APR) using EASIE via the OMB MAX Survey entity-specific link, including financial information, as directed by the Secretary, within 120 days after the close of the grant year. Grantees will be able to access the APR via the EASIE portal link provided to registered entities prior to the system being open to users. Grantees will receive an email from the PSC identifying the date that the APR will be available to grantees and the deadline for its transmission.

*4. Performance Measures:* For the purposes of Department reporting under 34 CFR 75.110, we have established the following key performance measures for assessing the effectiveness and efficiency of the Formula Grants program: (1) The percentage of Indian students in grades four and eight who score at or above the basic level in reading on the National Assessment of Educational Progress (NAEP); (2) the percentage of Indian students in grades four and eight who score at or above the basic level in mathematics on the NAEP; (3) the percentage of Indian students in grades three through eight meeting State achievement standards by scoring at or

above the proficient level in reading and mathematics on State assessments; (4) the difference between the percentage of Indian students in grades three through eight at or above the proficient level in reading and mathematics on State assessments and the percentage of all students scoring at those levels; (5) the percentage of Indian students who graduate from high school as measured by the four-year adjusted cohort graduation rate; (6) the percentage of grantees providing culturally responsive activities; and (7) the percentage of funds used by grantees prior to award close-out.

*Note:* In any year in which NAEP or State assessment data are systematically unavailable, reporting of such data will not be required and will not be used for purposes of performance measures.

5. *Integrity and Performance System:* If you receive an award under this grant program that over the course of the project period may exceed the simplified acquisition threshold (currently \$250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through SAM. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

## VI. Other Information

*Accessible Format:* On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (TXT), a thumb drive, an MP3 file, braille, large print, audiotape,

or compact disc, or other accessible format.

*Electronic Access to This Document:* The official version of this document is published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as other documents of this Department published in the **Federal Register**, in text or PDF. To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Ian Rosenblum,**

*Deputy Assistant Secretary for Policy and Programs Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary of the Office of Elementary and Secondary Education.*

[FR Doc. 2022-00059 Filed 1-6-22; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Request for Information (RFI) Regarding Planning for Establishment of a Program To Support the Availability of High-Assay Low-Enriched Uranium (HALEU) for Civilian Domestic Research, Development, Demonstration, and Commercial Use

**AGENCY:** Office of Nuclear Energy, Department of Energy.

**ACTION:** Extension of comment period.

**SUMMARY:** On December 14, 2021, the U.S. Department of Energy (DOE or the Department) issued a RFI inviting input on the planning for establishment of a DOE HALEU Availability Program and to gather information to consider in preparing the required report to Congress describing actions proposed to be carried out by DOE under the program. The Energy Act of 2020 authorized the Department to establish and carry out, through the Office of Nuclear Energy, a program to support the availability of HALEU for civilian domestic research, development, demonstration, and commercial use. The RFI established a January 13, 2022, deadline for the submission of written comments. DOE is extending the comment period to February 14, 2022.

**DATES:** The comment period for the RFI published on December 14, 2021 (86 FR 71055) is extended. DOE will accept

comments, data, and information responding to this RFI submitted on or before February 14, 2022.

**ADDRESSES:** Interested persons may submit comments by any of the following methods:

1. *Email:* [rfi-haleu@hq.doe.gov](mailto:rfi-haleu@hq.doe.gov). Submit electronic comments in Microsoft Word or PDF file format and avoid the use of special characters or any form of encryption. Please include "Response to RFI" in the subject line.
2. *Postal Mail:* This option is not available.
3. *Hand Delivery/Courier:* This option is not available during the COVID-19 pandemic.
4. *Online:* Responses will be accepted online at [www.regulations.gov](http://www.regulations.gov).

*Instructions:* All submissions received must include the agency name for this RFI. No facsimiles (faxes) will be accepted. Any information that may be business proprietary and exempt by law from public disclosure should be submitted as described in Section IV of this document.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be sent to: [rfi-haleu@hq.doe.gov](mailto:rfi-haleu@hq.doe.gov) or Dr. Daniel Vega, [daniel.vega@nuclear.energy.gov](mailto:daniel.vega@nuclear.energy.gov), (202) 586-0235, or Michael Reim, [michael.reim@nuclear.energy.gov](mailto:michael.reim@nuclear.energy.gov), (202) 586-0509.

Please include "Question on HALEU RFI" in the subject line.

**SUPPLEMENTARY INFORMATION:** On December 14, 2021, the U.S. Department of Energy (DOE) published a request for information (RFI) in the **Federal Register** (86 FR 71055). DOE issued this RFI to invite input on the planning for establishment of a DOE HALEU Availability Program and to gather information to consider in preparing the required report to Congress describing actions proposed to be carried out by DOE under the program. The Energy Act of 2020 authorized the Department to establish and carry out, through the Office of Nuclear Energy, a program to support the availability of high-assay low-enriched uranium (HALEU) for civilian domestic research, development, demonstration, and commercial use. A HALEU Availability Program, leading to the deployment and commercialization of clean energy technologies and infrastructure, could secure a critical domestic supply chain for meeting the Administration's climate, economic, and energy security goals. The RFI established a January 13, 2022, deadline for the submission of written comments. DOE has received requests from the public for extension of the public comment period. In response to those requests, DOE is extending the

comment period to February 14, 2022, to provide the public additional time for comment.

### Signing Authority

This document of the Department of Energy was signed on December 28, 2021, by Andrew Griffith, Deputy Assistant Secretary for Nuclear Fuel Cycle and Supply Chain, Office of Nuclear Energy, pursuant to delegated authority from the 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 December 30, 2021.

**Treena V. Garrett,**

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

[FR Doc. 2021-28543 Filed 1-6-22; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22-734-000]

#### SR Arlington, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of SR Arlington, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of

future issuances of securities and assumptions of liability, is January 24, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: January 3, 2022.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2022-00091 Filed 1-6-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Number:* PR22-15-000.

*Applicants:* Columbia Gas of Ohio, Inc.

*Description:* Submits tariff filing per 284.123(b),(e)/: COH Rates Effective 11-29-2021 to be effective 11/29/2021.

*Filed Date:* 12/23/2021.

*Accession Number:* 202112235067.

*Comments/Protests Due:* 5 p.m. ET 1/13/2022.

*Docket Numbers:* RP22-467-000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: Negotiated Rates—Releases eff 1-1-22 to be effective 1/1/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103-5014.

*Comment Date:* 5 p.m. ET 1/18/22.

*Docket Numbers:* RP22-468-000.

*Applicants:* Northern Border Pipeline Company.

*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement—Sequent Energy Management—TL372F to be effective 1/1/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103-5032.

*Comment Date:* 5 p.m. ET 1/18/22.

*Docket Numbers:* RP22-469-000.

*Applicants:* NEXUS Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rates—Releases eff 1-1-22 to be effective 1/1/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103-5038.

*Comment Date:* 5 p.m. ET 1/18/22.

*Docket Numbers:* RP22-470-000.

*Applicants:* Equitrans, L.P.

*Description:* § 4(d) Rate Filing: Negotiated Rate Capacity Release Agreements—1/1/2022 to be effective 1/1/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103-5039.

*Comment Date:* 5 p.m. ET 1/18/22.

*Docket Numbers:* RP22-471-000.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* § 4(d) Rate Filing: REX 2022-01-03 Negotiated Rate Agreement Amendment to be effective 1/2/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103-5066

*Comment Date:* 5 p.m. ET 1/18/22.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

#### Filings in Existing Proceedings

*Docket Numbers:* RP22-454-001.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* Tariff Amendment: REX 2020-01-03 RP22-454 Amendment to be effective 1/1/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103-5075.

*Comment Date:* 5 p.m. ET 1/18/22.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: January 3, 2022.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2022-00093 Filed 1-6-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP22-34-000]

#### Southern Natural Gas Company LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on December 22, 2021, Southern Natural Gas Company LLC (SNG) filed a prior notice request for authorization, in accordance with 18 CFR 157.208 and 157.210 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act and SNG's blanket certificate issued in Docket No. CP82-406-000 to: (1) Construct approximately 2.2 miles of 8-inch-diameter pipeline (Cordova Connector Line) in Walker County, Alabama; (2) modify existing facilities along the SNG system in Walker, Morgan, Calhoun, Jefferson, and Tuscaloosa counties, Alabama; and (3) re-wheel the existing Compressor Unit #1 at SNG's Providence Compressor Station in Tuscaloosa County, Alabama (North System 2022 Project or Project). The proposed project will provide 25,000 dekatherms per day of new firm transportation capacity to Spire at an

existing delivery point in zone 2 on SNG's system from an existing interconnection with BBT AlaTenn, LLC. SNG states that the project will increase the efficiency of SNG's system and provide additional capacity without the need for installation of additional compression and estimates that the cost of the project will be about \$15 million, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions concerning this application should be directed to Tina Hardy, Manager, Rates and Regulatory, Southern Natural Gas Company LLC, Post Office Box 2563, Birmingham, Alabama 35202-2563, at (205) 325-3668; or email at [Tina\\_Hardy@kindermorgan.com](mailto:Tina_Hardy@kindermorgan.com).

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,<sup>1</sup> within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all

federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

### Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 4, 2022. How to file protests, motions to intervene, and comments is explained below.

### Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,<sup>2</sup> any person<sup>3</sup> or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,<sup>4</sup> and must be submitted by the protest deadline, which is March 4, 2022. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

### Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure<sup>5</sup> and the regulations under the NGA<sup>6</sup> by the intervention deadline for the project, which is March 4, 2022.

<sup>2</sup> 18 CFR 157.205.

<sup>3</sup> Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

<sup>4</sup> 18 CFR 157.205(e).

<sup>5</sup> 18 CFR 385.214.

<sup>6</sup> 18 CFR 157.10.

<sup>1</sup> 18 CFR (Code of Federal Regulations) 157.9.

As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

#### Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before March 4, 2022. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

#### How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP22-34-000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to Documents and Filings. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making; first select "General" and then select "Protest", "Intervention", or "Comment on a Filing"; or <sup>7</sup>

<sup>7</sup> Additionally, you may file your comments electronically by using the eComment feature,

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP22-34-000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502-8258 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Tina Hardy, Manager, Rates and Regulatory, Southern Natural Gas Company LLC, Post Office Box 2563, Birmingham, Alabama 35202-2563, at (205) 325-3668; or email at [Tina\\_Hardy@kindermorgan.com](mailto:Tina_Hardy@kindermorgan.com). Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

#### Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://www.ferc.gov) using the "eLibrary" link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to [www.ferc.gov/docs-filing/esubscription.asp](http://www.ferc.gov/docs-filing/esubscription.asp).

which is located on the Commission's website at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

Dated: January 3, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-00095 Filed 1-6-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22-729-000]

#### CPV Retail Energy LP; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of CPV Retail Energy LP's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is January 24, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all

interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: January 3, 2022.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2022-00090 Filed 1-6-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 15245-000]

#### **PacifiCorp; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications**

On October 13, 2021, PacifiCorp filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Saddle Mountains Pumped Storage Project (Saddle Mountains Project or project) to be located near Crab Creek and the Columbia River in Grant County, Washington. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

Two alternatives are being considered for the Saddle Mountains Project. Alternative 1 would consist of the following new facilities: (1) An upper reservoir located approximately 7 miles east of Beverly, Washington, with a surface area of 312 acres and a storage volume of approximately 4,750 acre-feet created by a 1,300-foot-long, 25-foot-high embankment dam; (2) a lower reservoir with a surface area of 115 acres

and a storage volume of approximately 4,000 acre-feet created by a 6,775-foot-long, 75-foot-high embankment dam; (3) a 1.5-mile-long steel penstock with a diameter of 23-feet (if only one generating unit is used) or trifurcating into three separate 13.25-foot-diameter segments (if three generating units are used) connecting the upper reservoir with the powerhouse/pump station; (4) a 150-foot-long, 50-foot-wide concrete powerhouse/pump station located on the lower reservoir shoreline containing up to three generating/pumping units for a total generating capacity of 500 megawatts (MW); (5) an approximate 9.0-mile, 230-kilovolt (kV) transmission line interconnecting to a new substation west and north of the project reservoirs and adjacent to the existing Vantage BPA substation that would interconnect to the regional transmission grid; (6) an approximately 10-mile-long underground pipeline diverting water for construction, initial fill, and annual maintenance fill (*i.e.*, water would be sourced west and north of the project reservoirs from one or more of the following: Surface water, the Columbia River and/or its tributaries, groundwater, or storage water); and, (7) appurtenant facilities.

The majority of the facilities for Alternative 2 (*i.e.*, project reservoirs, penstock, and powerhouse, etc.) would be located approximately 3 miles east of their counterparts under Alternative 1. Alternative 2 would consist of the following new facilities: (1) An upper reservoir with a surface area of 100 acres and a storage volume of approximately 3,300 acre-feet created by a 2,370-foot-long, 190-foot-high embankment dam; (2) a lower reservoir with a surface area of 84 acres and a storage volume of approximately 4,000 acre-feet created by a 8,450-foot-long, 60-foot-high embankment dam; (3) a 0.6-mile-long steel penstock with a diameter of 23-feet (if only one generating unit is used) or trifurcating into three separate 13.25-foot-diameter segments (if three generating units are used) connecting the upper reservoir with the powerhouse/pump station; (4) a 150-foot-long, 50-foot-wide concrete powerhouse/pump station located on the lower reservoir shoreline containing up to three generating/pumping units for a total generating capacity of 500 MW; (5) an approximate 12.7-mile, 230-kV transmission line interconnecting to the same substation under Alternative 1; (6) an approximately 10-mile-long underground pipeline diverting water for construction, initial fill, and annual maintenance fill (*i.e.*, water would be sourced west of the project reservoirs

and south of the source location for Alternative 1 from one or more of the following: Surface water, the Columbia River and/or its tributaries, groundwater, or storage water); and, (7) appurtenant facilities.

The estimated annual generation of the Saddle Mountains Project would be 1,460 gigawatt-hours.

*Applicant Contact:* Tim Hemstreet, Managing Director, Renewable Energy Development, PacifiCorp, 825 NE Multnomah, Suite 1800, Portland, OR 97232; email: [Tim.Hemstreet@pacificorp.com](mailto:Tim.Hemstreet@pacificorp.com); phone: (503) 813-6170.

*FERC Contact:* Michael Tust; email: [michael.tust@ferc.gov](mailto:michael.tust@ferc.gov); phone: (202) 502-6522.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <https://ferconline.ferc.gov/ferconline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-15245-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's website at <https://www.ferc.gov/ferc-online/elibrary>. Enter the docket number (P-15245) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: January 3, 2022.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2022-00088 Filed 1-6-22; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-1290-010.

*Applicants:* San Diego Gas & Electric Company.

*Description:* Triennial Market Power Analysis for Southwest Region of San Diego Gas & Electric Company.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5162.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER10-2178-038; ER10-2192-038; ER12-1223-023; ER12-1829-018; ER13-1536-022; ER16-2363-005.

*Applicants:* Bluestem Wind Energy, LLC, Exelon Generation Company, LLC, Shooting Star Wind Project, LLC, Wildcat Wind, LLC, Constellation Energy Commodities Group Maine, LLC, Constellation NewEnergy, Inc.

*Description:* Triennial Market Power Analysis for Southwest Power Pool Inc. Region of Constellation NewEnergy, Inc., et al.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5175.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER10-2289-013; ER10-2564-013; ER10-2600-013.

*Applicants:* UNS Electric, Inc., Tucson Electric Power Company, UniSource Energy Development Company.

*Description:* Triennial Market Power Analysis for Southwest Region of UniSource Energy Development Company, et al.

*Filed Date:* 12/29/21.

*Accession Number:* 20211229-5180.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER10-2308-002; ER10-2310-006; ER10-2311-006; ER10-2312-006; ER10-2314-006; ER12-1195-005; ER14-2486-003; ER15-595-003; ER15-924-003; ER15-926-003; ER15-927-003; ER17-2580-002.

*Applicants:* SEMASS Partnership, Covanta Plymouth Renewable Energy, LLC, Covanta Niagara I, LLC, Covanta Haverhill Associates, LP, Covanta Fairfax, Inc., Covanta Union, LLC, Camden County Energy Recovery

Associates, L.P., Covanta Energy Marketing LLC, Covanta Hempstead Company, Covanta Essex Company, Covanta Delaware Valley, L.P., Covanta Delano, Inc.

*Description:* Notice of Change in Status of Covanta Delano, Inc., et al.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5183.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER10-2721-011.

*Applicants:* El Paso Electric Company.

*Description:* Triennial Market Power Analysis for Southwest Region of El Paso Electric Company.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5164.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER10-2881-038; ER15-647-008; ER15-2191-007; ER16-750-008; ER16-2659-006; ER19-2005-002; ER20-136-003; ER21-2287-002.

*Applicants:* Glass Sands Wind Energy, LLC, Reading Wind Energy, LLC, Wildhorse Wind Energy, LLC, Grant Plains Wind, LLC, Bethel Wind Farm LLC, Grant Wind, LLC, Kay Wind, LLC, Alabama Power Company.

*Description:* Triennial Market Power Analysis for Southwest Power Pool Inc. Region of Alabama Power Company, et al.

*Filed Date:* 12/29/21.

*Accession Number:* 20211229-5183.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER18-2118-011; ER20-2179-005; ER12-569-026; ER16-2453-016; ER16-2190-015; ER16-2191-015; ER15-1925-019; ER15-2676-018; ER16-1672-016; ER13-712-027; ER17-2152-012; ER20-1986-003; ER10-1849-025; ER18-882-011; ER21-2296-001; ER10-1852-054; ER11-2642-020; ER20-2019-004; ER20-2064-004; ER12-1228-026; ER21-2225-001; ER16-2275-014; ER16-2276-014; ER21-2117-001; ER18-2003-010; ER14-2707-021; ER20-1907-003; ER21-2149-001.

*Applicants:* Minco Wind Energy II, LLC, Minco Wind I, LLC, Mammoth Plains Wind Project, LLC, Lorenzo Wind, LLC, Little Blue Wind Project, LLC, Kingman Wind Energy II, LLC, Kingman Wind Energy I, LLC, Irish Creek Wind, LLC, High Majestic Wind II, LLC, High Majestic Wind I, LLC, Gray County Wind, LLC, FPL Energy South Dakota Wind, LLC, Florida Power & Light Company, Ensign Wind Energy, LLC, Elk City Renewables II, LLC, Elk City Wind, LLC, Day County Wind I, LLC, Cottonwood Wind Project, LLC, Cimarron Wind Energy, LLC, Chaves County Solar, LLC, Cedar Bluff Wind, LLC, Breckinridge Wind Project, LLC, Brady Wind II, LLC, Brady Wind, LLC, Brady Interconnection, LLC, Blackwell

Wind, LLC, Baldwin Wind Energy, LLC, Armadillo Flats Wind Project, LLC.

*Description:* Triennial Market Power Analysis for Southwest Power Pool Inc. Region of NextEra Companies Part 1, et al.

*Filed Date:* 12/28/21.

*Accession Number:* 20211228-5245.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER21-2699-001; ER18-2066-005; ER12-895-024; ER18-2182-010; ER11-4462-056; ER17-838-031; ER10-1951-034; ER16-2241-014; ER20-2648-004; ER20-792-004; ER16-2297-014; ER14-2710-021; ER15-58-019; ER20-1991-004; ER18-1981-010; ER16-1440-015; ER16-2240-015; ER19-1128-004; ER14-2708-022; ER14-2709-021; ER15-30-019; ER18-2314-006; ER20-2603-004; ER20-2597-004; ER19-2513-006; ER20-637-004; ER18-2032-010; ER20-780-004; ER13-2474-020; ER20-2237-004; ER19-2495-006.

*Applicants:* Wessington Springs Wind, LLC, Weatherford Wind, LLC, Steele Flats Wind Project, LLC, Sooner Wind, LLC, Wildcat Ranch Wind Project, LLC, Wilton Wind Energy I, LLC, Wilton Wind Energy II, LLC, Soldier Creek Wind, LLC, Skeleton Creek Wind, LLC, Sholes Wind Energy, LLC, Seiling Wind Interconnection Services, LLC, Seiling Wind II, LLC, Seiling Wind, LLC, Rush Springs Energy Storage, LLC, Rush Springs Wind Energy, LLC, Roswell Solar, LLC, Pratt Wind, LLC, Ponderosa Wind, LLC, Palo Duro Wind Interconnection Services, LLC, Palo Duro Wind Energy, LLC, Osborn Wind Energy, LLC, Oklahoma Wind, LLC, Northern Divide Wind, LLC, Ninnescah Wind Energy, LLC, Gexa Energy L.L.C., NextEra Energy Marketing, LLC, NEPM II, LLC, Minco IV & V Interconnection, LLC, Minco Wind Interconnection Services, LLC, Minco Wind IV, LLC, Minco Wind Energy III, LLC.

*Description:* Triennial Market Power Analysis for Southwest Power Pool Inc. Region of NextEra Companies Part 2, et al.

*Filed Date:* 12/29/21.

*Accession Number:* 20211229-5178.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER22-745-000.  
*Applicants:* Cove Mountain Solar, LLC.

*Description:* Baseline eTariff Filing: Reactive Power Compensation Baseline to be effective 12/31/2021.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5002.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER22-746-000.  
*Applicants:* Cove Mountain Solar 2, LLC.

*Description:* Baseline eTariff Filing: Reactive Power Compensation Baseline to be effective 12/31/2021.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5004.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER22-747-000.

*Applicants:* New England Power Pool Participants Committee.

*Description:* § 205(d) Rate Filing: January 2022 Membership Filing to be effective 1/1/2022.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5006.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER22-748-000.

*Applicants:* Alabama Power Company.

*Description:* § 205(d) Rate Filing: Decatur Solar Energy Center Amended and Restated LGIA Filing to be effective 12/15/2021.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5098.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER22-749-000.

*Applicants:* Alabama Power Company.

*Description:* Initial rate filing: Chautauqua Solar Affected System Upgrade Agreement Filing to be effective 10/18/2021.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5176.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER22-750-000.

*Applicants:* Georgia Power Company.

*Description:* Initial rate filing: Chautauqua Solar Affected System Upgrade Agreement Filing to be effective 10/18/2021.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5179.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER22-751-000.

*Applicants:* Mississippi Power Company.

*Description:* Initial rate filing: Chautauqua Solar Affected System Upgrade Agreement Filing to be effective 10/18/2021.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5180.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER22-752-000.

*Applicants:* New York Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: Section 205 filing of LGIA among NYISO, LIPA and South Fork Wind SA No. 2671 to be effective 12/15/2021.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230-5222.

*Comment Date:* 5 p.m. ET 1/20/22.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/>

by querying the [fercgensearch.asp](http://fercgensearch.asp) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: December 30, 2021.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2022-00094 Filed 1-6-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22-421-000]

#### Tri-State Generation and Transmission Association, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Tri-State Generation and Transmission Association, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is January 24, 2022.

The Commission encourages electronic submission of protests and

interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Dated: January 3, 2022.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2022-00089 Filed 1-6-22; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC22-31-000.

*Applicants:* CPV Fairview, LLC.

*Description:* Application for Authorization Under Section 203 of the Federal Power Act of CPV Fairview, LLC.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103-5306.

*Comment Date:* 5 p.m. ET 1/24/22.



Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–2721–011.

*Applicants:* El Paso Electric Company.

*Description:* Triennial Market Power Analysis for Southwest Region of El Paso Electric Company.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230–5164.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER10–2906–018; ER10–2908–018; ER19–1716–006.

*Applicants:* Morgan Stanley Energy Structuring, L.L.C., MS Solar Solutions Corp., Morgan Stanley Capital Group Inc.

*Description:* Triennial Market Power Analysis for Southwest Region of Morgan Stanley Capital Group Inc., et al.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230–5283.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER10–3026–009; ER12–1470–010; ER16–1833–006; ER18–836–003.

*Applicants:* Energia Sierra Juarez 2 U.S., LLC, Sempra Gas & Power Marketing, LLC, Energia Sierra Juarez U.S., LLC, Termoelectrica U.S., LLC.

*Description:* Triennial Market Power Analysis for Southwest Region of Termoelectrica U.S., LLC, et al.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5314.

*Comment Date:* 5 p.m. ET 3/4/22.

*Docket Numbers:* ER10–3117–010.

*Applicants:* Lea Power Partners, LLC.

*Description:* Triennial Market Power Analysis for Southwest Power Pool Inc. Region of Lea Power Partners, LLC.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230–5328.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER14–2499–007.

*Applicants:* Oneta Power, LLC.

*Description:* Triennial Market Power Analysis for Southwest Power Pool Inc. Region of Oneta Power, LLC.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230–5285.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER15–1883–013; ER15–1418–013; ER19–1073–005; ER21–2294–001; ER22–415–001; ER21–2304–001; ER16–632–012; ER20–819–006; ER20–820–005; ER16–91–013; ER18–1978–008; ER12–199–018; ER13–1991–018; ER13–1992–018; ER10–1852–055; ER10–1890–019; ER11–2160–019; ER13–2112–014; ER16–90–012; ER17–2340–009; ER15–2477–012; ER11–3635–016; ER19–1392–007; ER10–1962–018; ER15–1375–013; ER20–2695–004; ER18–772–007; ER16–2443–009; ER11–4677–019; ER17–838–032; ER11–4462–

057; ER10–1951–035; ER12–2444–018; ER12–676–015; ER17–196–007; ER18–807–008; ER11–2192–018; ER20–2380–004; ER15–1016–012; ER15–2243–010; ER21–1580–001; ER11–4678–019; ER17–582–010; ER17–583–010; ER12–631–020; ER19–1076–005; ER21–1813–003; ER21–1814–003.

*Applicants:* Yellow Pine Energy Center II, LLC, Yellow Pine Energy Center I, LLC, Windstar Energy, LLC, Windpower Partners 1993, LLC, Whitney Point Solar, LLC, Westside Solar, LLC, Vasco Winds, LLC, Sky River Wind, LLC, Silver State Solar Power South, LLC, Shafter Solar, LLC, Saint Solar, LLC, Red Mesa Wind, LLC, Pinal Central Energy Center, LLC, Pima Energy Storage System, LLC, Perrin Ranch Wind, LLC, North Sky River Energy, LLC, Gexa Energy L.L.C., NEPM II, LLC, NextEra Energy Marketing, LLC, NextEra Energy Montezuma II Wind, LLC, NextEra Blythe Solar Energy Center, LLC, New Mexico Wind, LLC, Mohave County Wind Farm LLC, McCoy Solar, LLC, High Winds, LLC, High Lonesome Mesa Wind, LLC, Hatch Solar Energy Center I, LLC, Golden Hills Wind, LLC, Golden Hills North Wind, LLC, Golden Hills Interconnection, LLC, Genesis Solar, LLC, FPL Energy Montezuma Wind, LLC, FPL Energy Green Power Wind, LLC, Florida Power & Light Company, Desert Sunlight 300, LLC, Desert Sunlight 250, LLC, Coram California Development, L.P., Casa Mesa Wind, LLC, Blythe Solar 110, LLC, Blythe Solar IV, LLC, Blythe Solar III, LLC, Blythe Solar II, LLC, Arlington Solar, LLC, Arlington Energy Center III, LLC, Arlington Energy Center II, LLC, Alta Wind VIII, LLC, Adelanto Solar II, LLC, Adelanto Solar, LLC.

*Description:* Triennial Market Power Analysis for Southwest Region of Adelanto Solar, LLC, et al.

*Filed Date:* 12/29/21.

*Accession Number:* 20211229–5229.

*Comment Date:* 5 p.m. ET 2/28/22.

*Docket Numbers:* ER20–2222–002.

*Applicants:* Crystal Lake Wind III, LLC.

*Description:* Compliance filing; Compliance Filing in Docket ER20–2222 to be effective 9/1/2020.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5037.

*Comment Date:* 5 p.m. ET 1/24/22.

*Docket Numbers:* ER20–287–007.

*Applicants:* CPV Fairview, LLC.

*Description:* Compliance filing; Informational Filing Regarding Planned Transfer to be effective N/A.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5281.

*Comment Date:* 5 p.m. ET 1/24/22.

*Docket Numbers:* ER22–221–000.

*Applicants:* DesertLink, LLC.

*Description:* Informational Update Regarding 2022 Base Transmission Revenue Requirement of DesertLink, LLC.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5335.

*Comment Date:* 5 p.m. ET 1/24/22.

*Docket Numbers:* ER22–703–001.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Amendment to Revisions to PJM's FTR Credit Requirement to be effective 3/1/2022.

*Filed Date:* 12/30/21.

*Accession Number:* 20211230–5252.

*Comment Date:* 5 p.m. ET 1/20/22.

*Docket Numbers:* ER22–753–000.

*Applicants:* Consolidated Edison Company of New York, Inc.

*Description:* § 205(d) Rate Filing: PASNY RY3–WDS 1–1–2021 to be effective 1/1/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5008.

*Comment Date:* 5 p.m. ET 1/24/22.

*Docket Numbers:* ER22–754–000.

*Applicants:* Consolidated Edison Company of New York, Inc.

*Description:* § 205(d) Rate Filing: WDS RY 3 1–2022 to be effective 1/1/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5009.

*Comment Date:* 5 p.m. ET 1/24/22.

*Docket Numbers:* ER22–755–000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) Rate Filing: Amended Letter Agreement 326FW 8me LLC SA No. 253 to be effective 1/4/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5207.

*Comment Date:* 5 p.m. ET 1/24/22.

*Docket Numbers:* ER22–756–000.

*Applicants:* Central Hudson Gas & Electric Corporation.

*Description:* § 205(d) Rate Filing: Revision to FERC Rate Schedule 206 to be effective 12/1/2021.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5331.

*Comment Date:* 5 p.m. ET 1/24/22.

*Docket Numbers:* ER22–757–000.

*Applicants:* Caddo Wind, LLC, Diamond Spring, LLC.

*Description:* § 205(d) Rate Filing: Caddo Wind, LLC submits tariff filing per 35.13(a)(2)(iii): Triennial Market Power Update and Seller Category Tariff Revision to be effective 3/5/2022.

*Filed Date:* 1/3/22.

*Accession Number:* 20220103–5347.

*Comment Date:* 5 p.m. ET 1/24/22.

The filings are accessible in the Commission's eLibrary system (<https://>

[library.ferc.gov/idmws/search/fercgensearch.asp](http://library.ferc.gov/idmws/search/fercgensearch.asp)) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: January 3, 2022.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2022-00092 Filed 1-6-22; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9369-01-OA]

### Notification of a Public Meeting of the Chartered Clean Air Scientific Advisory Committee (CASAC) and CASAC Particulate Matter Panel

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office announces a public meeting of the Chartered Clean Air Scientific Advisory Committee (CASAC) and CASAC Particulate Matter (PM) Panel to discuss draft CASAC reports on the Agency's Draft Supplement to the 2019 Integrated Science Assessment (ISA) for PM and the Draft PM Policy Assessment (PA).

**DATES:** The public meeting will be held on February 25, 2022, from 11:00 a.m. to 3:00 p.m., on February 28, 2022, from 11:00 a.m. to 3:00 p.m., and on March 4, 2022, from 11:00 a.m. to 3:00 p.m. All times listed are in Eastern Time.

**ADDRESSES:** The meeting will be conducted virtually. Please refer to the CASAC website at <https://casac.epa.gov> for details on how to access the meeting.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding this notice may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), SAB Staff Office, by telephone at (202) 564-2050 or via

email at [yeow.aaron@epa.gov](mailto:yeow.aaron@epa.gov). General information concerning the CASAC, as well as any updates concerning the meeting announced in this notice can be found on the CASAC website: <https://casac.epa.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background:** The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: Advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six "criteria" air pollutants, including PM.

The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, and conducts business in accordance with FACA and related regulations. The CASAC and the CASAC PM Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Pursuant to FACA and EPA policy, notice is hereby given that the Chartered CASAC and the CASAC PM Panel will hold a public meeting to discuss draft CASAC reports on the Agency's Draft Supplement to the 2019 Integrated Science Assessment (ISA) for PM and the Draft PM Policy Assessment (PA).

**Technical Contacts:** Any technical questions concerning EPA's draft ISA supplement should be directed to Mr. Jason Sacks ([sacks.jason@epa.gov](mailto:sacks.jason@epa.gov)). Any technical questions concerning EPA's PM policy assessment should be directed to Dr. Lars Perlmutter ([perlmutter.lars@epa.gov](mailto:perlmutter.lars@epa.gov)).

**Availability of Meeting Materials:** Prior to the meeting, the review documents, agenda and other materials

will be accessible on the CASAC website: <https://casac.epa.gov>.

**Procedures for Providing Public Input:** Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the CASAC and the EPA review documents, and/or the group conducting the activity, for the CASAC to consider as it develops advice for EPA. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

**Oral Statements:** Individuals or groups requesting an oral presentation during the public meeting will be limited to three minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Aaron Yeow, DFO, in writing (preferably via email) at the contact information noted above by February 18, 2022, to be placed on the list of public speakers.

**Written Statements:** Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by February 18, 2022. It is the SAB Staff Office general policy to post written comments on the web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its websites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without explicit permission of the copyright holder.

**Accessibility:** For information on access or services for individuals with

disabilities, please contact Mr. Aaron Yeow at (202) 564-2050 or [yeow.aaron@epa.gov](mailto:yeow.aaron@epa.gov). To request accommodation of a disability, please contact the DFO, at the contact information noted above, preferably at least ten days prior to each meeting, to give EPA as much time as possible to process your request.

**Thomas H. Brennan,**

*Director, Science Advisory Board Staff Office.*

[FR Doc. 2022-00110 Filed 1-6-22; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9302-01-OMS]

### Privacy Act of 1974; System of Records

**AGENCY:** Office of Land and Emergency Management (OLEM), Environmental Protection Agency (EPA).

**ACTION:** Notice of a modified system of records.

**SUMMARY:** The U.S. Environmental Protection Agency's (EPA), Office of Land and Emergency Management (OLEM) is giving notice that it proposes to modify a system of records pursuant to the provisions of the Privacy Act of 1974. Environmental Assessments of Residential Properties (EARP) is being modified to further clarify the nature of the information, and the ways in which that information may be used and shared with parties who are part of the evaluation and coordination process. This system of records contains information of individuals that is collected in the course of response and environmental assessment actions, including actions taken under a variety of EPA authorities. The information maintained under this System of Records Notice (SORN) is needed to support EPA's decision-making process on what actions may be necessary to address potential environmental impacts at residential properties, including necessary investigation and cleanup activities. This information is collected to ensure an appropriate and cohesive response to situations that may require EPA response activities, and to protect the health and welfare of residents who may be affected by conditions that present a potential environmental or public health threat. The information is maintained as needed for consideration and coordination of environmental response activities. This information may include individuals' contact information, information related to their address or place of residence, correspondence, and

related environmental and public health information collected in the course of investigation, sampling, and cleanup work, as described in further detail below. All exemptions and provisions included in the previously published SORN for EARP will transfer to the modified SORN for EARP.

**DATES:** Persons wishing to comment on this system of records notice must do so by February 7, 2022. New routine uses for this modified system of records will be effective February 7, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OLEM-2021-0038, by one of the following methods:

*Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments.

*Email:* [docket\\_oms@epa.gov](mailto:docket_oms@epa.gov). Include the Docket ID number in the subject line of the message.

*Fax:* (202) 566-1752.

*Mail:* OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

*Hand Delivery:* OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OLEM-2021-0038. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through <https://www.regulations.gov>. The <https://www.regulations.gov> website is an "anonymous access" system for the EPA, which means the EPA will not know your identity or contact information. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. If you send an email comment directly to the EPA without going through <https://www.regulations.gov>, your email

address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/dockets>.

*Docket:* All documents in the docket are listed in the <https://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <https://www.regulations.gov> or in hard copy at the OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. The Public Reading Room is normally open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OMS Docket is (202) 566-1752.

### Temporary Hours During COVID-19

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Joseph Schaefer, Office of Land and Emergency Management (OLEM), Office of Superfund Remediation and Technology Information (OSRTI), Mail Code 205A-ERT, Raritan Depot 2890 Woodbridge Avenue, Edison, NJ 08837; telephone number (732) 906-6920; [Schaefer.Joe@epa.gov](mailto:Schaefer.Joe@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA created a Privacy Act system of records to allow the agency to maintain records that are necessary to conduct environmental assessments at

residential properties in order to respond to emergency situations and during environmental assessment activities conducted by EPA under many different programs including Superfund (42 U.S.C. 9601 *et seq.*), the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*), and the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*). This system of records promotes transparency, efficiency, and improved environmental and health outcomes by encompassing all records associated with EPA residential assessment and response work, including the database repositories, field documentation, and analytical reports.

The previous notices concerning this system of records highlighted that EPA is often required to support or work closely with state and local agencies or other federal agencies evaluating the health and welfare of affected communities. This cooperation and coordination also extends to tribes and tribal agencies.

The previous notices included a list of the types of information commonly gathered in environmental assessments and responses, including: Names of residents; address information; phone number or other contact information; test results from environmental sampling; information about the building structure, such as the age of the structure, information about the service lines, plumbing and pipe information, and building materials in the structure; information about the length of residence or ownership of the structure; and geographic information system (GIS) coordinates. Typical types of information may also include: Age; medical and health information; property ownership and property management information; information about physical dimensions of the property and structures present on the property; information about wells on the property; information about how the property is used; information about sampling locations; and information about prior environmental issues at the property, including prior test results and actions taken. Other site-specific data elements may also be collected if needed for the environmental assessment or response activity.

As described in more detail in the previous notices, information and data collected in environmental assessments and responses will generally be stored in an agency-approved electronic database, which will be managed by EPA system administrators. Other associated records may also be stored in other agency-approved electronic or paper formats, such as Microsoft Excel spreadsheets, Microsoft Word

documents or tables, or in file folders in secure locations. During the course of the assessment and response, records may also be temporarily stored off site in secure facilities such as incident command posts or EPA field offices which are maintained and secured by EPA staff.

The previous notices identified the EPA staff and contractors who might have access to the information in the system of records. The notices also stated that in appropriate circumstances, limited access to the database systems may be provided to state and local public health authorities in conformity with federal, state, and local laws when necessary to protect the environment or public health or safety. To clarify and emphasize the value of inter-governmental coordination and communication, the previous notices are now clarified to confirm that routine uses may include disclosure to any appropriate federal, state, local, and tribal authorities when necessary to protect the environment or public health or safety, including carrying out an investigation or response. Information may also be shared with state agencies and with the public as part of their participation in the Superfund evaluation and decision-making process. This may include public disclosure of addresses where EPA determines cleanup actions are required. In cases of emergency, EPA may also need to share information with members of the public to assure protection of the environment, and public health and safety.

**SYSTEM NAME AND NUMBER:**

Environmental Assessments of Residential Properties (EARP), EPA-74.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

The system is managed by EPA's Office of Land and Emergency Management (OLEM), 1200 Pennsylvania Ave. NW, Mail Code 5103 T, Washington, DC 20460. Information maintained pursuant to this notice may be located at EPA Headquarters Offices or at EPA Regional Offices, or at field offices established as part of the residential assessment field work, depending upon the location where the environmental assessment is conducted or where computer resources are located. Databases may be hosted at the EPA's National Computer Center located at 109 T.W. Alexandra Drive, Durham, NC 27709, or in OLEM's emergency response cloud hosting environment.

**SYSTEM MANAGER(S):**

Joseph Schaefer, Physical Scientist (Environmental), Office of Land and Emergency Management (OLEM), Office of Superfund Remediation and Technology Information (OSRTI), Mail Code 205A-ERT, Raritan Depot 2890 Woodbridge Avenue, Edison, NJ 08837; telephone number (732) 906-6920; [Schaefer.Joe@epa.gov](mailto:Schaefer.Joe@epa.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6981; Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9604, 9660; Clean Air Act (CAA), 42 U.S.C. 7403; Safe Drinking Water Act (SDWA), 42 U.S.C. 300i; 300j-1; Federal Water Pollution Control Act, (FWPCA) 33 U.S.C. 1254, 1318, 1321; Toxic Substances Control Act (TSCA), 15 U.S.C. 2609; Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA) 7 U.S.C. 136r.

**PURPOSE(S) OF THE SYSTEM:**

The EPA has created a Privacy Act system of records to allow EPA to maintain records that are necessary to conduct environmental assessments at residential properties in order to respond to emergency situations and during environmental assessment activities conducted by EPA under many different programs including Superfund, RCRA, and the SDWA. This system of records promotes transparency, efficiency, and improved environmental and health outcomes by encompassing all of the records associated with EPA residential assessment and response work, including the database repositories, field documentation and analytical reports. Over the course of these assessments EPA is often required to support or work closely with state and local agencies or other federal agencies to evaluate the health and welfare of affected communities. EPA's environmental assessment activities at residential properties include: Obtaining and tracking legal access to the properties; gathering environmental data through sampling activities, such as sampling air, water, soil, or other environmental media at sites; collecting structural information such as the age of the structure, information about the service lines, plumbing and pipe information, and building materials in the structure, information about the length of residence or ownership of the structure, and GIS coordinates; and collecting residential contact information such as name, address, and phone number to allow response teams

to correspond with individuals affected by environmental contamination.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Members of the public such as residents, property owners, property managers, and other individuals who may be associated with a property whose information needs to be collected as part of EPA's environmental assessment and response activities. In addition, EPA staff, contractors, grantees, or any other individuals engaged in response activities (including state, local, and tribal employees) may have their information in the system such as name, office address, and contact information to facilitate assessment and response activities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The types of data collected in environmental assessments and responses include names of residents; names of property owners; tenant information; names of property managers; address information; phone number or other contact information; test results from environmental sampling; medical and health information; information about residential structures such as the age of the structure, information about the service lines, plumbing and pipe information, and building materials in the structure; information about the length of residence or ownership of the structure; GIS coordinates; age; property ownership and management information; information about physical dimensions of the property and structures present on the property; information about wells on the property; information about uses of the property; information about sampling locations; and information about prior environmental issues at the property, including prior test results and actions taken. Other site-specific data elements may also be collected if needed for the environmental assessment or emergency response activity.

**RECORD SOURCE CATEGORIES:**

Records within this system of records are obtained by EPA employees, contractors, or grantees collecting environmental assessment data and sample information at residential sites, or from state or local governments who have collected environmental assessment information as part of their response authorities. Environmental assessment data is received from interviews with residents, property owners, property managers, and other individuals who may be associated with

a property, local public records such as property tax data, from inspections of residential properties, from residential property records or other public records, and from other on-site sources such as EPA or contracted laboratories and EPA or contracted GIS systems.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

The routine uses below are both related to and compatible with the original purpose for which the information was collected. The following general routine uses apply to this system:

*A. Disclosure for Law Enforcement Purposes:* Information may be disclosed to the appropriate Federal, State, local, tribal, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information is relevant to a violation or potential violation of civil or criminal law or regulation within the jurisdiction of the receiving entity.

*B. Disclosure Incident to Requesting Information:* Information may be disclosed to any source from which additional information is requested (to the extent necessary to identify the individual, inform the source of the purpose of the request, and to identify the type of information requested,) when necessary to obtain information relevant to an agency decision concerning retention of an employee or other personnel action (other than hiring,) retention of a security clearance, the letting of a contract, or the issuance or retention of a grant, or other benefit.

*D. Disclosure to Office of Management and Budget:* Information may be disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

*E. Disclosure to Congressional Offices:* Information may be disclosed to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

*F. Disclosure to Department of Justice:* Information may be disclosed to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Agency is authorized to appear, when:

1. The Agency, or any component thereof;
2. Any employee of the Agency in his or her official capacity;
3. Any employee of the Agency in his or her individual capacity where the

Department of Justice or the Agency have agreed to represent the employee; or

4. The United States, if the Agency determines that litigation is likely to affect the Agency or any of its components,

Is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Agency is deemed by the Agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.

*G. Disclosure to the National Archives:* Information may be disclosed to the National Archives and Records Administration in records management inspections.

*H. Disclosure to Contractors, Grantees, and Others:* Information may be disclosed to contractors, grantees, consultants, or volunteers performing or working on a contract, service, grant, cooperative agreement, job, or other activity for the Agency and who have a need to have access to the information in the performance of their duties or activities for the Agency. When appropriate, recipients will be required to comply with the requirements of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

*K. Disclosure in Connection With Litigation:* Information from this system of records may be disclosed in connection with litigation or settlement discussions regarding claims by or against the Agency, including public filing with a court, to the extent that disclosure of the information is relevant and necessary to the litigation or discussions and except where court orders are otherwise required under section (b)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(b)(11).

The two routine uses below (L and M) are required by OMB Memorandum M-17-12.

*L. Disclosure to Persons or Entities in Response to an Actual or Suspected Breach of Personally Identifiable Information:* To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that there has been a breach of the system of records, (2) the Agency has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Agency (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Agency's efforts

to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

*M. Disclosure to Assist Another Agency in Its Efforts to Respond to a Breach of Personally Identifiable Information:* To another Federal agency or Federal entity, when the Agency determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

Additional routine uses that apply to this system are:

1. Records may be disclosed to federal, state, local, and tribal authorities in conformity with federal, state, local, and tribal laws when necessary to protect the environment or public health or safety, including carrying out an investigation or response. Personal medical records will not be shared. Information sharing agreements may be used as a mechanism to define appropriate limitations on use and disclosure of Privacy Act information by state, tribal, and local officials. Relevant federal, state, tribal, and local laws may also provide assurance that the information will be kept confidential. Information may also be shared with state agencies and with the public as part of their participation in the Superfund evaluation and decision-making process. This may include public disclosure of addresses where EPA determines cleanup actions are required.

2. In case of emergency, EPA may need to share information with members of the public to assure protection of the environment or public health and safety.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

These records are maintained electronically on computer storage devices such as computer tapes and disks. The computer storage devices are located at EPA OLEM. Backup will be maintained at a disaster recovery site. Computer records are maintained in a secure password protected environment. Access to computer records is limited to those who have a need to know. Other associated records may also be stored in other electronic or paper formats, such as Microsoft Excel spreadsheets, Microsoft Word documents or tables, or

in file folders. During the course of the assessment, records may also be temporarily stored off-site in secure facilities such as incident command posts or EPA field offices which are maintained and secured by EPA staff. Permission level assignments will allow users access only to those functions for which they are authorized. All records are maintained in secure, access-controlled areas or buildings.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Information may be retrieved by any collected data element, such as a resident's name or address, or information may be retrieved by GIS coordinates or by identifying numbers assigned to a person, sampling location, or residence.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records maintained in this system are subject to record schedule 1036, which is still being finalized.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Security controls used to protect personal sensitive data in Environmental Assessments of Residential Properties are commensurate with those required for an information system rated MODERATE for confidentiality, integrity, and availability, as prescribed in National Institute of Standards and Technology (NIST) Special Publication, 800-53, "Security and Privacy Controls for Information Systems and Organizations," Revision 5.

**ADMINISTRATIVE SAFEGUARDS**  
For documents in EPA database systems, those systems have a single point of access via a front-end Portal. All users are required to complete a new user form (signed by their supervisor) and take online security training before they are provided with access. All authorized users of the EARP application are required to take an annual security training identifying the user's role and responsibilities for protecting the Agency's information resources, as well as, consequences for not adhering to the policy. Similarly, those documents maintained on Agency computers prior to placement in EARP are protected by passwords and/or Personal Identity Verification, and all agency users are required to complete a new user form (signed by their supervisor) and take computer security training.

**TECHNICAL SAFEGUARDS**

Electronic records are maintained in a secure, password protected electronic system.

**PHYSICAL SAFEGUARDS**

Paper files are maintained in locked file cabinets when not in use by EPA emergency response staff. All records are maintained in secure, access-controlled areas or buildings.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information in this system of records about themselves are required to provide adequate identification (e.g., driver's license, military identification card, employee badge or identification card). Additional identity verification procedures may be required, as warranted. Requests must meet the requirements of EPA regulations that implement the Privacy Act of 1974, at 40 CFR part 16.

**CONTESTING RECORD PROCEDURES:**

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete EPA Privacy Act procedures are described in EPA's Privacy Act regulations at 40 CFR part 16.

**NOTIFICATION PROCEDURES:**

Any individual who wants to know whether this system of records contains a record about him or her, should make a written request to the EPA, Attn: Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, [privacy@epa.gov](mailto:privacy@epa.gov).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

86 FR 23958 (May 5, 2021), 81 FR 23488 (April 21, 2016).

**Vaughn Noga,**

*Senior Agency Official for Privacy.*

[FR Doc. 2022-00068 Filed 1-6-22; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OAR-2004-0016; FRL-9383-01-OAR]

**Proposed Information Collection Request; Comment Request; Part 71 Federal Operating Permit Program (Renewal)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency is planning to submit an information collection request (ICR), "Part 71 Federal Operating Permit

Program (Renewal)” (EPA ICR No. 1713.13, OMB Control No. 2060–0336) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection. This is a proposed extension of the ICR, which is currently approved through November 30, 2022. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before March 8, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2004–0016, online using <https://www.regulations.gov> (our preferred method), by email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are open to the public by appointment only to reduce the risk of transmitting COVID–19. Docket Center staff will continue to provide remote customer service via email, phone, and webform. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566–1742. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Mayesha Choudhury, Air Quality Policy Division, Office of Air Quality Planning and Standards, C511–E, Environmental Protection Agency, Research Triangle Park, NC; telephone number: (919) 541–5297; fax number: (919) 541–5509; email address: [choudhury.mayesha@epa.gov](mailto:choudhury.mayesha@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov> or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Avenue NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. The EPA’s policy is that all comments received will be included in the public docket without change including any

personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information or other information whose disclosure is restricted by statute. For additional information about EPA’s public docket, visit <https://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**Abstract:** Title V of the Clean Air Act (Act) requires the EPA to operate a federal operating permits program in areas not subject to an approved state program. The EPA regulations setting forth the requirements for the federal (EPA) operating permit program are at 40 CFR part 71. The part 71 program is designed to be implemented primarily by the EPA in all areas where state and local agencies do not have jurisdiction, such as Indian country and offshore, beyond states’ seaward boundaries. The EPA may also delegate authority to implement the part 71 program on its behalf to a state, local or tribal agency, if the agency requests delegation and makes certain showings regarding its authority and ability to implement the program. One such delegate agency for the part 71 program exists at present.

In order to receive an operating permit for a major or other source subject to the permitting program, the applicant must conduct the necessary research, perform the appropriate analyses, and prepare the permit application with documentation to demonstrate that its facility meets all

applicable statutory and regulatory requirements. Specific activities and requirements are listed and described in the Supporting Statement for the part 71 ICR.

Under part 71, the permitting authority (the EPA or a delegate agency) reviews permit applications, provides for public review of proposed permits, issues permits based on consideration of all technical factors and public input, and reviews information submittals required of sources during the term of the permit. Under part 71, the EPA reviews certain actions and performs oversight of any delegate agency, consistent with the terms of a delegation agreement. Consequently, information prepared and submitted by sources is essential for sources to receive permits, and for federal and tribal permitting agencies to adequately review the permit applications and issue the permits, oversee implementation of the permits, and properly administer and manage the program.

Information that is collected is handled according to EPA’s policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 2). See also section 114(c) of the Act.

**Form Numbers:** The forms are 5900–01, 5900–02, 5900–03, 5900–04, 5900–05, 5900–06, 5900–79, 5900–80, 5900–81, 5900–82, 5900–83, 5900–84, 5900–85 and 5900–86.

**Respondents/affected entities:**

Industrial plants (sources) and tribal permitting authorities.

**Respondent’s obligation to respond:** Mandatory (see 40 CFR part 71).

**Estimated number of respondents:** 96 (total); 95 industry sources and one tribal delegate permitting authority (the EPA serves as a permitting authority but is not a respondent).

**Frequency of response:** On occasion.

**Total estimated burden:** 24,024 hours (per year). Burden is defined at 5 CFR 1320.03(b).

**Total estimated cost:** \$1,819,238 (per year). There are no annualized capital or operation and maintenance costs.

**Changes in estimates:** There is an increase of 317 hours per year for the estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to updated estimates of the number of sources and permits subject to the part 71 program, rather than any change in federal mandates.

**Scott Mathias,**

Director, Air Quality Policy Division, Office of Air Quality Planning and Standards (OAQPS).

[FR Doc. 2022–00111 Filed 1–6–22; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

[ER-FRL-9060-2]

**Environmental Impact Statements; Notice of Availability**

*Responsible Agency:* Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>.

Weekly receipt of Environmental Impact Statements (EIS)

Filed December 23, 2021 10 a.m. EST  
Through January 3, 2022 10 a.m. EST  
Pursuant to 40 CFR 1506.9

**Notice**

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

*EIS No. 20220000, Final, NMFS, FL,* Final Amendment 53 to the Fishery Management Plan for the Reef Fish Fishery in the Gulf of Mexico, Review Period Ends: 02/07/2022, Contact: Peter Hood 727-551-5728.

*EIS No. 20220001, Final, USPS, DC,* Next Generation Delivery Vehicle Acquisitions, Review Period Ends: 02/07/2022, Contact: Davon M. Collins 202-268-4570.

*EIS No. 20220002, Final, USN, CA,* Point Mugu Sea Range, Review Period Ends: 02/07/2022, Contact: Cory Scott 805-989-0927.

*EIS No. 20220003, Draft, BLM, UT,* Pine Valley Water Supply Project, Comment Period Ends: 02/22/2022, Contact: Brooklynn Cox 435-865-3073.

**Amended Notice**

*EIS No. 20210172, Draft Supplement, BR, CA,* Sites Reservoir Project Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement, Comment Period Ends: 01/28/2022, Contact: Vanessa King 916-978-5077.

Revision to FR Notice Published 11/12/2021; Extending the Comment Period from 01/11/2022 to 01/28/2022.

Dated: January 3, 2022.

**Cindy S. Barger,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2022-00082 Filed 1-6-22; 8:45 am]

**BILLING CODE 6560-50-P****FEDERAL MARITIME COMMISSION**

[Docket No. 21-17]

**Order of Investigation and Hearing: Ocean Network Express PTE. LTD. and Ocean Network Express (North America) Inc.; Possible Violations**

**AGENCY:** Federal Maritime Commission.  
**ACTION:** Notice of Order of Investigation and Hearing.

**DATES:** The Order of Investigation and Hearing was served December 30, 2021.

**SUPPLEMENTARY INFORMATION:** On December 30, 2021, the Federal Maritime Commission instituted an Order of Investigation and Hearing entitled Ocean Network Express PTD. LTD. and Ocean Network Express (North America), Inc. Possible Violations of 46 U.S.C. 41102(c). Acting pursuant to 46 U.S.C. 41302(a) and 41304, and 46 CFR 502.63, that investigation is instituted to determine:

Whether Ocean Network Express PTD. LTD. and Ocean Network Express (North America), Inc. are violating or have violated section 41102(c) of the Shipping Act by failing to establish, observe, and enforce just and reasonable regulations and practices relating to its practice of demanding payment of charges from Greatway Logistics Group, LLC (Greatway) despite Greatway not being liable for such charges.

The Order may be viewed in its entirety at <http://www.fmc.gov/21-17>.  
*Authority:* 46 U.S.C. 41302.

**William Cody,**

*Secretary.*

[FR Doc. 2022-00052 Filed 1-6-22; 8:45 am]

**BILLING CODE 6730-02-P****FEDERAL TRADE COMMISSION****Privacy Act of 1974; System of Records**

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Notice of modified systems of records.

**SUMMARY:** The FTC is making technical revisions to several of the notices that it has published under the Privacy Act of 1974 to describe its systems of records. This action is intended to make these notices clearer, more accurate, and up-to-date.

**DATES:** This notice shall become final and effective on January 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** G. Richard Gold, Attorney, Office of the General Counsel, FTC, 600

Pennsylvania Avenue NW, Washington, DC 20580, (202) 326-3355.

**SUPPLEMENTARY INFORMATION:** To inform the public, the FTC publishes in the **Federal Register** and posts on its website a "system of records notice" (SORN) for each system of records that the FTC currently maintains within the meaning of the Privacy Act of 1974, as amended, 5 U.S.C. 552a ("Privacy Act" or "Act"). See <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems>. The Privacy Act protects records about individuals in systems of records collected and maintained by Federal agencies. (A system is not a "system of records" under the Act unless the agency maintains and retrieves records in the system by the relevant individual's name or other personally assigned identifier.) Each Federal agency, including the FTC, must publish a SORN that describes the records maintained in each of its Privacy Act systems, including the categories of individuals that the records in the system are about where and how the agency maintains these records, and how individuals can find out whether an agency system contains any records about them or request access to their records, if any. The FTC, for example, maintains 40 systems of records under the Act. Some of these systems contain records about the FTC's own employees, such as personnel and payroll files. Other FTC systems contain records about members of the public, such as public comments, consumer complaints, or phone numbers submitted to the FTC's Do Not Call Registry.

The FTC's SORNs discussed in this notice apply only to the FTC's own Privacy Act record systems. They do not cover Privacy Act records that other Federal agencies may collect and maintain in their own systems. Likewise, the FTC's SORNs and the Privacy Act of 1974 do not cover personal records that private businesses or other non-FTC entities may collect, which may be covered by other privacy laws.

On June 12, 2008, the FTC republished and updated all of its SORNs, describing all of the agency's systems of records covered by the Privacy Act in a single document for ease of use and reference. See 73 FR 33592. To ensure the SORNs remain accurate, FTC staff reviews each SORN on a periodic basis. As a result of this systematic review, the FTC made revisions to several of its SORNs on April 17, 2009 (74 FR 17863), August 27, 2010 (75 FR 52749), February 23, 2015 (80 FR 9460), November 2, 2017



(82 FR 50871), November 6, 2018 (83 FR 55541), April 19, 2019 (84 FR 16493) and March 23, 2020 (85 FR 16361).

Based on a periodic review of its SORNs, the FTC is publishing these additional technical revisions, to ensure that the FTC's SORNs and Appendices remain clear, accurate, and up-to-date:

- First, the FTC is amending several SORNs to clarify or update information about the applicable records disposition schedules published or approved by the National Archives and Records Administration (NARA). These schedules determine how long agency records in each system should be retained and destroyed.

- Second, the FTC is amending multiple SORNs to make other technical changes (e.g., updating the official title of the system manager, the authority for maintenance of the system, and the policies and practices for storage of records).

- Third, the FTC is republishing the full text of each of the above SORNs, incorporating the technical amendments, for the convenience of the reader and in accordance with OMB Circular A-108 (2016), which reorganized the format and content for SORNs published by Federal agencies.

The FTC is not substantively adding or amending any routine uses of its Privacy Act system records. Accordingly, the FTC is not required to provide prior public comment or notice to OMB or Congress for these technical amendments, which are final upon publication. See 5 U.S.C. 552a(e)(11) and 552a(r); OMB Circular A-108, *supra*.

A SORN-by-SORN summary, including a more detailed description of each SORN and how it is being amended, appears below, followed by the full text of the SORNs, as amended.

### **I. Federal Trade Commission Law Enforcement Systems of Records**

*FTC-I-2 (Disciplinary Action Investigatory Files—FTC)*. This SORN covers records compiled to determine whether the FTC should refer an individual practicing before the FTC to appropriate authorities for alleged ethical or other misconduct. The Commission has updated the System Manager from formerly being the Deputy General Counsel for Legal Counsel to now being the Principal Deputy General Counsel. We have also updated the section for Policies and Practices for Storage of Records.

*FTC-I-3 (Informal Advisory Opinion Request and Response Files—FTC)*. This SORN covers the records of individuals who have requested informal advisory opinions from the FTC staff and records

of the responses to such requests. We have updated the section for Policies and Practices for Storage of Records.

*FTC-I-4 (Clearance Applications and Response Files—FTC)*. This SORN covers records of individuals who have requested clearance to participate or appear on behalf of other parties in FTC matters, and records of the FTC's responses to such requests. We have updated the title for the System Manager from Deputy General Counsel to Designated Agency Ethics Official. We have also updated the section for Policies and Practices for Storage of Records.

*FTC-I-6 (Public Records—FTC)*. This SORN covers the FTC's system of public records, which includes comments submitted by consumers and others in rulemakings, workshops, or other FTC proceedings. The FTC makes these public records routinely available for public inspection and copying, including by posting copies of such records on the internet. Most public comments are collected for the FTC by the government-wide Federal Docket Management System (FDMS), through [www.regulations.gov](http://www.regulations.gov), which is now maintained and operated on behalf of all Federal agencies by the General Services Administration (GSA). The FTC's SORN has been updated to show that the GSA is the inter-agency service provider for FDMS and that FDMS is covered by a GSA SORN. We have also updated the section for Policies and Practices for Storage of Records.

### **II. Federal Trade Commission Personnel Systems of Records**

*FTC-II-7 (Ethics Program Records—FTC)*. This SORN covers annual financial statements and other filings or requests made by FTC officials and employees under the FTC's ethics program. The Commission is updating the section on Retention and Disposal to cite the applicable General Records Schedule that was recently approved by NARA for government-wide use.

*FTC-II-9 (Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC)*. This SORN covers records generated by tort claims and other claims filed with the FTC by its employees or others under the named statutes. The FTC is updating the section for Policies and Practices for Storage of Records.

### **III. Federal Trade Commission Financial Systems of Records**

*FTC-III-5 (Employee Transportation Program Records—FTC)*. This SORN covers records relating to FTC employee transportation programs, including

programs administered by the Department of Transportation (DOT) that cover certain commuting costs. The corresponding DOT SORN is DOT/ALL 8 (Employee Transportation Facilitation). See 80 FR 64493–64495 (2015). The Commission has updated the official title of the FTC system manager. The Commission is also updating the section on Retention and Disposal to cite the applicable General Records Schedule that was recently approved by NARA for government-wide use.

### **VII. FTC Miscellaneous Systems of Records**

*FTC-VII-3 (Computer Systems User Identification and Access Records—FTC)*. This SORN covers records that the FTC maintains on individual users of computer systems operated by the FTC or on its behalf in order to monitor and control their usage of such systems. The FTC has updated the Authority for Maintenance of the System.

*FTC-VII-6 (Document Management and Retrieval System—FTC)*. This SORN covers legacy and current electronic data collections of FTC memoranda and other agency records that may be managed by and retrieved by the author's name or other personal identifiers. We have updated the section for Policies and Practices for Storage of Records.

### **FTC Systems of Records Notices**

In light of the updated SORN template set forth in the revised OMB Circular A-108 (2016), the FTC is reprinting the entire text of each amended SORN when necessary for the public's benefit, to read as follows:

#### **I. Law Enforcement Systems of Records**

\* \* \* \* \*

#### **SYSTEM NAME AND NUMBER:**

Disciplinary Action Investigatory Files—FTC (FTC-I-2).

#### **SECURITY CLASSIFICATION:**

Unclassified.

#### **SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

#### **SYSTEM MANAGER(S):**

Principal Deputy General Counsel, Office of General Counsel, Federal

Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Executive Order 10450.

**PURPOSE(S) OF THE SYSTEM:**

To conduct disciplinary action investigations; to make determinations based upon the results of the investigations; to report results of investigations to other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil, or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for any action deemed appropriate; and to maintain records related to those matters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

FTC personnel, counsel for parties in investigative or adjudicative proceedings, and others participating in FTC matters who may be subject to investigation for possible improper or unethical conduct.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, employment status, age, date of birth, financial information, credit information, personal history, and records collected and generated during the investigation, which may include correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation, and accompanying exhibits; documents, records or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to alleged violations.

**RECORD SOURCE CATEGORIES:**

Individual on whom the record is maintained, complainants, informants, witnesses, and Commission personnel having knowledge or providing analysis of matter.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system:  
(1) May be used to determine whether disciplinary action, including suspension or disbarment from practice before the Commission, is warranted;

(2) May be transferred to the Office of Personnel Management, to a court, or a bar association; and

(3) May be used by personnel of other agencies, courts, or bar associations to whom the matter is referred.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

The FTC generally maintains these records in electronic or paper format.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are indexed by individual's name, company name, industry investigation title, file or docket number.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by "user ID" and password combination and/or other appropriate electronic access or network controls (*e.g.*, firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

Pursuant to 5 U.S.C. 552a(k)(2), records in this system are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

**HISTORY:**

73 FR 33591–33634 (June 12, 2008).

**SYSTEM NAME AND NUMBER:**

Informal Advisory Opinion Request and Response Files—FTC (FTC–I–3).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

**SYSTEM MANAGER(S):**

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

**PURPOSE(S) OF THE SYSTEM:**

To respond to requests for informal advisory opinions; to maintain records of such requests and the staff's responses; for use by staff in coordinating and preparing future advisory opinions and assuring the consistency of such opinions; to make records of such requests and staff responses available within the FTC for historical, legal research, investigational, and similar purposes (see FTC–VII–6, Document Management and Retrieval System—FTC); and also to make appropriate portions of such records available to the public (see FTC–I–6, Public Records—FTC).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants for informal advisory opinions from FTC staff under § 1.1(b) of the Commission's Rules of Practice, 16 CFR 1.1(b). (Applicants for formal advisory opinions from the Commission under § 1.1(a) of the Rules of Practice, 16 CFR 1.1(a), are covered by FTC-I-1, Nonpublic Investigational and Other Nonpublic Legal Program Records—FTC.)

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, and other contact information of requester; correspondence or other documents about the business and the proposed course of action about which an advisory opinion is being sought; FTC staff responses to requests.

**RECORD SOURCE CATEGORIES:**

Individual proprietorship, corporation, or other business organization, counsel seeking or receiving a staff advisory opinion, and FTC employees.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system may be:

(1) Referred to appropriate federal or state agencies for advice, for law enforcement, or where law enforcement action may be warranted; and

(2) Disclosed on the FTC's public record under the FTC's Rules of Practice. See FTC-I-6, Public Records—FTC.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

The FTC generally maintains these records in electronic or paper format.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are indexed by name of requesting party.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

For records other than those made public, access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by “user ID” and password combination and/or other appropriate electronic access or network controls (e.g., firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

73 FR 33591–33634 (June 12, 2008).

**SYSTEM NAME AND NUMBER:**

Clearance Application and Response Files—FTC (FTC-I-4).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

**SYSTEM MANAGER(S):**

Designated Agency Ethics Official, Office of General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

**PURPOSE(S) OF THE SYSTEM:**

To evaluate applications; to make determinations in response to those applications; to maintain records of consideration given to applications requesting authorization to appear in Commission proceedings; to ensure no conflict of interest between former members or employees of the Commission and active proceedings; to make records of such applications and the agency's responses available within the FTC for historical, legal research, investigational, and similar purposes (see FTC-VII-6, Document Management and Retrieval System—FTC); and also to make appropriate portions of such records available to the public (see FTC-I-6, Public Records—FTC).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Former members or employees of the Commission who request authorization to appear or participate in a proceeding or investigation, formal or informal, which was pending in any manner in the Commission during that individual's tenure at the Commission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, and current employment status of the requesting individual, as well as the nature of any connection with the proceeding or investigation for which clearance is sought; letters responding to those requests indicating the determination of the Commission and outlining reasons for any denial or restriction; internal Commission memoranda evaluating the request and discussing the status of any relevant pending matters.

**RECORD SOURCE CATEGORIES:**

Individual on whom the record is maintained and Commission staff who prepare the memoranda and response to request.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system may be disclosed on the FTC's public record under the FTC's Rules of Practice. See FTC-I-6, Public Records—FTC.

For other ways that the Privacy Act permits the FTC to use or disclose

system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

The FTC generally maintains these records in electronic or paper format.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Indexed by name of the applicant and by the name of the investigation or proceeding.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

For records other than those made public, access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by “user ID” and password combination and/or other appropriate electronic access or network controls (e.g., firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available

on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

Copies of records contained in this system that have been placed on the FTC public record are available upon request or from the FTC's website, where applicable. See FTC–I–6, Public Records—FTC. However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

**HISTORY:**

73 FR 33591–33634 (June 12, 2008).

\* \* \* \* \*

**SYSTEM NAME AND NUMBER:**

Public Records—FTC (FTC–I–6).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

**SYSTEM MANAGER(S):**

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Executive Order 10450; Freedom of Information Act, 5 U.S.C. 552; 16 CFR 4.9.

**PURPOSE(S) OF THE SYSTEM:**

To make appropriate portions of the records in FTC matters available to the public; to enable members of the public to review and comment on or respond to such comments; to maintain records of Commission activities related to those matters.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Participants in Commission investigations, rulemaking, advisory, and law enforcement proceedings; parties requesting formal advisory

opinions; and consumers who have received redress or who are entitled to redress pursuant to Commission or court orders. (Businesses, sole proprietorships, or corporations are not covered by this system.)

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Public comments and other records that an individual may submit in an agency matter, where such record is subject to routine inspection and copying under the FTC's Rules of Practice, 16 CFR 4.9(b). These records include records that either have become or are likely to become the subject of subsequent requests for substantially the same records under the Freedom of Information Act (FOIA). See 5 U.S.C. 552(a)(2)(D). This system (FTC I–6) is limited to files and records that are about an individual, and only when the file or record is pulled (“retrieved”) by the name of that individual or other identifying particular assigned to that individual (e.g., number, symbol, fingerprint, etc.). Public comments received in connection with FTC rulemakings, workshops and consent agreements are also collected on behalf of the FTC and maintained by the Government-wide Federal Docket Management System (FDMS) through a website ([www.regulations.gov](http://www.regulations.gov)). The General Services Administration (GSA) manages and operates the FDMS on behalf of the Federal Government, and has published a system of records notice to cover the FDMS, including any records collected on behalf of the FTC through that system. See GSA/OGP–1 (e-Rulemaking Program Administrative System).

**RECORD SOURCE CATEGORIES:**

Individual respondent(s) or proposed respondent(s), company records, complainants, informants, witnesses, participants, and FTC employees.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system may be:  
(1) Disclosed on the FTC's public record under the FTC's Rules of Practice, including by posting copies of such records on the FTC's website, [www.ftc.gov](http://www.ftc.gov), or made public by other electronic or non-electronic means. See 16 CFR 4.9(b); or

(2) Disclosed publicly through the FDMS or for any other routine use set forth in the system of records notice published for that system of records, GSA/OGP–1, or any successor system notice for that system.

For other ways that the Privacy Act permits the FTC to use or disclose

system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

The FTC maintains these records in electronic and non-electronic formats. The FTC maintains electronic records in this system using a combination of different databases and applications, rather than maintaining them in a single electronic system.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Indexed by respondent's, participant's, or FTC staff member's name; company name; industry investigation title; and FTC matter number.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained and disposed of under applicable schedules and procedures approved by the National Archives and Records Administration.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

The FTC's websites are secured and monitored to protect against unauthorized deletion or alteration of records posted on such sites. Access to the official record copy of such records is restricted, where appropriate, to agency personnel or contractors whose responsibilities require access.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to

Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

73 FR 33591–33634 (June 12, 2008).

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**II. Commission Personnel Systems of Records**

\* \* \* \* \*

**SYSTEM NAME AND NUMBER:**

Ethics Program Records—FTC (FTC–II–7).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

**SYSTEM MANAGER(S):**

Designated Agency Ethics Official, Office of General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Ethics in Government Act of 1978, 5 U.S.C. app.; Ethics Reform Act of 1989, Public Law 101–194; 5 CFR parts 735 & 2634, and other applicable ethics-related laws, rules, and Executive Orders.

**PURPOSE(S) OF THE SYSTEM:**

To meet Federal requirements regarding the filing of employment and financial interest statements; and to assist senior Commission employees and members of the General Counsel's Office to review statements of employment and financial interests to ascertain whether a conflict of interest or apparent conflict of interest exists and, if so, to ensure that appropriate action is taken to remove the conflict; to ensure that travel reimbursements are accepted only from qualified non-Federal sources; to comply with other ethics program requirements under Federal law, policy and regulation.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Commission officials and employees required by FTC regulations to file statements of employment and financial interests, to enter into ethics agreements, or to obtain clearance or approval for travel reimbursements or outside employment. This system corresponds to the systems described and covered by the Government-wide system of record notices (SORNs) issued by the Office of Government Ethics (OGE) for agency ethics program records. See OGE/GOVT–1 (Executive Branch Personnel Public Financial Disclosure Reports and Other Name-Retrieved Ethics Program Records); OGE/GOVT–2 (Executive Branch Confidential Financial Disclosure Reports). Visit OGE's website, [www.oge.gov](http://www.oge.gov), for more information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Statements of employment and financial interests (containing name, organization, statement of personal and family holdings and other interests in business enterprises and real property, listings of creditors and outside employment, opinions of counsel, and other information related to conflict of interest disclosures and determinations); ethics agreements; and other disclosure forms. This system also includes FTC employee requests for and documentation of ethics clearance or approval of travel reimbursements or outside employment, as well as other name-retrieved ethics records on FTC employees.

**RECORD SOURCE CATEGORIES:**

The subject individual or a designated person, such as a trustee, attorney, accountant, banker, or relative; federal officials who review the statements to make conflict of interest determinations; and persons alleging conflict of interests or violations of other ethics laws and persons contacted during any investigation of the allegations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system may be disclosed for any of the routine uses set forth in OGE/GOVT–1 and OGE/GOVT–2, as applicable. In addition, records in this system may be disclosed to a source when necessary to obtain information relevant to a conflict of interest investigation or determination.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC

Privacy Act Systems of Records), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Electronic and paper records.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

By name of Commission official or employee.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

In accordance with GRS–2.8, the National Archives and Records Administration General Records Schedule for ethics program records, these records are generally retained for a period of six years after filing, or for such other period of time as is provided for in that schedule for certain specified types of ethics records. In cases where records are filed by, or with respect to, a nominee for an appointment requiring confirmation by the Senate when the nominee is not appointed and Presidential and Vice-Presidential candidates who are not elected, the records are generally destroyed one year after the date the individual ceased being under Senate consideration for appointment or is no longer a candidate for office. However, if any records are needed in an ongoing investigation, they will be retained until no longer needed in the investigation. Destruction is by shredding, use of burn bags, or electronic deletion.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Access is restricted to agency personnel and contractors whose responsibilities require access. Paper records are maintained in lockable file cabinets and offices. Access to electronic records is controlled by “user ID” and password combination and other access and network controls (e.g., firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

80 FR 9460–9465 (February 23, 2015).  
75 FR 52749–52751 (August 27, 2010).  
74 FR 17863–17866 (April 17, 2009).  
73 FR 33591–33634 (June 12, 2008).

\* \* \* \* \*

**SYSTEM NAME AND NUMBER:**

Claimants Under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act—FTC. (FTC–II–9).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

**SYSTEM MANAGER(S):**

Deputy General Counsel for Legal Counsel, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

Assistant Chief Financial Officer for Financial Systems, Internal Control and Policy, Financial Management Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Tort Claims Act, 28 U.S.C. 1346(b), 28 U.S.C. 2671–2680; Military Personnel and Civilian Employees' Claims Act, 31 U.S.C. 3721.

**PURPOSE(S) OF THE SYSTEM:**

To consider claims made under the above-cited statutes; to investigate those claims; to determine appropriate responses to those claims; and to maintain records outlining all considerations and actions related to those claims.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have claimed reimbursement from FTC under Federal Tort Claims Act and Military Personnel and Civilian Employees' Claims Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personal information relating to incidents in which the FTC may be liable for property damage, loss, or personal injuries; reimbursement applications; internal memoranda; and witness statements.

**RECORD SOURCE CATEGORIES:**

Individual about whom the record pertains (claimant); FTC employee involved in incident; other FTC employees or other persons having knowledge of the circumstances; official police report (if any); and insurance company representing claimant (if any).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system:  
(1) May be referred to Department of Justice, General Services Administration, or other federal agency when the matter comes within the jurisdiction of such agency; and  
(2) May be used in discussions and correspondence with insurance companies, with other persons or entities that may be liable, with potential witnesses or others having knowledge of the matter.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records are maintained in electronic or paper format.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Indexed by individual's name.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained for 7 years after the matter has been resolved, and then destroyed, as provided in General Records Schedule 1.1, item 80, issued by the National Archives and Records Administration, except any claims files that are affected by court order or subject to litigation proceedings, which are destroyed when the court order is lifted or the litigation is concluded, or when the files are 7 years, whichever is later.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Access is restricted to agency personnel or contractors whose responsibilities require access. Paper records are maintained in lockable rooms or file cabinets. Access to electronic records is controlled by “user ID” and password combination and/or other appropriate access or network controls (e.g., firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC’s Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC’s Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC’s Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

84 FR 16493–16510 (April 19, 2019).  
80 FR 9460–9465 (February 23, 2015).  
74 FR 17863–17866 (April 17, 2009).  
73 FR 33591–33634 (June 12, 2008).

\* \* \* \* \*

**III. Federal Trade Commission Financial Systems of Records****SYSTEM NAME AND NUMBER:**

Employee Transportation Program Records—FTC (FTC–III–5).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

**SYSTEM MANAGER(S):**

Chief Administrative Services Officer, Office of the Chief Administrative Services Officer, Office of the Executive Director, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 7905 note; Public Law 103–172; Executive Order 13150.

**PURPOSE(S) OF THE SYSTEM:**

Transit subsidy records are collected and maintained to implement Federal law encouraging Federal employees to use public transportation for commuting to and from work. Such records are used to authorize subsidies for qualified FTC employees to help cover such commuting costs; to ensure the accurate and timely disbursement of subsidies to such employees; and to audit and otherwise detect or prevent fraud or abuse, if any, of such subsidies. Other employee transportation program records may be collected and maintained to administer those programs, including for building security purposes (e.g., drivers’ license numbers maintained for individuals who have been issued garage parking permits).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past and present FTC employees who have applied for public transportation subsidies to commute for work, or who may apply to participate in other employee transportation-related programs (e.g., parking garage permits) that the DOT or FTC may administer from time to time, if any.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Data that the FTC may compile, generate, and maintain in connection

with reviewing and approving transit subsidy applications filed by eligible FTC employees with the online system operated by Department of Transportation (DOT), which administers and distributes Federal transit subsidies.

This FTC system notice applies to application data about FTC employees that the FTC may access from DOT’s system, or that the FTC may itself generate, in reviewing and approving transit subsidies requested by its employees, or to audit and verify transit disbursements made to such employees, to the extent the FTC maintains and retrieves this data from its own system of records by employee name or other identifier assigned to such individuals. This system notice does not cover the transit application data compiled and maintained by DOT, which is covered by DOT’s system notice. See DOT/ALL 8 (Employee Transportation Facilitation), or any successor system notice for that system, for the categories of records maintained in DOT’s system.

**RECORD SOURCE CATEGORIES:**

Past and current FTC employees who have applied to participate in the subsidy program; FTC offices; Department of Transportation.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system:

(1) May be disclosed to the U.S. Department of Transportation (DOT) for purposes of processing and distributing subsidies to FTC employees and verifying employee compliance with program rules, and may be used and disclosed by DOT under the routine uses set forth in the applicable DOT system notice, DOT/ALL 8 (Employee Transportation Facilitation), or any successor system notice for that system; and

(2) May be disclosed to other investigatory or law enforcement authorities, where necessary, to investigate, prosecute, discipline, or pursue other appropriate action against suspected program fraud or abuse, if any.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records are maintained in electronic or paper format.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are maintained and retrieved alphabetically by employee's last name.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Transportation subsidy program administrative records are retained for three years or longer if required for business use in accordance with GRS 2.4, Item 130. Transportation subsidy program individual case files are retained for two years or longer if required for business use in accordance with GRS 2.4, Item 131.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Access is restricted to FTC personnel or contractors whose responsibilities require access. Records are maintained in passphrase protected computer systems or locked file cabinets, accessible only to the program manager or other FTC staff whose job duties require access. FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures. Obsolete records are destroyed by disposal in burn bags, by shredding, or by similarly secure means.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

82 FR 50871–50882 (November 2, 2017).  
73 FR 33591–33634 (June 12, 2008).

**VII. FTC Miscellaneous Systems of Records**

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**SYSTEM NAME AND NUMBER:**

Computer Systems User Identification and Access Records—FTC (FTC–VII–3).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

**SYSTEM MANAGER(S):**

Core Engineering and ISSO Services Program Manager, Office of the Chief Information Officer, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; Federal Information Security Modernization Act of 2014, 44 U.S.C. 3551 *et seq.*

**PURPOSE(S) OF THE SYSTEM:**

To monitor usage of computer systems; to support server and desktop hardware and software; to ensure the availability and reliability of the agency computer facilities; to help document and/or control access to various computer systems; to audit, log, and alert responsible FTC personnel when certain personally identifying information is accessed in specified systems; to prepare budget requests for automated services; to identify the need for and to conduct training programs, which can include the topics of information security, acceptable computer practices, and FTC information security policies and procedures; to monitor security on computer systems; to add and delete users; to investigate and make referrals for disciplinary or other action if improper or unauthorized use is suspected or detected.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Commission employees and others (*e.g.*, contractors) with access to FTC computer systems, including various system platforms, applications, and databases (*e.g.*, Outlook, Business Objects, Oracle, Redress, STAFFID, CIS, etc.), operated by the FTC or by a contractor for the FTC.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This Privacy Act system consists of the login and other user identification and access records that FTC computer systems routinely compile and maintain about users of those systems. These records include user data such as: User name; email address; employee or other user identification number; organization code; systems or services to which the individual has access; systems and services used; amount of time spent using each system; number of usage sessions; and user profile. These system records include log-in, passphrase, and other system usage files and directories when they contain data on specific users. Many FTC computer systems collect and maintain additional information, other than system use data, about individuals inside and outside the FTC. See a complete list of FTC Privacy Act systems on the FTC's website, <http://www.ftc.gov/foia/listofpaysystems.shtm>, to learn about other categories of information collected and maintained about individuals in the FTC's computer systems.

**RECORD SOURCE CATEGORIES:**

Individual about whom record is maintained; internal and external information systems that record usage.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system may be disclosed to contractors in connection with developing, maintaining, operating or servicing FTC computerized systems.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Electronic and paper records.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Indexed by individual's name; employee identification number; and



organization code, or other searchable data fields or codes.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained according to GRS 3.2, item 030, and are destroyed when business use ceases.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Access is restricted to agency personnel and contractors whose responsibilities require access. Paper records, if any, maintained in lockable rooms or file cabinets. Access to electronic records is controlled by “user ID” and passphrase combination and/or other appropriate electronic access or network controls (e.g., firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC’s Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC’s Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC’s Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

85 FR 16349–16361 (March 23, 2020).  
80 FR 9460–9465 (February 23, 2015).  
74 FR 17863–17866 (April 17, 2009).  
73 FR 33591–33634 (June 12, 2008).

\* \* \* \* \*

**SYSTEM NAME AND NUMBER:**

Document Management And Retrieval System—FTC (FTC–VII–6).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. For other locations where records may be maintained or accessed, see Appendix III (Locations of FTC Buildings and Regional Offices), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 80 FR 9460, 9465 (Feb. 23, 2015).

**SYSTEM MANAGER(S):**

Director, Records and Filings Office, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, email: [SORNs@ftc.gov](mailto:SORNs@ftc.gov).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

**PURPOSE(S) OF THE SYSTEM:**

To provide staff with the ability to search for and access copies of agency documents needed for legal and economic research activities of the Commission (e.g., internal memoranda, economic reports, other agency work product); to provide FTC staff processing Freedom of Information Act or other disclosure requests with the ability to search for and access copies of potentially responsive documents outlining the actions and considerations of the Commission, individual Commissioners, and the staff; to provide the ability, once the automated system is fully implemented, to electronically manage the writing, editing, storage, retrieval and disposal of such documents (e.g., memoranda, correspondence), and to provide for additional document management functions, if any.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have written documents contained in Commission files, and other individuals whose names or other personally identifying data are used to search and retrieve documents from the system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name of author and documents written by that individual; names or other data about other individuals by which documents in the system are searched and retrieved; finding aids or document indexes. Records in this system may duplicate records included in other FTC systems of records. See, e.g., FTC–I–1 (Nonpublic Investigational and Other Nonpublic Legal Program Records—FTC), FTC–I–6 (Public Records—FTC).

**RECORD SOURCE CATEGORIES:**

FTC employees and others who submit documents to the Commission.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Records in this system may be disclosed to contractors in connection with document processing, storage, disposal and similar records management and retrieval activities.

For other ways that the Privacy Act permits the FTC to use or disclose system records outside the agency, see Appendix I (Authorized Disclosures and Routine Uses Applicable to All FTC Privacy Act Systems of Records), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 83 FR 55541, 55542–55543 (Nov. 6, 2018).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Older records are stored on electronic and non-electronic formats. The system also comprises one or more structured databases using commercial software applications to search, retrieve, and manage records stored electronically.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Indexed by author of the document, or other data fields or codes.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained and destroyed in accordance with schedules and procedures issued or approved by the National Archives and Records Administration.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Access is restricted to agency personnel and contractors whose responsibilities require access. Paper or other non-digital records are stored in lockable file cabinets or offices. Access to electronic records is controlled by “user ID” and password combination, and/or other appropriate electronic access or network controls (e.g., firewalls). FTC buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

**RECORD ACCESS PROCEDURES:**

See § 4.13 of the FTC’s Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How To Make A Privacy Act Request), available on the FTC’s website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> and at 73 FR 33592, 33634 (June 12, 2008).

**CONTESTING RECORD PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> at 73 FR 33592, 33634 (June 12, 2008).

**NOTIFICATION PROCEDURES:**

See § 4.13 of the FTC's Rules of Practice, 16 CFR 4.13. For additional guidance, see also Appendix II (How to Make A Privacy Act Request), available on the FTC's website at <https://www.ftc.gov/about-ftc/foia/foia-reading-rooms/privacy-act-systems> at 73 FR 33592, 33634 (June 12, 2008).

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

Records contained in this system that have been placed on the FTC public record are available upon request or, where applicable, made available online. See FTC-I-6 (Public Records—FTC). However, pursuant to 5 U.S.C. 552a(k)(2), records in this system, which reflect records that are contained in other systems of records that are designated as exempt, are exempt from the requirements of subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) of 5 U.S.C. 552a. See § 4.13(m) of the FTC Rules of Practice, 16 CFR 4.13(m).

**HISTORY:**

73 FR 33591–33634 (June 12, 2008).

\* \* \* \* \*

**Josephine Liu,**

*Assistant General Counsel for Legal Counsel.*

[FR Doc. 2022-00075 Filed 1-6-22; 8:45 am]

**BILLING CODE 6750-01-P**

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**
**Agency for Toxic Substances and Disease Registry**

[30Day-22-22BJ]

**Agency Forms Undergoing Paperwork Reduction Act Review**

In accordance with the Paperwork Reduction Act of 1995, the Agency for Toxic Substances and Disease Registry (ATSDR) has submitted the information collection request titled Evaluating the Association between Serum Concentrations of Per- and Polyfluoroalkyl substances (PFAS) and Symptoms and Diagnoses of Selected Acute Viral Illnesses to the Office of Management and Budget (OMB) for review and approval. ATSDR previously published a “Proposed Data Collection

Submitted for Public Comment and Recommendations” notice on April 5, 2021 to obtain comments from the public and affected agencies. ATSDR did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

ATSDR will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Evaluating the Association between Serum Concentrations of Per- and Polyfluoroalkyl Substances (PFAS) and Symptoms and Diagnoses of Selected Acute Viral Illnesses—New—Agency for Toxic Substances and Disease Registry (ATSDR).

**Background and Brief Description**

Per- and poly-fluoroalkyl substances (PFAS) are a large, diverse group of thousands of chemicals that have been used extensively in a wide range of industrial and consumer applications. Epidemiological studies have evaluated the associations between PFAS exposure and health effects in humans. Evidence from these studies in occupationally exposed populations, residential populations exposed to higher levels of PFAS in drinking water, and studies in the general population suggest associations between PFAS and several health outcomes.

Exposure to PFAS is nearly ubiquitous in the United States. Epidemiological studies suggest that PFAS exposure may impact the immune system and susceptibility to viral infections. However, there is little consistency in the results of studies on PFAS exposure and infectious disease. The coronavirus disease 2019 (COVID-19) pandemic presents a unique concern and opportunity to explore this association. If PFAS affect the immune system, it is possible that they could affect susceptibility to infection with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), the virus that causes COVID-19, or could affect severity of COVID-19 symptoms.

In 2019 and 2020, the Agency for Toxic Substances and Disease Registry (ATSDR) conducted statistically based biomonitoring PFAS exposure assessments (EAs) in eight communities that had documented exposures to PFAS in drinking water. ATSDR also supported two EAs that were designed to test the PFAS Exposure Assessment Technical Tools (PEATT). PFAS concentrations were measured in serum collected from EA and PEATT assessment participants, and a questionnaire was administered to gather information to characterize each individual's exposure. These communities were investigated under “Per- or Polyfluoroalkyl Substances Exposure Assessments [PFAS EAs]” (OMB Control No. 0923-0059, expiration date 06/30/2022). During the same period, ATSDR initiated a health study at the Pease International Tradeport that included measurement of PFAS serum levels and collection of information about individual exposures in participants under “Human Health Effects of Drinking Water Exposures to Per- and Polyfluoroalkyl Substances (PFAS) at Pease International Tradeport, Portsmouth, NH (The Pease Study)” (OMB Control No. 0923-0061, expiration date 08/31/2022).

This a new two-year ATSDR information collection request (ICR) for a collaborative study between the Centers for Disease Control and Prevention’s National Center for Environmental Health (CDC/NCEH) and ATSDR. This follow-up study will recruit participants who; (1) participated in a previous ATSDR-funded study, (2) have existing serum-PFAS measurements, and (3) have given prior consent for additional contact from NCEH/ATSDR. We anticipate that the total number of participants enrolled in the CDC/ATSDR cohorts will be around 3,170 (2,800 adults and 370 children) individuals. This study will attempt to enroll the entire universe of eligible participants; therefore, our target sample size is 3,170. The cohorts have a substantial number of participants with high PFAS exposure,

as well as a sufficient range of serum-PFAS concentrations to allow examination of associations between the outcomes and across a wide range of PFAS exposures.

The objectives are the following: (1) To examine the association between serum-PFAS collected through the EAs, PEATT assessments, and Pease Study and the frequency of occurrence of selected syndromes (combinations of self-reported symptoms), which will be used as a proxy for viral infections; and, (2) to examine the association between serum-PFAS collected through the EAs, PEATT assessments, and Pease Study and self-reported positive test results indicating specific viral infections.

During the first three months of the two-year study period, NCEH/ATSDR will invite and consent approximately 3,170 participants (2,800 adults and 370

children) to complete a new series of surveys to determine whether PFAS exposure increases susceptibility to viral infections, including, but not limited to COVID–19. Data will be collected from those who enroll in the study through an initial paper-based survey and a series of four additional surveys over a 12- to 14-month period. Follow-up surveys will be offered in two modes: Web-based and paper-based. It is estimated that 75% of the participants will choose the web-based mode. Participants will also be given symptom diaries to improve recall after the initial and between each of the follow-up surveys.

The total time burden requested is 19,816 hours (or 9,908 hours annually). There are no costs to the respondents other than their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Adults .....	Initial Questionnaire—Adult (paper) .....	700	1	30/60
	Follow up Questionnaire—Adult (paper) .....	175	4	30/60
	Follow up Questionnaire—Adult (REDCap) .....	525	4	25/60
	Symptom Diary .....	700	1	4
Children (7–17 years) .....	Initial Questionnaire—Child (paper) .....	70	1	30/60
	Follow up Questionnaire—Child (paper) .....	18	4	30/60
	Follow up Questionnaire—Child (REDCap) .....	52	4	25/60
	Symptom Diary .....	70	1	4
Parents of Children (3–6 years).	Initial Questionnaire—Child (paper) .....	12	1	30/60
	Follow up Questionnaire—Child (paper) .....	6	4	30/60
	Follow up Questionnaire—Child (REDCap) .....	18	4	25/60
	Symptom Diary .....	23	1	4

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2022–00101 Filed 1–6–22; 8:45 am]

**BILLING CODE 4163–70–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Notice of Award of a Single-Source Cooperative Agreement To Fund the Kinshasa School of Public Health, Democratic Republic of the Congo (KSPH, DRC)**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), located within the Department of Health and Human Services (HHS), announces the award of approximately \$700,000, with an expected total funding of \$3,500,000 over a five-year period, to the Kinshasa School of Public Health, Democratic Republic of the Congo (KSPH DRC). The award will support the investigation of the epidemiological, ecological, and anthropological aspects of monkeypox and assess clinical intervention strategies in the Democratic Republic of Congo (DRC). These activities align with CDC priorities to promote surveillance and global health to prevent the international spread of diseases and to control them at the source.

**DATES:** The period for this award will be September 30, 2022, through September 29, 2027.

**FOR FURTHER INFORMATION CONTACT:** Dr. Amy Yang, National Center for HIV, Viral Hepatitis, STD, and TB Prevention

(NCHHSTP), Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS US8–1, Atlanta, GA 30329–4027, Telephone: 404–718–8835, Email: [corpo\\_8835@cdc.gov](mailto:corpo_8835@cdc.gov).

**SUPPLEMENTARY INFORMATION:** This single-source award will support the investigation of the epidemiological, ecological, and anthropological aspects of monkeypox and assess clinical intervention strategies in the DRC. Research activities will focus on improvement and evaluation of lab-based surveillance systems, investigations of animal reservoirs and human behaviors at the human-animal interface, epidemiologic investigations, genome sequencing and phylogenetic analysis, risk mitigation, enhancing health communication strategies, and clinical evaluation of vaccines and therapeutic treatments. The research should provide the DRC Ministry of Health and other key stakeholders with evidence-based strategies to develop

monkeypox and other zoonotic disease interventions.

The Kinshasa School of Public Health, Democratic Republic of the Congo (KSPH, DRC) is in a unique position to conduct this work, as it has a distinct role in the public health system of DRC by being both an institute of the University of Kinshasa and previously serving as the bone fide agent of the Ministry of Health; is the implementing partner for an open label trial of JYNNEOS smallpox vaccine in the healthcare workers of Tshuapa Province (2017–present), a study that will continue under the new cooperative agreement; along with their partners at the University of Kinshasa, has 10 years of experience in conducting rigorous investigations of potential monkeypox reservoir species; and has continually maintained a field office in Tshuapa Province devoted to monkeypox surveillance and research since 2011. This longstanding commitment to working in this area has yielded the most thorough longitudinal dataset on monkeypox incidence globally since smallpox eradication. No other indigenous or foreign institution has been able to sustain a continual field site for this length of time in a monkeypox-endemic area of DRC.

#### Summary of the Award

*Recipient:* The Kinshasa School of Public Health, Democratic Republic of the Congo (KSPH, DRC).

*Purpose of the Award:* The purpose of this award is to investigate the epidemiological, ecological, and anthropological aspects of monkeypox and assess clinical intervention strategies in the Democratic Republic of Congo (DRC). This research may extend to other zoonotic and vaccine-preventable diseases that are of importance in the DRC and elsewhere.

*Amount of Award:* \$700,000 in Federal Fiscal Year (FFY) 2022 funds, and an estimated \$700,000 for each subsequent 12-month budget period over five years, subject to availability of funds.

*Authority:* This program is authorized under Public Health Service Act, Sections 301(a) [42 U.S.C. 241(a)] and 307 [42 U.S.C. 242].

*Period of Performance:* September 30, 2022, through September 29, 2027.

Dated: January 4, 2022.

#### Terrance Perry,

*Chief Grants Management Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2022–00078 Filed 1–6–22; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day–22–0213; Docket No. CDC–2022–0004]

#### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National Vital Statistics Report (NVSR) Form. The NVSR Forms collects annual statistics on marriage and divorce and is used to permit uninterrupted tracking of family dynamics.

**DATES:** Written comments must be received on or before March 8, 2022.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2022–0004 by any of the following methods:

- *Federal eRulemaking Portal:* *Regulations.gov.* Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

*Please note:* All public comment should be submitted through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office,

Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; phone: 404–639–7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below. The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and
5. Assess information collection costs.

#### Proposed Project

National Vital Statistics Report (NVSR) Forms (OMB Control No. 0920–0213, Exp. 10/31/2023)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

The compilation of national vital statistics dates back to the beginning of the 20th century and has been conducted since 1960 by the Division of Vital Statistics of the National Center for Health Statistics (NCHS), CDC. The collection of data is authorized by 42 U.S.C. 242k. This submission requests to continue use of the Annual Vital

Statistics Report Form for collection of annual marriage and divorce/annulment summary statistics for three years and to discontinue the Monthly Vital Statistics Report, which is currently used to provide counts of monthly occurrences of births, deaths, and infant deaths. The collection of the provisional birth and death data is now being achieved on a more timely, ongoing basis which negates the need to continue to use the monthly form.

Data on vital events are used by the Department of Health and Human Services and by other government, academic, private research, and

commercial organizations for research, tracking, and policy-making purposes. Respondents for the Annual Vital Statistics Reports Form are registration officials in all 50 States, seven Territories, including American Samoa, Guam, Northern Mariana Islands, Puerto Rico, Virgin Islands, the District of Columbia, and New York City, and the 33 local (county clerk) officials in New Mexico who record marriages occurring, and divorces and annulments granted in each county of New Mexico.

The Annual Vital Statistics Occurrence Report Form collects final annual counts of marriages and divorces

by month for the United States and for each State. These final counts are usually available from State or county officials about eight months after the end of the data year. The data are widely used by government, academic, private research, and commercial organizations in tracking changes in trends of family formation and dissolution.

CDC requests approval for an estimated 46 annual burden hours. There are no costs to respondents other than their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State, Territory, and New Mexico County Officials.	Monthly Vital Statistics Report .....	91	1	30/60	46
Total .....	.....	.....	.....	.....	46

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2022-00103 Filed 1-6-22; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[60Day-22-0134; Docket No. CDC-2021-0134]

**Proposed Data Collection Submitted for Public Comment and Recommendations**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Foreign Quarantine Regulations, which specifies the required reporting

of ill persons or deaths occurring during international travel to the United States.

**DATES:** CDC must receive written comments on or before March 8, 2022.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC-2021-0134 by any of the following methods:

- *Federal eRulemaking Portal:*

*Regulations.gov.* Follow the instructions for submitting comments.

- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

*Please note:* Submit all comments through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each

collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected;

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses; and

5. Assess information collection costs.

**Proposed Project**

Foreign Quarantine Regulations (42 CFR 71) (OMB Control No. 0920–0134, Exp. 3/31/2022)—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

Section 361 of the Public Health Service Act (PHSA) (42 U.S.C. 264) authorizes the Secretary of Health and Human Services to make and enforce regulations necessary to prevent the introduction, transmission or spread of communicable diseases from foreign countries into the United States. The statute and the existing regulations governing foreign quarantine activities (42 CFR 71) authorize quarantine officers and other personnel to inspect and undertake necessary control measures with respect to conveyances, persons, and shipments of animals and etiologic agents, in order to protect the public’s health. Other inspection agencies, such as Customs and Border Protection (CBP), assist quarantine officers in public health screening of persons, pets, and other importations of public health importance and make referrals to quarantine station staff when indicated. These practices and procedures ensure protection against the introduction and spread of communicable diseases into and within the United States with a minimum of recordkeeping and reporting procedures, as well as a minimum of interference with trade and travel.

U.S. Quarantine Stations are located at 20 ports of entry that include both airports and land border crossings

where international travelers arrive. The jurisdiction of each station includes air, maritime, and/or land-border ports of entry. Quarantine Station staff work in partnership with international, federal, state, and local agencies and organizations to fulfill their mission to reduce morbidity and mortality among immigrants, refugees, travelers, expatriates, and other globally mobile populations. This work is performed to prevent the introduction, transmission, and spread of communicable diseases from foreign countries into the United States or from one State or possession to another State or possession. When an illness suggestive of a communicable disease is reported by conveyance operators or port partners (e.g., Customs and Border Protection), Quarantine Officers respond to carry out an onsite public health assessment and collect data from the individual. This response may occur jointly with port partners. The collection of comprehensive, pertinent public health information during these responses enables Quarantine Officers to make an accurate public health assessment and identify appropriate next steps. For this reason, quarantine station staff need to systematically interview ill travelers and collect relevant health and epidemiologic information.

When Quarantine Officers are present at the port of entry, they may often respond in person to conduct assessment of an ill traveler. However, there are many instances in which a Quarantine Officer may not be able to meet a conveyance or border crosser in person, including (but not limited to) the following: The conveyance arrives at a port of entry that does not have a Quarantine Station on site; a maritime vessel is still out at sea when the port

comes in; Quarantine Officers are already responding to another illness report; or the illness may be reported after hours and Quarantine Officers cannot arrive in time to meet the conveyance or border crosser without causing substantial delays to travel. If Quarantine Officers are unable to respond in-person, they provide phone consultation to port partners (e.g., Emergency Medical Services (EMS), DHS/CBP, and maritime partners such as ship medical personnel) on the scene, to determine the public health importance of the illness. In both circumstances, an interview of the ill person(s) is required to conduct the public health assessment, whether in-person, by phone, or through a trained responder (in consultation with the Quarantine Officer).

Data collected by DGMQ and the Quarantine staff during the initial report of illness or death, and during the follow-up using the illness or death response forms, is entered into the Quarantine Activity Reporting System (QARS). QARS is a secure internet database implemented in June 2005 to document and track the illnesses and deaths reported to Quarantine Stations that occurred on conveyances entering the United States and at land border crossings.

Previously, this information collection also included information collections related to regulating importations of animals and human remains, and animal products. CDC plans to submit information collections related to importations into a new and separate information collection request. CDC requests approval for an estimated 23,467 annual burden hours with this Revision ICR. There are no costs to respondents other than their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Maritime Vessel Operator.	42 CFR 71.21(a) report of illness or death from ships—Maritime Conveyance Illness or Death Investigation Form Sections 1–4.	500	1	10/60	83
Maritime Vessel Operator.	42 CFR 71.21(a) report of illness or death from ships—Maritime Conveyance Illness or Death Investigation Form Section 5.	100	1	5/60	8
Maritime Vessel Operator.	Cumulative Influenza/Influenza-Like Illness (ILI)	3000	1	2/60	100
Maritime Vessel Operator.	42 CFR 71.35 Report of death/illness during stay in port (No Form).	5	1	30/60	3
Pilot in command .....	42 CFR 71.21 (b) Death/Illness reports from aircrafts (No form).	79,500	1	2/60	2,650
Traveler .....	Airline Travel Illness or Death Investigation and Traveler Follow up Form.	79,500	1	15/60	19,875
Traveler .....	Land Travel Illness or Death Investigation Form	3,000	1	15/60	750

## ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Isolated or Quarantined individuals.	42 CFR 71.33 Report by persons in isolation or surveillance (No Form).	11	1	3/60	1
Total .....	.....	.....	.....	.....	23,467

**Jeffrey M. Zirger,**

*Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.*

[FR Doc. 2022-00102 Filed 1-6-22; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifier: CMS-2567]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by February 7, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786-4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Statement of Deficiency and Plan of Correction *Use:* The form CMS-2567 is the means by which State and CMS surveyors document findings of compliance or noncompliance (deficiencies) resulting

from inspection of Medicare, Medicaid, and Clinical Laboratory Improvement Amendments (CLIA) laboratories. The form CMS-2567 is the legal, documentary basis for CMS' certification of a facility's compliance or noncompliance with the Medicare/Medicaid Conditions of Participation or Coverage, and the requirements for Nursing Home participation and CLIA certification.

In December, 2020, Congress passed the Consolidated Appropriations Act, 2021 (CAA, 2021). Section 407 of CAA, 2021, amended Part A of Title XVIII of the Social Security Act (the Act) at section 1822 establishing hospice program survey and enforcement requirements. This amendment, in part, now requires the Accrediting Organizations (AOs) that accredit hospice programs to include the form CMS-2567 to document the findings of their hospice program surveys beginning on October 1, 2021. As of June 2021, there are three AOs with CMS-approved hospice accreditation programs. The AOs survey approximately half of the over 5,000 Medicare-certified hospice programs, while the SAs survey the remaining half. *Form Numbers:* CMS-2567 (OMB control number: 0938-0391); *Frequency:* Yearly and Occasionally; *Affected Public:* Private Sector (Business or for-profits and Not-for-profit institutions); *Number of Respondents:* 65,948; *Total Annual Responses:* 65,948; *Total Annual Hours:* 1,187,064. (For policy questions regarding this collection contact Caroline Gallaher at 410-786-8705.)

Dated: January 4, 2022.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2022-00125 Filed 1-6-22; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10398 #13, #24, #73, #74, and #75]

#### Medicaid and Children’s Health Insurance Program (CHIP) Generic Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** On May 28, 2010, the Office of Management and Budget (OMB) issued Paperwork Reduction Act (PRA) guidance<sup>1</sup> related to the “generic” clearance process. Generally, this is an expedited process by which agencies may obtain OMB’s approval of collection of information requests that are “usually voluntary, low-burden, and uncontroversial collections,” do not raise any substantive or policy issues, and do not require policy or methodological review. The process requires the submission of an overarching plan that defines the scope of the individual collections that would fall under its umbrella. On October 23, 2011, OMB approved our initial request to use the generic clearance process under control number 0938–1148 (CMS–10398). It was last approved on April 26, 2021, via the standard PRA process which included the publication of 60- and 30-day **Federal Register** notices. The scope of the April 2021 umbrella accounts for Medicaid and CHIP State plan amendments, waivers, demonstrations, and reporting. This **Federal Register** notice seeks public comment on one or more of our collection of information requests that we believe are generic and fall within the scope of the umbrella. Interested persons are invited to submit comments regarding our burden estimates or any other aspect of this collection of information, including: The necessity and utility of the proposed information collection for the proper performance of the agency’s functions, the accuracy of the estimated burden, ways to enhance the quality, utility and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

**DATES:** Comments must be received by January 21, 2022.

**ADDRESSES:** When commenting, please reference the applicable form number (see below) and the OMB control number (0938–1148). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for “Comment or Submission” or “More Search Options” to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: CMS–10398 (#74)/OMB control number: 0938–1148, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may access CMS’ website at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

**FOR FURTHER INFORMATION CONTACT:** William N. Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:** Following is a summary of the use and burden associated with the subject information collection(s). More detailed information can be found in the collection’s supporting statement and associated materials (see **ADDRESSES**).

#### Generic Information Collections

1. *Title of Information Collection:* Medicaid Accountability—Nursing Facility, Outpatient Hospital and Inpatient Hospital Upper Payment Limits; *Type of Information Collection Request:* Revision of a currently approved collection; *Use:* Starting in 2013, CMS required states to submit annual upper payment limit (UPL) demonstrations on an annual basis. Previously this information was collected or updated only when a state was proposing an amendment to a reimbursement methodology in its Medicaid state plan. Specifically, in 2013, we required that states submit UPL demonstrations for inpatient hospital services, outpatient hospital services, and nursing facilities. In 2014, states were then required to submit annual UPL demonstrations for the

services listed above as well as clinics, physician services (for states that reimburse targeted physician supplemental payments), Intermediate care facilities for individuals with intellectual disabilities (ICF/IID), psychiatric residential treatment facilities (PRTFs) and institutes for mental disease (IMDs). These annual demonstrations included provider specific data reporting on all payments made to the providers, including supplemental payments.

Through this process, States were also asked as part of the submission to identify the source of the non-federal share of funding for the payments described in the UPL. This is consistent with the overall requirements to identify sources of non-federal funding set forth in section 1903(d)(1) of the Social Security Act. Such information will allow CMS and the State to have a better understanding of the variables surrounding rate levels, supplemental payments, and total providers participating in the programs and the funding supporting each of the payments described in the UPL demonstration.

In early 2021 CMS developed and revised the templates in conjunction with the States and a CMS contractor for use with each of the 3 services of the UPL demonstration within this package—Nursing Facility, Outpatient Hospital, and Inpatient Hospital. These templates are helping to standardize the data collection and allow the States to quickly transfer data from their existing UPL demonstration reporting tools into the new UPL demonstration templates for reporting to CMS. These templates have allowed the States to report the UPL demonstrations more efficiently with embedded formulas to help complete required areas of the UPL demonstrations, saving States time and effort in their reporting. Standardizing the templates has helped CMS to review the annual UPL demonstrations, by being able to look at one template format, instead of up to 54 different templates in each UPL demonstration types.

In this December 2021 revision, CMS is moving its Guidance and Instruction documents into an online format within the MACFin system. The Guidance and Instruction documents for each of the service type have been revised and will be collected online, a change from the previous collection of information where States responded via a Word type document and sent those responses to a dedicated UPL email box. Now States will be able to fill in the Guidance and Instruction documents as needed online. These two documents are now

<sup>1</sup> [https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/inforeg/PRA\\_Gen\\_ICRs\\_5-28-2010.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/assets/inforeg/PRA_Gen_ICRs_5-28-2010.pdf).



combined in the online format and answered online as shown in the attached materials. Attached here are a walkthrough of the proposed changes for each service type and separate files for each of the screen pictures of the proposed questions and logical flow of the questions, that will become the online format for each service type. After answering the new online Guidance and Instructions, State personnel will then upload their UPL templates directly into the MACFin system for processing.

CMS has revised the Guidance and Instruction and the UPL templates. These changes are minor but substantive. The Guidance and Instruction documents were revised to accommodate an online format and to clarify the questions and data sources States use in calculating the UPL. Some additional questions have been asked (3), some eliminated (10), and others have been clarified, but the overall burden for States of 40 hours for each UPL package remains the same, though CMS anticipates the changes will save burden to States, as the online system will allow for a logical flow to the questions and only ask the relevant questions for each State's UPL submission.

The UPL templates have been revised to clarify definitions and instructions in filling out the UPL templates. The nursing facility template adds a tab to give States the option to use the Medicare created Patient Driven Payment Model (PDPM) as an option for the nursing facility UPL reporting. The new PDPM tab gives states the option of this new payment methodology, but does not require new data to be collected. None of the changes add burden to States, and CMS anticipates the new MACFin system will make it easier for States to upload and track their required UPL submissions. *Form Number:* CMS-10398 (#13) (OMB control number: 0938-1148); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 54; *Total Annual Responses:* 54; *Total Annual Hours:* 2,160. (For policy questions regarding this collection contact: Richard Kimball at 410-786-2278.)

*2. Title of Information Collection:* Medicaid Accountability—Upper Payment Limits for Clinics, Physician Services, ICF/IID, PRTFs, and IMDs; *Type of Information Collection Request:* Revision of a currently approved collection; *Use:* Starting in 2013, CMS required states to submit annual upper payment limit (UPL) demonstrations on an annual basis. Previously this information was collected or updated

only when a state was proposing an amendment to a reimbursement methodology in its Medicaid state plan. Specifically, in 2013, we required that states submit UPL demonstrations for inpatient hospital services, outpatient hospital services, nursing facilities. In 2014, states were required to submit annual UPL demonstrations for the services listed above and clinics, physician services (for states that reimburse targeted physician supplemental payments), intermediate care facilities for Individuals with Intellectual Disabilities (ICF/IID), psychiatric residential treatment facilities (PRTFs) and institutes for mental disease (IMDs). These annual demonstrations included provider specific data reporting on all payments made to the providers, including supplemental payments.

Through this process, States are also asked as part of the submission to identify the source of non-federal funding for the payments described in the UPL. This is consistent with overall requirements to identify sources of non-federal funding set forth in section 1903(d)(1) of the Social Security Act. Such information will allow CMS and the state to have a better understanding of the variables surrounding rate levels, supplemental payments and total providers participating in the programs and the funding supporting each of the payments described in the UPL demonstration.

In early 2021 CMS developed and revised the templates in conjunction with the States and a CMS contractor for use with each of the 5 services of the UPL demonstration within this package—Intermediate care facilities for individuals with intellectual disabilities (ICF/IID), Clinic services, Medicaid qualified practitioner services (Physician), other Psychiatric Residential Treatment Facilities (PRTFs), and Institutes for mental diseases (IMDs). These templates are helping to standardize the data collection and allow the states to quickly transfer data from their existing UPL demonstration reporting tools into the new UPL demonstration templates for reporting to CMS. These templates have allowed the states to report the UPL demonstrations more efficiently with embedded formulas to help complete required areas of the UPL demonstrations, saving States time and effort in their reporting. Standardizing the templates has helped CMS to review the annual UPL demonstrations, by being able to look at one template format, instead of up to 54 different templates in each UPL demonstration types. Instructions on the use of the

templates are attached to each template, along with a data dictionary.

In this December 2021 revision, CMS is moving its Guidance and Instruction documents into an online format within the MACFin system. The Guidance and Instruction documents for each of the service type have been revised and will be collected online, a change from the previous collection of information where States responded via a Word type document and sent those responses to a dedicated UPL email box. Now States will be able to fill in the Guidance and Instruction documents as needed online. These two documents are now combined in the online format and answered online as shown in the attached materials. Attached here are a walkthrough of the proposed changes for each service type and separate files for each of the screen pictures of the proposed questions and logical flow of the questions, that will become the online format for each service type. After answering the new online Guidance and Instructions, State personnel will then upload their UPL templates directly into the MACFin system for processing.

CMS has revised the Guidance and Instruction and the UPL templates. The IMD guidance and instructions were previously the same as the inpatient hospital guidance and instructions. Now the IMD has its own specific guidance and instructions.

These changes are minor but substantive. The Guidance and Instruction documents were revised as noted in the changes document to accommodate an online format and to clarify the questions and data sources States use in calculating the UPL. Some additional questions have been asked (50), some eliminated (36), and others have been clarified, but the overall burden for States of 40 hours for each UPL package remains the same, though CMS anticipates the changes will save burden to States, as the online system will allow for a logical flow to the questions and only ask the relevant questions for each State's UPL submission.

The UPL templates have been revised to clarify definitions and instructions in filling out the UPL templates. None of the changes add burden to States, and CMS anticipates the new MACFin system will make it easier for States to upload and track their required UPL submissions.

The standard funding questions have been revised for consistency with language in reviewing state plan amendments, instead of referring to the SMDL, we now refer to the state plan pages relevant to the funding

questions—attachments 4.19–A, 4.19–B, and 4.19–D. The questions concerning the source of funding have not changed, therefore there is no change in the burden to States. *Form Number:* CMS–10398 (#24) (OMB control number: 0938–1148); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 54; *Total Annual Responses:* 54; *Total Annual Hours:* 2,160. (For policy questions regarding this collection contact: Richard Kimball at 410–786–2278.)

3. *Title of Information Collection:* Supplemental Payment Reporting under the Consolidated Appropriations Act; *Type of Information Collection Request:* Extension of a currently approved collection; *Use:* Through passage of Division CC, Title II, Section 202 of the Consolidated Appropriations Act (CAA), Congress added subsection (bb) to section 1903 of the Act, which requires the Secretary of Health and Human Services to establish a system for states to submit reports on supplemental payments as defined in section 1903(bb)(2) of the Act. States are required to submit “reports, as determined appropriate by the Secretary, on supplemental payment data, as a requirement for a State plan or State plan amendment [SPA] that would provide for a supplemental payment” as required by section 1903(bb)(1) of the Act.

CMS is implementing section 202 of the CAA of 2021 by adding new screens to the CMS–64 in the MBES system for states to report all supplemental payments. States will be expected to use the form starting for their first quarter Federal fiscal year 2022 expenditures beginning on January 15, 2022. The statute requires CMS to set up a data collection system for all state supplemental payments. *Form Number:* CMS–10398 (#73) (OMB control number: 0938–1148); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 54; *Total Annual Responses:* 54; *Total Annual Hours:* 3,240. (For policy questions regarding this collection contact: Richard Kimball at 410–786–2278.)

4. *Title of Information Collection:* Coverage of Routine Patient Cost for Items & Services in Qualifying Clinical Trials; *Type of Information Collection Request:* New collection; *Use:* Section 210 of the Consolidated Appropriations Act of 2021 amended section 1905(a) of the Social Security Act (the Act) to add a new mandatory benefit at 1905(a)(30). The new benefit mandates coverage of routine patient services and costs furnished in connection with

participation by Medicaid beneficiaries in qualifying clinical trials. Routine costs for services provided in connection with participation in a qualifying clinical trial generally include any item or service provided to the individual under the qualifying clinical trial, including any item or service provided to prevent, diagnose, monitor, or treat complications resulting from participation in the qualified clinical trial, to the extent that the provision of such items or services to the individual would otherwise be covered under the state plan or waiver.

We propose that States and territories review the preprints completed for a Medicaid beneficiary to receive coverage of routine patient services and costs furnished in connection with participation in qualifying clinical trials. Completion of the preprint pages verifies in the Medicaid state plan that the mandatory clinical trials benefit is being furnished by a state. Completion of the preprint verifies that the requirements of a federally sponsored clinical trial is appropriate for the Medicaid beneficiary. *Form Number:* CMS–10398 (#74) (OMB control number: 0938–1148); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 56. (For policy questions regarding this collection contact Kirsten Jensen at 410–786–8146.)

5. *Title of Information Collection:* American Rescue Plan (ARP) 1135 State Plan Amendment; *Type of Information Collection Request:* New collection; *Use:* Section 9811 of the ARP established new mandatory benefits at section 1905(a)(4)(E) for COVID–19 vaccine and vaccine administration and section 1905(a)(4)(F) for COVID–19 testing and treatment for both Medicaid and CHIP. The effective date time period for these mandatory benefits is March 11, 2021, ending on the last day of the first calendar quarter that begins one year after the last day of the emergency period described in section 1135(g)(1)(B) of the Social Security Act (the Act). Given that regular state plan rules do not allow for effective dates prior to the first day of the quarter in which the state plan amendment (SPA) was submitted, we are allowing states to use Section 1135 SPA process waiver authority to allow states to meet the required timeframes of these provisions. The SPAs will implement mandatory Medicaid coverage and reimbursement for COVID–19 vaccine and vaccine administration and COVID–19 testing and treatment are considered part of the Agency’s emergency response to COVID.

CMS has issued guidance for each of these provisions.

In large part, states have already been providing these services throughout the course of the pandemic and these SPAs will reflect what states have been doing. CMS is primarily using an attestation approach for states to affirm that they are in compliance with the requirements of the provisions.

*Form Number:* CMS–10398 (#75) (OMB control number: 0938–1148); *Frequency:* Once and on occasion; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 56; *Total Annual Hours:* 168. (For policy questions regarding this collection contact Kirsten Jensen at 410–786–8146.)

Dated: January 4, 2022.

**William N. Parham, III,**  
*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2022–00119 Filed 1–6–22; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Tenth Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19

**ACTION:** Notice of amendment.

**SUMMARY:** The Secretary issues this amendment pursuant to section 319F–3 of the Public Health Service Act to expand the authority for certain Qualified Persons authorized to prescribe, dispense, and administer seasonal influenza vaccines under section VI of this Declaration.

**DATES:** This amendment is effective as of January 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** L. Paige Ezernack, Office of the Assistant Secretary for Preparedness and Response, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; 202–260–0365, [paige.ezernack@hhs.gov](mailto:paige.ezernack@hhs.gov).

**SUPPLEMENTARY INFORMATION:** The Public Readiness and Emergency Preparedness Act (PREP Act) authorizes the Secretary of Health and Human Services (the Secretary) to issue a Declaration to provide liability immunity to certain individuals and entities (Covered Persons) against any claim of loss caused by, arising out of,

relating to, or resulting from the manufacture, distribution, administration, or use of medical countermeasures (Covered Countermeasures), except for claims involving “willful misconduct” as defined in the PREP Act. Under the PREP Act, a Declaration may be amended as circumstances warrant.

The PREP Act was enacted on December 30, 2005, as Public Law 109–148, Division C, § 2. It amended the Public Health Service (PHS) Act, adding section 319F–3, which addresses liability immunity, and section 319F–4, which creates a compensation program. These sections are codified at 42 U.S.C. 247d–6d and 42 U.S.C. 247d–6e, respectively. Section 319F–3 of the PHS Act has been amended by the Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA), Public Law 113–5, enacted on March 13, 2013, and the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116–136, enacted on March 27, 2020, to expand Covered Countermeasures under the PREP Act.

On January 31, 2020, the former Secretary, Alex M. Azar II, declared a public health emergency pursuant to section 319 of the PHS Act, 42 U.S.C. 247d, effective January 27, 2020, for the entire United States to aid in the response of the nation’s health care community to the COVID–19 outbreak. Pursuant to section 319 of the PHS Act, the Secretary renewed that declaration effective on April 26, 2020, July 25, 2020, October 23, 2020, January 21, 2021, April 21, 2021, July 20, 2021, and October 15, 2021.

On March 10, 2020, former Secretary Azar issued a Declaration under the PREP Act for medical countermeasures against COVID–19 (85 FR 15198, Mar. 17, 2020) (the Declaration). On April 10, the former Secretary amended the Declaration under the PREP Act to extend liability immunity to covered countermeasures authorized under the CARES Act (85 FR 21012, Apr. 15, 2020). On June 4, the former Secretary amended the Declaration to clarify that covered countermeasures under the Declaration include qualified countermeasures that limit the harm COVID–19 might otherwise cause. (85 FR 35100, June 8, 2020). On August 19, the former Secretary amended the declaration to add additional categories of Qualified Persons and amend the category of disease, health condition, or threat for which he recommended the administration or use of the Covered Countermeasures. (85 FR 52136, Aug. 24, 2020). On December 3, 2020, the former Secretary amended the declaration to incorporate Advisory

Opinions of the General Counsel interpreting the PREP Act and the Secretary’s Declaration and authorizations issued by the Department’s Office of the Assistant Secretary for Health as an Authority Having Jurisdiction to respond; added an additional category of qualified persons under Section V of the Declaration; made explicit that the Declaration covers all qualified pandemic and epidemic products as defined under the PREP Act; added a third method of distribution to provide liability protections for, among other things, private distribution channels; made explicit that there can be situations where not administering a covered countermeasure to a particular individual can fall within the PREP Act and the Declaration’s liability protections; made explicit that there are substantive federal legal and policy issues and interests in having a unified whole-of-nation response to the COVID–19 pandemic among federal, state, local, and private-sector entities; revised the effective time period of the Declaration; and republished the declaration in full. (85 FR 79190, Dec. 9, 2020). On February 2, 2021, the Acting Secretary Norris Cochran amended the Declaration to add additional categories of Qualified Persons authorized to prescribe, dispense, and administer COVID–19 vaccines that are covered countermeasures under the Declaration (86 FR 7872, Feb. 2, 2021). On February 16, 2021, the Acting Secretary amended the Declaration to add additional categories of Qualified Persons authorized to prescribe, dispense, and administer COVID–19 vaccines that are covered countermeasures under the Declaration (86 FR 9516, Feb. 16, 2021) and on February 22, 2021, the Department filed a notice of correction to the February 2 and February 16 notices correcting effective dates stated in the Declaration, and correcting the description of qualified persons added by the February 16, 2021 amendment. (86 FR 10588, Feb. 22, 2021). On March 11, 2021, the Acting Secretary amended the Declaration to add additional Qualified Persons authorized to prescribe, dispense, and administer covered countermeasures under the Declaration. (86 FR 14462, Mar. 16, 2021). On August 4, 2021, Secretary Xavier Becerra amended the Declaration to clarify categories of Qualified Persons and to expand the scope of authority for certain Qualified Persons to administer seasonal influenza vaccines to adults. (86 FR 41977, Aug. 4, 2021). On September 14, 2021, Secretary Becerra amended the Declaration to expand the

scope of authority for certain Qualified Persons to administer COVID–19 therapeutics subcutaneously, intramuscularly, or orally (86 FR 51160, Sept. 14, 2021) and on September 30, 2021, the Department filed a notice of correction to the September 14 notice clarifying the terms “ACIP recommendations” and “ACIP’s standard immunization schedules.” (86 FR 54696, Oct. 4, 2021).

Secretary Xavier Becerra now amends section V of the Declaration to add subsection (j) to expand the scope of authority for licensed pharmacists to order and administer and qualified pharmacy interns to administer seasonal influenza vaccines.

Accordingly, subsection V(j) authorizes:

(j) Any pharmacist who holds an active license or certification permitting the person to prescribe, dispense, or administer vaccines under the law of any State or who is authorized under Section V(d) of this Declaration who prescribes, dispenses, or administers seasonal influenza vaccines, or a pharmacy intern as authorized under the section V(d) of this Declaration who administers seasonal influenza vaccines, in any jurisdiction where the PREP Act applies, other than the State in which the license or certification is held, so long as the license or certification of the pharmacist or pharmacy intern has not been suspended or restricted by any licensing authority, surrendered while under suspension, discipline or investigation by a licensing authority or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General;

#### **Description of This Amendment by Section**

##### *Section V. Covered Persons*

Under the PREP Act and the Declaration, a “qualified person” is a “covered person.” Subject to certain limitations, a covered person is immune from suit and liability under Federal and State law with respect to all claims for loss caused by, arising out of, relating to, or resulting from the administration or use of a covered countermeasure if a declaration under the PREP Act has been issued with respect to such countermeasure. “Qualified person” includes (A) a licensed health professional or other individual who is authorized to prescribe, administer, or dispense such countermeasures under the law of the State in which the countermeasure was prescribed, administered, or dispensed; or (B) “a person within a category of

persons so identified in a declaration by the Secretary” under subsection (b) of the PREP Act. 42 U.S.C. 247d–6d(i)(8)

The Secretary anticipates that there will be a need to increase the available pool of providers able to order and administer seasonal influenza vaccines. Seasonal influenza has the potential to inflict significant burden and strain on the U.S. healthcare system in its own right; and in conjunction with the ongoing COVID–19 pandemic, a spike in influenza cases could overwhelm healthcare providers. The health care system capacity and the vaccination workforce are likely to become increasingly strained throughout the nation. Allowing pharmacists and pharmacy interns to administer both COVID–19 vaccines and seasonal influenza vaccines in jurisdictions where the need is greatest would allow states maximum flexibility in limiting potential impacts of both illnesses. Pharmacists and pharmacy interns are well positioned to increase access to seasonal influenza vaccines and have played a critical role in this pandemic in overseeing COVID–19 testing and vaccine administration. Given their skill set and training, as well as looming provider shortages, pharmacists and pharmacy interns would require minimal, if any, additional training to administer and would not place any undue training burden on providers.

By this amendment to the Declaration, the Secretary expands the authorization for an additional category of persons who are qualified persons under section 247d–6d(i)(8)(B). First, the amendment expands the authorization for a pharmacist who holds an active license or certification permitting the person to prescribe, dispense, or administer vaccines under the law of any State or who is authorized under Section V(d) of this Declaration who prescribes, dispenses, or administers seasonal influenza vaccines, or a pharmacy intern as authorized under the section V(d) of this Declaration who administers seasonal influenza vaccines, in any jurisdiction where the PREP Act applies, other than the State in which the license or certification is held.

As qualified persons, these licensed pharmacists and interns will be afforded liability protections in accordance with the PREP Act and the terms of this amended Declaration. Second, to the extent that any State law that would otherwise prohibit these healthcare professionals who are a “qualified person” from prescribing, dispensing, or administering seasonal influenza vaccines or other Covered Countermeasures, such law is preempted. On May 19, 2020, the Office

of the General Counsel issued an advisory opinion concluding that, because licensed pharmacists are “qualified persons” under this declaration, the PREP Act preempts state law that would otherwise prohibit such pharmacists from ordering and administering authorized COVID–19 diagnostic tests.<sup>1</sup> The opinion relied in part on the fact that the Congressional delegation of authority to the Secretary under the PREP Act to specify a class of persons, beyond those who are authorized to administer a covered countermeasure under State law, as “qualified persons” would be rendered a nullity in the absence of such preemption. This opinion is incorporated by reference into this declaration. Based on the reasoning set forth in the May 19, 2020 advisory opinion, any State law that would otherwise prohibit a member of any of the classes of “qualified persons” specified in this declaration from administering a covered countermeasure is likewise preempted. In accordance with section 319F–3(i)(8)(A) of the Public Health Service Act, a State remains free to expand the universe of individuals authorized to administer covered countermeasures within its jurisdiction under State law.

The plain language of the PREP Act makes clear that there is preemption of state law as described above. Furthermore, preemption of State law is justified to respond to the nation-wide public health emergency caused by COVID–19 as it will enable States to quickly expand the vaccination, treatment and prevention workforces with additional qualified healthcare professionals where State or local requirements might otherwise inhibit or delay allowing these healthcare professionals to participate in the COVID–19 countermeasure program.

#### Amendments to Declaration

Amended Declaration for Public Readiness and Emergency Preparedness Act Coverage for medical countermeasures against COVID–19.

Section V of the March 10, 2020 Declaration under the PREP Act for

<sup>1</sup> Department of Health and Human Services General Counsel Advisory Opinion on the Public Readiness and Emergency Preparedness Act, May 19, 2020, available at: <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-advisory-opinion-hhs-ogc.pdf> (last visited Jan. 24, 2021). See also, Department of Justice Office of Legal Counsel Advisory Opinion for Robert P. Charrow, General Counsel of the Department of Health and Human Services, January 12, 2021, available at: <https://www.justice.gov/sites/default/files/opinions/attachments/2021/01/19/2021-01-19-prep-act-preemption.pdf> (last visited Jan. 24, 2021).

medical countermeasures against COVID–19, as amended April 10, 2020, June 4, 2020, August 19, 2020, as amended and republished on December 3, 2020, as amended on February 2, 2021, as amended March 11, 2021, as amended on August 4, 2021, and as amended on September 14, 2021, is further amended pursuant to section 319F–3(b)(4) of the PHS Act as described below. All other sections of the Declaration remain in effect as republished at 85 FR 79190 (Dec. 9, 2020).

1. Covered Persons, section V, delete in full and replace with:

#### V. Covered Persons

42 U.S.C. 247d–6d(i)(2), (3), (4), (6), (8)(A) and (B)

Covered Persons who are afforded liability immunity under this Declaration are “manufacturers,” “distributors,” “program planners,” “qualified persons,” and their officials, agents, and employees, as those terms are defined in the PREP Act, and the United States. “Order” as used herein and in guidance issued by the Office of the Assistant Secretary for Health<sup>2</sup> means a provider medication order, which includes prescribing of vaccines, or a laboratory order, which includes prescribing laboratory orders, if required. In addition, I have determined that the following additional persons are qualified persons:

(a) Any person authorized in accordance with the public health and medical emergency response of the Authority Having Jurisdiction, as described in Section VII below, to prescribe, administer, deliver, distribute or dispense the Covered Countermeasures, and their officials, agents, employees, contractors and volunteers, following a Declaration of an Emergency, as that term is defined in Section VII of this Declaration;<sup>3</sup>

<sup>2</sup> See Guidance for Licensed Pharmacists, COVID–19 Testing, and Immunity Under the PREP Act, OASH, Apr. 8, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/authorizing-licensed-pharmacists-to-order-and-administer-covid-19-tests.pdf> (last visited Jan. 24, 2021); Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID–19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021).

<sup>3</sup> See, e.g., Guidance for Licensed Pharmacists, COVID–19 Testing, and Immunity Under the PREP Act, OASH, Apr. 8, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/authorizing-licensed-pharmacists-to-order-and-administer-covid-19-tests.pdf> (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for COVID–19 Screening Tests

(b) Any person authorized to prescribe, administer, or dispense the Covered Countermeasures or who is otherwise authorized to perform an activity under an Emergency Use Authorization in accordance with Section 564 of the FD&C Act.

(c) Any person authorized to prescribe, administer, or dispense Covered Countermeasures in accordance with Section 564A of the FD&C Act.

(d) A State-licensed pharmacist who orders and administers, and pharmacy interns and qualified pharmacy technicians who administer (if the pharmacy intern or technician acts under the supervision of such pharmacist and the pharmacy intern or technician is licensed or registered by his or her State board of pharmacy),<sup>4</sup> (1)

at Nursing Homes, Assisted-Living Facilities, Long-Term-Care Facilities, and other Congregate Facilities, OASH, Aug. 31, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-coverage-for-screening-in-congregate-settings.pdf> (last visited Jan. 24, 2021); Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, OASH, Oct. 20, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021); PREP Act Authorization for Pharmacies Distributing and Administering Certain Covered Countermeasures, Oct. 29, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-authorization-pharmacies-administering-covered-countermeasures.pdf> (last visited Jan. 24, 2021) (collectively, OASH PREP Act Authorizations). Nothing herein shall suggest that, for purposes of the Declaration, the foregoing are the only persons authorized in accordance with the public health and medical emergency response of the Authority Having Jurisdiction.

<sup>4</sup> Some states do not require pharmacy interns to be licensed or registered by the state board of pharmacy. As used herein, "State-licensed or registered intern" (or equivalent phrases) refers to pharmacy interns authorized by the state or board of pharmacy in the state in which the practical pharmacy internship occurs. The authorization can, but need not, take the form of a license from, or registration with, the State board of pharmacy. Similarly, states vary on licensure and registration requirements for pharmacy technicians. Some states require certain education, training, and/or certification for licensure or registration; others either have no prerequisites for licensure or registration or do not require licensure or registration at all. As used herein, to be a "qualified pharmacy technician," pharmacy technicians working in states with licensure and/or registration requirements must be licensed and/or registered in accordance with state requirements; pharmacy technicians working in states without licensure and/or registration requirements must have a CPhT certification from either the Pharmacy Technician Certification Board or National Healthcareer Association. See Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-

vaccines that the Centers for Disease Control and Prevention (CDC)/Advisory Committee on Immunization Practices (ACIP) recommend<sup>5</sup> to persons ages three through 18 according to CDC's/ACIP's standard immunization schedule or (2) seasonal influenza vaccine administered by qualified pharmacy technicians and interns that the CDC/ACIP recommends to persons aged 19 and older according to CDC's/ACIP's standard immunization schedule; or (3) FDA authorized or FDA licensed COVID-19 vaccines to persons ages three or older. Such State-licensed pharmacists and the State-licensed or registered interns or technicians under their supervision are qualified persons only if the following requirements are met:

i. The vaccine must be authorized, approved, or licensed by the FDA.

ii. In the case of a COVID-19 vaccine, the vaccination must be ordered and administered according to CDC's/ACIP's COVID-19 vaccine recommendation(s).

iii. In the case of a childhood vaccine, the vaccination must be ordered and administered according to CDC's/ACIP's standard immunization schedule.

iv. In the case of seasonal influenza vaccine administered by qualified pharmacy technicians and interns, the vaccination must be ordered and administered according to CDC's/ACIP's standard immunization schedule.

v. In the case of pharmacy technicians, the supervising pharmacist must be readily and immediately available to the immunizing qualified pharmacy technician.

vi. The licensed pharmacist must have completed the immunization training that the licensing State requires for pharmacists to order and administer vaccines. If the State does not specify training requirements for the licensed pharmacist to order and administer vaccines, the licensed pharmacist must complete a vaccination training program of at least 20 hours that is approved by the ACPE to order and administer vaccines. Such a training program must include hands on injection technique, clinical evaluation of indications and contraindications of vaccines, and the

Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, OASH, Oct. 20, 2020 at 2, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021).

<sup>5</sup> Where the term CDC/ACIP recommendations, standard immunization schedules, or similar language is used, this includes both direct CDC recommendations as well as recommendations adopted by the CDC Director after recommendation by ACIP, which are commonly referred to as ACIP recommendations or schedules.

recognition and treatment of emergency reactions to vaccines.

vii. The licensed or registered pharmacy intern and qualified pharmacy technician must complete a practical training program that is approved by the ACPE. This training program must include hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines.

viii. The licensed pharmacist, licensed or registered pharmacy intern and qualified pharmacy technician must have a current certificate in basic cardiopulmonary resuscitation;<sup>6</sup>

ix. The licensed pharmacist must complete a minimum of two hours of ACPE-approved, immunization-related continuing pharmacy education during each State licensing period.

x. The licensed pharmacist must comply with recordkeeping and reporting requirements of the jurisdiction in which he or she administers vaccines, including informing the patient's primary-care provider when available, submitting the required immunization information to the State or local immunization information system (vaccine registry), complying with requirements with respect to reporting adverse events, and complying with requirements whereby the person administering a vaccine must review the vaccine registry or other vaccination records prior to administering a vaccine;

xi. The licensed pharmacist must inform his or her childhood-vaccination patients and the adult caregiver accompanying the child of the importance of a well-child visit with a pediatrician or other licensed primary care provider and refer patients as appropriate; and

<sup>6</sup> This requirement is satisfied by, among other things, a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education. The phrase "current certificate in basic cardiopulmonary resuscitation," when used in the September 3, 2020 or October 20, 2020 OASH authorizations, shall be interpreted the same way. See Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, OASH, Oct. 20, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021).

xii. The licensed pharmacist, the licensed or registered pharmacy intern and the qualified pharmacy technician must comply with any applicable requirements (or conditions of use) as set forth in the Centers for Disease Control and Prevention (CDC) COVID-19 vaccination provider agreement and any other federal requirements that apply to the administration of COVID-19 vaccine(s).

(e) Healthcare personnel using telehealth to order or administer Covered Countermeasures for patients in a state other than the state where the healthcare personnel are licensed or otherwise permitted to practice. When ordering and administering Covered Countermeasures by means of telehealth to patients in a state where the healthcare personnel are not already permitted to practice, the healthcare personnel must comply with all requirements for ordering and administering Covered Countermeasures to patients by means of telehealth in the state where the healthcare personnel are permitted to practice. Any state law that prohibits or effectively prohibits such a qualified person from ordering and administering Covered Countermeasures by means of telehealth is preempted.<sup>7</sup> Nothing in this Declaration shall preempt state laws that permit additional persons to deliver telehealth services.

(f) Any healthcare professional or other individual who holds an active license or certification permitting the person to prescribe, dispense, or administer vaccines under the law of any State as of the effective date of this amendment, or a pharmacist or pharmacy intern as authorized under the section V(d) of this Declaration, who prescribes, dispenses, or administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies, other than the State in which the license or certification is held, in association with a COVID-19 vaccination effort by a federal, State, local Tribal or territorial authority or by an institution in the State in which the COVID-19 vaccine covered countermeasure is administered, so long as the license or certification of the healthcare professional has not been suspended or restricted by any licensing authority, surrendered while under suspension,

discipline or investigation by a licensing authority or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General, subject to: (i) Documentation of completion of the Centers for Disease Control and Prevention COVID-19 (CDC) Vaccine Training Modules<sup>8</sup> and, for healthcare providers who are not currently practicing, documentation of an observation period by a currently practicing healthcare professional experienced in administering intramuscular injections, and for whom administering intramuscular injections is in their ordinary scope of practice, who confirms competency of the healthcare provider in preparation and administration of the COVID-19 vaccine(s) to be administered;

(g) Any member of a uniformed service (including members of the National Guard in a Title 32 duty status) (hereafter in this paragraph "service member") or Federal government, employee, contractor, or volunteer who prescribes, administers, delivers, distributes or dispenses a Covered Countermeasure. Such Federal government service members, employees, contractors, or volunteers are qualified persons if the following requirement is met: The executive department or agency by or for which the Federal service member, employee, contractor, or volunteer is employed, contracts, or volunteers has authorized or could authorize that service member, employee, contractor, or volunteer to prescribe, administer, deliver, distribute, or dispense the Covered Countermeasure as any part of the duties or responsibilities of that service member, employee, contractor, or volunteer, even if those authorized duties or responsibilities ordinarily would not extend to members of the public or otherwise would be more limited in scope than the activities such service member, employees, contractors, or volunteers are authorized to carry out under this declaration; and

(h) The following healthcare professionals and students in a healthcare profession training program subject to the requirements of this paragraph:

1. Any midwife, paramedic, advanced or intermediate emergency medical technician (EMT), physician assistant, respiratory therapist, dentist, podiatrist, optometrist or veterinarian licensed or certified to practice under the law of any state who prescribes, dispenses, or

administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID-19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID-19 vaccine covered countermeasure is administered;

2. Any physician, advanced practice registered nurse, registered nurse, practical nurse, pharmacist, pharmacy intern, midwife, paramedic, advanced or intermediate EMT, respiratory therapist, dentist, physician assistant, podiatrist, optometrist, or veterinarian who has held an active license or certification under the law of any State within the last five years, which is inactive, expired or lapsed, who prescribes, dispenses, or administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID-19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID-19 vaccine covered countermeasure is administered, so long as the license or certification was active and in good standing prior to the date it went inactive, expired or lapsed and was not revoked by the licensing authority, surrendered while under suspension, discipline or investigation by a licensing authority or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General;

3. Any medical, nursing, pharmacy, pharmacy intern, midwife, paramedic, advanced or intermediate EMT, physician assistant, respiratory therapy, dental, podiatry, optometry or veterinary student with appropriate training in administering vaccines as determined by his or her school or training program and supervision by a currently practicing healthcare professional experienced in administering intramuscular injections who administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID-19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID-19 vaccine covered countermeasure is administered;

Subject to the following requirements:

i. The vaccine must be authorized, approved, or licensed by the FDA.

<sup>7</sup> See, e.g., Advisory Opinion 20-02 on the Public Readiness and Emergency Preparedness Act and the Secretary's Declaration under the Act, May 19, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/advisory-opinion-20-02-hhs-ogc-prep-act.pdf> (last visited Jan. 24, 2021).

<sup>8</sup> See COVID-19 Vaccine Training Modules, available at <https://www.cdc.gov/vaccines/covid-19/training.html>.

ii. Vaccination must be ordered and administered according to CDC's/ACIP's COVID-19 vaccine recommendation(s);

iii. The healthcare professionals and students must have documentation of completion of the Centers for Disease Control and Prevention COVID-19 Vaccine Training Modules and, if applicable, such additional training as may be required by the State, territory, locality, or Tribal area in which they are prescribing, dispensing, or administering COVID-19 vaccines;

iv. The healthcare professionals and students must have documentation of an observation period by a currently practicing healthcare professional experienced in administering intramuscular injections, and for whom administering vaccinations is in their ordinary scope of practice, who confirms competency of the healthcare provider or student in preparation and administration of the COVID-19 vaccine(s) to be administered and, if applicable, such additional training as may be required by the State, territory, locality, or Tribal area in which they are prescribing, dispensing, or administering COVID-19 vaccines;

v. The healthcare professionals and students must have a current certificate in basic cardiopulmonary resuscitation;<sup>9</sup>

vi. The healthcare professionals and students must comply with recordkeeping and reporting requirements of the jurisdiction in which he or she administers vaccines, including informing the patient's primary-care provider when available, submitting the required immunization information to the State or local immunization information system (vaccine registry), complying with requirements with respect to reporting adverse events, and complying with requirements whereby the person

<sup>9</sup>This requirement is satisfied by, among other things, a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education. The phrase "current certificate in basic cardiopulmonary resuscitation," when used in the September 3, 2020 or October 20, 2020 OASH authorizations, shall be interpreted the same way. See *Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act*, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021); *Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing*, OASH, Oct. 20, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021).

administering a vaccine must review the vaccine registry or other vaccination records prior to administering a vaccine; and

vii. The healthcare professionals and students comply with any applicable requirements (or conditions of use) as set forth in the Centers for Disease Control and Prevention (CDC) COVID-19 vaccination provider agreement and any other federal requirements that apply to the administration of COVID-19 vaccine(s).

(i) A State-licensed pharmacist who orders and administers, and pharmacy interns and qualified pharmacy technicians who administer (if the pharmacy intern or technician acts under the supervision of such pharmacist and the pharmacy intern or technician is licensed or registered by his or her State board of pharmacy)<sup>10</sup> FDA authorized, approved, or licensed COVID-19 therapeutics. Such State-licensed pharmacists and the State-licensed or registered interns or technicians under their supervision are qualified persons only if the following requirements are met:

i. The COVID-19 therapeutic must be authorized, approved, or licensed by the FDA.

ii. In the case of a licensed pharmacist ordering a COVID-19 therapeutic, the therapeutic must be ordered for subcutaneous, intramuscular, or oral administration and in accordance with the FDA approval, authorization, or licensing.

iii. In the case of licensed pharmacists, qualified pharmacy technicians, and licensed or registered

<sup>10</sup>Some states do not require pharmacy interns to be licensed or registered by the state board of pharmacy. As used herein, "State-licensed or registered intern" (or equivalent phrases) refers to pharmacy interns authorized by the state or board of pharmacy in the state in which the practical pharmacy internship occurs. The authorization can, but need not, take the form of a license from, or registration with, the State board of pharmacy. Similarly, states vary on licensure and registration requirements for pharmacy technicians. Some states require certain education, training, and/or certification for licensure or registration; others either have no prerequisites for licensure or registration or do not require licensure or registration at all. As used herein, to be a "qualified pharmacy technician," pharmacy technicians working in states with licensure and/or registration requirements must be licensed and/or registered in accordance with state requirements; pharmacy technicians working in states without licensure and/or registration requirements must have a CPhT certification from either the Pharmacy Technician Certification Board or National Healthcareer Association. See *Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing*, OASH, Oct. 20, 2020 at 2, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021).

pharmacy interns administering the COVID-19 therapeutic, the therapeutic must be administered subcutaneously, intramuscularly, or orally in accordance with the FDA approval, authorization, or licensing.

iv. In the case of qualified pharmacy technicians, the supervising pharmacist must be readily and immediately available to the qualified pharmacy technician.

v. In the case of COVID-19 therapeutics administered through intramuscular or subcutaneous injections, the licensed pharmacist, licensed or registered pharmacy intern and qualified pharmacy technician must complete a practical training program that is approved by the ACPE. This training program must include hands-on injection technique, clinical evaluation of indications and contraindications of COVID-19 therapeutics, the recognition and treatment of emergency reactions to COVID-19 therapeutics, and any additional training required in the FDA approval, authorization, or licensing.

vi. The licensed pharmacist, licensed or registered pharmacy intern and qualified pharmacy technician must have a current certificate in basic cardiopulmonary resuscitation;<sup>11</sup>

vii. The licensed pharmacist must comply with recordkeeping and reporting requirements of the jurisdiction in which he or she administers COVID-19 therapeutics, including informing the patient's primary-care provider when available and complying with requirements with respect to reporting adverse events.

viii. The licensed pharmacist, the licensed or registered pharmacy intern and the qualified pharmacy technician must comply with any applicable

<sup>11</sup>This requirement is satisfied by, among other things, a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education. The phrase "current certificate in basic cardiopulmonary resuscitation," when used in the September 3, 2020 or October 20, 2020 OASH authorizations, shall be interpreted the same way. See *Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act*, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021); *Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing*, OASH, Oct. 20, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021).

requirements (or conditions of use) that apply to the administration of COVID-19 therapeutics.

(j) Any pharmacist who holds an active license or certification permitting the person to prescribe, dispense, or administer vaccines under the law of any State or who is authorized under Section V(d) of this Declaration who prescribes, dispenses, or administers seasonal influenza vaccines, or a pharmacy intern as authorized under the section V(d) of this Declaration who administers seasonal influenza vaccines, in any jurisdiction where the PREP Act applies, other than the State in which the license or certification is held, so long as the license or certification of the pharmacist or pharmacy intern has not been suspended or restricted by any licensing authority, surrendered while under suspension, discipline or investigation by a licensing authority or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General.

Nothing in this Declaration shall be construed to affect the National Vaccine Injury Compensation Program, including an injured party's ability to obtain compensation under that program. Covered countermeasures that are subject to the National Vaccine Injury Compensation Program authorized under 42 U.S.C. 300aa-10 *et seq.* are covered under this Declaration for the purposes of liability immunity and injury compensation only to the extent that injury compensation is not provided under that Program. All other terms and conditions of the Declaration apply to such covered countermeasures.

2. Effective Time Period, section XII, delete in full and replace with:

Liability protections for any respiratory protective device approved by NIOSH under 42 CFR part 84, or any successor regulations, through the means of distribution identified in Section VII(a) of this Declaration, begin on March 27, 2020 and extend through October 1, 2024.

Liability protections for all other Covered Countermeasures identified in Section VI of this Declaration, through means of distribution identified in Section VII(a) of this Declaration, begin on February 4, 2020 and extend through October 1, 2024.

Liability protections for all Covered Countermeasures administered and used in accordance with the public health and medical response of the Authority Having Jurisdiction, as identified in Section VII(b) of this Declaration, begin with a Declaration of Emergency as that term is defined in Section VII (except that, with respect to

qualified persons who order or administer a routine childhood vaccination that CDC/ACIP recommends to persons ages three through 18 according to CDC's/ACIP's standard immunization schedule, liability protections began on August 24, 2020), and last through (a) the final day the Declaration of Emergency is in effect, or (b) October 1, 2024, whichever occurs first.

Liability protections for all Covered Countermeasures identified in Section VII(c) of this Declaration begin on December 9, 2020 and last through (a) the final day the Declaration of Emergency is in effect or (b) October 1, 2024 whichever occurs first.

Liability protections for Qualified Persons under section V(d) of the Declaration who are qualified pharmacy technicians and interns to seasonal influenza vaccine to persons aged 19 and older begin on August 4, 2021.

Liability protections for Qualified Persons under section V(f) of the Declaration begin on February 2, 2021, and last through October 1, 2024.

Liability protections for Qualified Persons under section V(g) of the Declaration begin on February 16, 2021, and last through October 1, 2024.

Liability protections for Qualified Persons who are physicians, advanced practice registered nurses, registered nurses, or practical nurses under section V(h) of the Declaration begins on February 2, 2021 and last through October 1, 2024, with additional conditions effective as of March 11, 2021 and liability protections for all other Qualified persons under section V(h) begins on March 11, 2021 and last through October 1, 2024.

Liability protections for Qualified Persons under section V(i) of the Declaration who are licensed pharmacists to order and administer and qualified pharmacy technicians and licensed or registered pharmacy interns to administer COVID-19 therapeutics begin on September 9, 2021.

Liability protections for Qualified Persons under section V(j) of the Declaration begin on December 30, 2021.

*Authority:* 42 U.S.C. 247d-6d.

Dated: January 4, 2022.

**Xavier Becerra,**

*Secretary, U.S. Department of Health and Human Services.*

[FR Doc. 2022-00151 Filed 1-5-22; 11:15 am]

**BILLING CODE P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[21X LLUTC01000 L51010000 ER0000  
LVRWJ21J4210; UTU-92733; 00-00000]

### Notice of Availability of the Pine Valley Water Supply Project Draft Environmental Impact Statement, Beaver and Iron Counties, UT

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) announces the availability of the Draft Environmental Impact Statement (EIS) for a right-of-way (ROW) application submitted by the Central Iron County Water Conservancy District (CICWCD), referred to as the Pine Valley Water Supply (PVWS) Project.

**DATES:** This notice initiates the 45-day comment period. To ensure comments will be considered, the BLM must receive written comments on the proposed PVWS Project Draft EIS by February 22, 2022. The BLM will announce public involvement opportunities at least 15 days in advance on the BLM ePlanning project website at <https://eplanning.blm.gov/eplanning-ui/project/1503915/510>.

**ADDRESSES:** The Draft EIS is available for review on the BLM ePlanning project website at <https://eplanning.blm.gov/eplanning-ui/project/1503915/510>. Written comments related to the PVWS Project Draft EIS may be submitted by either of the following methods:

1. *Email:* [pvwsproject@gmail.com](mailto:pvwsproject@gmail.com).

2. *Mail:* Bureau of Land Management, Attn: PVWS, 176 DL Sargent Drive, Cedar City, Utah 84721.

#### FOR FURTHER INFORMATION CONTACT:

Brooklynn Cox, Cedar City Field Office Realty Specialist, telephone (435) 865-3073; 176 DL Sargent Dr., Cedar City, UT 84721; [pvwsproject@gmail.com](mailto:pvwsproject@gmail.com).

Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1-800-877-8339 to leave a message or question for the above individual. The FRS is available 24 hours a day, seven days a week.

Replies are provided during normal business hours. If you would like to request to view a hard copy, please call the Cedar City Field Office for more information at (435) 865-3000, Monday through Friday, except holidays.

**SUPPLEMENTARY INFORMATION:** On June 15, 2017, CICWCD applied for a ROW



grant for the PVWS Project on BLM-administered public land in western Iron and Beaver counties, Utah. The proposed project would develop and convey groundwater rights as permitted by the Utah Division of Water Resources to the CICWCD in Pine Valley, located in Beaver County west of Milford, Utah.

The Draft EIS considers the proposed action to develop production wells within Pine Valley in Beaver County. The project also includes the development of buried lateral pipelines to connect the wells to a buried mainline, access roads, power transmission lines, a solar energy field, a 10-million-gallon underground water storage tank, and an up to 70-mile-long underground water transmission pipeline to transport water to Iron County communities. The ROW as proposed would be 50 feet wide, for a term of 30-years. During construction, there would be an additional 70-foot-wide temporary ROW; therefore, the total ROW width during that timeframe would be 120 feet.

The BLM is required to respond to CICWCD's application for a ROW under Title V of FLPMA and 43 CFR part 2800. The decision to be made by the BLM is to: Approve, approve with modifications, or deny the issuance of a ROW grant to CICWCD for the PVWS Project.

The BLM initiated scoping with the publication of a Notice of Intent in the **Federal Register** on July 15, 2020 (85 F R 42914), and the scoping period remained open through August 19, 2020. The bureau held an online public scoping meeting on August 5, 2020. A summary of the comments received during the scoping period can be found in the scoping report posted at <https://eplanning.blm.gov/eplanning-ui/project/1503915/510>. The Draft EIS considers in detail the impacts of the Proposed Action Alternative, an Adaptive Northern Well Sites (ANWS) Alternative, and a No Action Alternative. Under the No Action Alternative, the BLM would deny CICWCD's application for a ROW grant for construction and operation of the proposed project. The No Action Alternative provides a baseline against which to compare the action alternatives in the EIS.

The Proposed Action Alternative includes development of up to 15 production wells, 10 of which would be on BLM-administered public land, an estimated seven monitoring wells, up to 70 miles of buried pipeline, and other associated and appurtenant facilities. There are also eight existing monitoring wells drilled under a previous authorization that would be included in

the new 30-year ROW grant. Power to the well pumps would be provided by an approximately 35-megawatt solar energy field that would be constructed in Pine Valley on approximately 200 acres located within the southern half of a 640-acre section of CICWCD-owned land. No portion of the solar energy field would be on BLM-administered land. Three sections of pipeline would be constructed for the project. Smaller lateral or collection lines would extend from each of the production wells to the main line. A main line (Pine Valley main pipeline) would convey the water from the lateral lines to a point 4.7 miles west of Lund, Utah, and a larger main line (Avon Road main pipeline) would convey the water from the point 4.7 miles west of Lund to Cedar City, Utah. The project would require an estimated total of up to 70 miles of pipeline. Of this total, up to 42.6 miles would be located on BLM-administered land. Water from the Pine Valley main pipeline would be collected into storage tanks located within a 10-acre site at the high point of the alignment. The tanks themselves would be approximately 200 feet wide by 200 feet long by 35 feet tall and contain up to 10 million gallons of water. The tanks would be located within 2.5 acres of land owned by the Utah School and Institutional Trust Lands Administration, with pipes extending across BLM-administered land to and from the main line located along Pine Valley Road. One pressure-reducing station may be required near Lund to reduce the pipeline pressure at this location. No portion of the pressure-reducing station would be on BLM-administered land. Approximately six miles of unimproved roads would be used to access the monitoring wells. Temporary construction access would be via public roads and/or contained within the temporary 120-foot-wide ROW associated with the construction. Twenty temporary staging areas are identified along the Pine Valley main pipeline and Avon Road main pipeline corridors. Construction would take up to approximately 42 months.

The BLM developed the ANWS Alternative to address some of the uncertainty surrounding potential groundwater impacts and assess whether a project alternative with a more northerly wellfield configuration would reduce potential impacts to aquifers south of Pine Valley. The ANWS Alternative is an adaptive management approach. Up to six production wells and an estimated seven monitoring wells would be completed as described in the Proposed Action Alternative. After monitoring, if

drawdown in the southern aquifers becomes a concern, up to nine additional production wells (for a total of up to 15), and associated pipelines, would be installed farther north in Pine Valley, along the Pine Valley Road. The number and location of new production wells would be based on the level of impacts to the southern aquifer, as shown through monitoring. In addition to the potential impacts from the Proposed Action Alternative, up to 7.3 additional miles of pipeline and up to 7.4 additional miles of power transmission line may be required. This would bring the total pipeline miles required under the ANWS Alternative to up to 77.3.

An adaptive management monitoring and mitigation plan is included as a component of project implementation under both action alternatives, which requires monitoring to identify how the aquifer is responding and provides mitigation measures that could be implemented to minimize impacts from the changes in groundwater level. The BLM has not identified a preferred alternative in the Draft EIS. A preferred alternative will be identified in the Final EIS after consideration of comments received from the public.

The BLM will continue to provide and coordinate public participation opportunities to assist the agencies in satisfying the public involvement requirements under section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) pursuant to 36 CFR 800.2(d)(3). Information about historic and cultural resources within the area potentially affected by the Proposed Action Alternative will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA.

The BLM will continue to consult with American Indian Tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with Tribes and other stakeholders that may be interested in or affected by the proposed PVWS Project, are encouraged to review and comment on the Draft EIS. The BLM will respond to substantive comments by making appropriate revisions to the documents or explaining why a comment did not warrant a change.

Before including your phone number, email address, or other personal identifying information in your comment, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personal identifying information from public review, the BLM cannot guarantee that it will be able to do so.

*Authority:* 43 CFR 2800, 40 CFR 1502.9, 40 CFR 1506.6, 43 CFR 46.435, and 43 CFR 1610.2.

**Gregory Sheehan,**

*State Director, Bureau of Land Management, Utah.*

[FR Doc. 2021-27518 Filed 1-6-22; 8:45 am]

**BILLING CODE 4310-DQ-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1230]

### **Certain Electric Shavers and Components and Accessories Thereof; Commission Determination To Review in Part Complainant's Motion Granting in Part Complainant's Motion for Summary Determination of a Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review in part an initial determination ("ID") (Order No. 33) of the presiding administrative law judge ("ALJ"), granting in part summary determination on violation of section 337 and including a recommended determination ("RD") on remedy and bonding. The Commission has determined to review the ID's findings concerning the economic prong of the domestic industry requirement. The Commission requests briefing from the parties on the issue under review, and briefing from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-2532. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email

[EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On November 18, 2020, the Commission instituted this investigation based on a complaint filed by Complainant Skull Shaver ("Skull Shaver") of Moorestown, New Jersey. 85 FR 73510-11 (Nov. 18, 2020). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electric shavers and components and accessories thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,726,528 and D672,504. *Id.* The Commission's notice of investigation named the following eleven entities as respondents: Rayenbarny Inc. ("Rayenbarny") of New York, New York; Bald Shaver Inc. ("Bald Shaver") of Toronto, Canada; Suzhou Kaidiya Garments Trading Co., Ltd. ("Suzhou") d.b.a. "Digimator" of Suzhou, China; Shenzhen Aiweilai Trading Co., Ltd. ("Aiweilai") d.b.a. "Teamyo" of Shenzhen, China; Wenzhou Wending Electric Appliance Co., Ltd. of Yueqing City, China; Shenzhen Nukun Technology Co., Ltd. ("Nukun") d.b.a. "OriHea" of Shenzhen, China; Yiwu Xingye Network Technology Co. Ltd. ("Yiwu Xingye") d.b.a. "Roziapro" of Yiwu, China; Magicfly LLC ("Magicfly") of Hong Kong; Yiwu City Qiaoyu Trading Co., Ltd. ("Yiwu City") of Yiwu, China; Shenzhen Wantong Information Technology Co., Ltd. ("Wantong") d.b.a. "WTONG" of Shenzhen, China; and Shenzhen Junmao International Technology Co., Ltd. ("Junmao") d.b.a. "Homeas" of Shenzhen, China. The notice of investigation also named the Office of Unfair Import Investigations ("OUII") as a party. *Id.*

The Commission terminated Rayenbarny from the investigation because its accused product was actually imported by Benepuri LLC ("Benepuri") of Menands, New York; the Commission allowed Benepuri to intervene as a respondent. Notice, 85 FR 82514, 82515 (Dec. 18, 2020). The Commission later granted Skull Shaver's motion to amend the Complaint and the notice of investigation to correct the name of Wenzhou Wending Electric Appliance Co., Ltd. d.b.a. "Paitree" is

Wenzhou Wending Electric Appliance Co., Ltd. ("Wenzhou"), and to correct the addresses of several respondents. Notice, 86 FR 14645, 14645 (Mar. 17, 2021). The Commission terminated Magicfly from the investigation on the basis of settlement. Notice at 2 (May 19, 2021). The Commission terminated Nukun and Benepuri from the investigation on the basis of withdrawal of the complaint. Notice at 2 (June 21, 2021) (Nukun); Notice at 2 (Oct. 28, 2021) (Benepuri). All of the remaining respondents (*i.e.*, all respondents other than Magicfly, Nukun, Benepuri and Rayenbarny) defaulted. *See* Notice at 3 (May 21, 2021) (seven defaulting respondents); Notice at 2 (Dec. 9, 2021) (Bald Shaver). Taken together, the eight defaulting respondents are: Suzhou; Yiwu City; Wenzhou; Aiweilai; Junmao; Wantong; Yiwu Xingye; and Bald Shaver.

On May 26, 2021, Skull Shaver filed a motion for summary determination of violation of section 337 by the eight defaulting respondents and for a recommendation that the Commission issue a general exclusion order ("GEO") and cease and desist orders ("CDOs"). *See* Complainants' Motion for Summary Determination of Violation and for Recommended Determination on Remedy and Bonding ("Skull Shaver Motion"). On June 7, 2021, OUII filed a response in support of Skull Shaver's motion. *See* Commission Investigative Staff's Response to Skull Shaver's Motion for Summary Determination of Violation ("OUII Response"). No respondent filed a response to Skull Shaver's motion.

On September 23, 2021, OUII filed a notice of supplemental authority concerning the domestic industry requirement. On September 28, 2021, the ALJ issued an order (Order No. 31) ordering certain supplementation of Skull Shaver's domestic industry analysis. On October 14, 2021, Skull Shaver submitted its supplement in response to Order No. 31. No other responses to Order No. 31 were filed. On November 18, 2021, the ALJ granted-in-part Skull Shaver's motion for summary determination as the subject ID.

The ID finds that Skull Shaver owns the asserted patents, and that those patents are valid and enforceable. ID at 3. The ID further finds that although all respondents imported, sold for importation, or sold within the United States after importation at least one accused article, the only respondents whose articles infringe the asserted patents are Yiwu Xingye and Yiwu City. *Id.* at 3-4. The ID finds that personal jurisdiction is not necessary over each

defaulting respondent, but that the defaulting respondents waived any opportunity to contest the allegation that personal jurisdiction exists. *Id.* The ID further finds that Skull Shaver meets the technical prong and the economic prong of the domestic industry requirement. *Id.* at 4. As to remedy, the RD finds that there is a widespread pattern of unauthorized use of the asserted patents and that a GEO is necessary to prevent circumvention. *Id.* at 4. The RD also recommends issuance of CDOs against the two infringing respondents that maintain domestic inventories. RD at 80–81. The RD recommends a bond rate of 100% because complete pricing information is not available. RD at 82.

No petitions for review of the ID were filed.

The Commission has determined to review the ID's findings concerning the economic prong of the domestic industry requirement, and not to review the ID's findings on other issues.

The parties are asked to brief the following issues concerning the economic prong of the domestic industry requirement:

(1) Within each of the general categories of labor (management, marketing/creative, customer service, and logistics/warehousing), please explain which particular activities differ from those of a mere importer, including by addressing the extent to which the activities do not need to take place in the United States either as a legal or a practical matter.

(2) Please provide, to the extent permitted by the record, a breakout or estimated breakout of the claimed expenditures by type of activities to allow separate consideration of expenses for activities that do not need to take place in the United States either as a legal or a practical matter. In your answer please be sure to address (a) the various tasks performed by management, (b) the work done by logistics/warehouse employees related to quality control and repair, and (c) the work done by marketing/creative employees related to industrial design, research and development, and prototyping.

(3) Does the total claimed expense for logistics/warehouse labor costs (see, e.g., ID at 63) include all activities done by those workers, or only quality control and repair work?

In connection with the final disposition of this investigation, the statute authorizes issuance of: (1) An exclusion order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) one or more cease and desist orders that

could result in the Defaulting Respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (December 1994).

The statute requires the Commission to consider the effects of any remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or CDO would have on: (1) The public health and welfare; (2) competitive conditions in the U.S. economy; (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation; and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

*Written Submissions:* The parties to the investigation are requested to file written submissions on the issue under review as set forth above. Parties to this investigation, interested government agencies, and any other interested parties are invited to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should include views on the recommended determination by the ALJ on remedy and bonding.

In its initial written submissions, Skull Shaver is also requested to identify the remedy sought and Skull Shaver and OUII are also requested to submit proposed remedial orders for the Commission's consideration. Skull Shaver is further requested to provide the HTSUS subheadings under which the subject articles are imported and to supply identification information for all known importers of the subject articles.

Initial written submissions, including proposed remedial orders, must be filed no later than close of business on January 18, 2022. Reply submissions must be filed no later than the close of business on January 25, 2022. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (Inv. No. 337-TA-1230) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract

personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The Commission vote for these determinations took place on January 3, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: January 4, 2022.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2022-00086 Filed 1-6-22; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1578-1579 (Preliminary)]

### Lemon Juice From Brazil and South Africa; Institution of Antidumping Duty Investigations and Scheduling of Preliminary Phase Investigations

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping duty investigation Nos. 731-TA-1578-1579 (Preliminary) pursuant to the Tariff Act of 1930 ("the Act") to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of lemon juice from Brazil and South Africa, provided for in subheadings 2009.31.40 and 2009.31.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce ("Commerce") extends the time for initiation, the Commission must reach preliminary determinations in antidumping duty investigations in 45 days, or in this case by February 14, 2022. The Commission's views must be transmitted to Commerce within five business days thereafter, or by February 22, 2022.

**DATES:** December 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** Julie Duffy (202-708-2579), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—These investigations are being instituted, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), in response to petitions filed on December 30, 2021, by Ventura Coastal LLC, Ventura, California.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**Participation in the investigations and public service list.**—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the

investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Conference.**—In light of the restrictions on access to the Commission building due to the COVID-19 pandemic, the Commission is conducting the staff conference through video conferencing on January 20, 2022. Requests to appear at the conference should be emailed to [preliminaryconferences@usitc.gov](mailto:preliminaryconferences@usitc.gov) (DO NOT FILE ON EDIS) on or before January 18, 2022. Please provide an email address for each conference participant in the email. Information on conference procedures will be provided separately and guidance on joining the video conference will be available on the Commission's Daily Calendar. A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

**Written submissions.**—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before January 25, 2022, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than noon on January 19, 2022. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a

certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Certification.**—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: January 4, 2022.

**Lisa Barton,**

Secretary to the Commission.

[FR Doc. 2022-00084 Filed 1-6-22; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-673-677 and 731-TA-1580-1583 (Preliminary)]

### Steel Nails From India, Oman, Sri Lanka, Thailand, and Turkey; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701-TA-673-677 and 731-TA-1580-1583 (Preliminary) pursuant to the Tariff Act of 1930 ("the Act") to determine whether there is a reasonable indication

that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of steel nails, provided for in subheadings 7317.00.55, 7317.00.65, and 7317.00.75 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value from India, Sri Lanka, Thailand, and Turkey and alleged to be subsidized by the Governments of India, Oman, Sri Lanka, Thailand, and Turkey. Unless the Department of Commerce ("Commerce") extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by February 14, 2022. The Commission's views must be transmitted to Commerce within five business days thereafter, or by February 22, 2022.

**DATES:** December 30, 2021.

**FOR FURTHER INFORMATION CONTACT:**

Nitin Joshi (202-708-1669), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background.**—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on December 30, 2021, by Mid Continent Steel & Wire, Inc., Poplar Bluff, Missouri.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**Participation in the investigations and public service list.**—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in

§§ 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Conference.**—In light of the restrictions on access to the Commission building due to the COVID-19 pandemic, the Commission is conducting the staff conference through video conferencing on January 20, 2022. Requests to appear at the conference should be emailed to [preliminaryconferences@usitc.gov](mailto:preliminaryconferences@usitc.gov) (DO NOT FILE ON EDIS) on or before January 18, 2022. Please provide an email address for each conference participant in the email. Information on conference procedures will be provided separately and guidance on joining the video conference will be available on the Commission's Daily Calendar. A nonparty who has testimony that may aid the Commission's deliberations may request permission to participate by submitting a short statement.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

**Written submissions.**—As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before January 25, 2022, a written brief

containing information and arguments pertinent to the subject matter of the investigations. Parties shall file written testimony and supplementary material in connection with their presentation at the conference no later than noon on January 19, 2022. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Certification.**—Pursuant to § 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: January 4, 2022.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2022-00085 Filed 1-6-22; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Agricultural Workers Survey

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employment and Training Administration (ETA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before February 7, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** Mara Blumenthal by telephone at 202-693-8538, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Wagner-Peyser Act, as amended (29 U.S.C. 49f(d) and 49l-2(a)), authorizes DOL to collect this information. The National Agricultural Workers Survey (NAWS) is an employment-based, annual survey of the demographic, employment, and health characteristics of hired crop workers, including those who employers hire indirectly through labor contractors. For additional substantive information about this ICR,

see the related notice published in the *Federal Register* on September 3, 2021 (86 FR 49569).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL-ETA.

*Title of Collection:* National Agricultural Workers Survey.

*OMB Control Number:* 1205-0453.

*Affected Public:* Individuals or Households; Private Sector—Farms.

*Total Estimated Number of Respondents:* 4,476.

*Total Estimated Number of Responses:* 4,476.

*Total Estimated Annual Time Burden:* 1,484 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Dated: January 3, 2022.

**Mara Blumenthal,**

*Senior PRA Analyst.*

[FR Doc. 2022-00060 Filed 1-6-22; 8:45 am]

**BILLING CODE 4510-FM-P**

## POSTAL SERVICE

### Notice of Availability of Final Environmental Impact Statement for Purchase of Next Generation Delivery Vehicles

**AGENCY:** Postal Service.

**ACTION:** Notice of availability of final environmental impact statement.

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), its implementing procedures at 39 CFR 775, and the President's Council on Environmental Quality Regulations (40 CFR parts 1500-1508), the U.S. Postal Service announces availability of the Final Environmental Impact Statement (FEIS)

to purchase over ten years 50,000 to 165,000 purpose-built, right-hand-drive vehicles—the Next Generation Delivery Vehicle (NGDV)—to replace existing delivery vehicles nationwide that are approaching the end of their service life. While the Postal Service has not yet determined the precise mix of the powertrains in the new vehicles to be purchased, under the Proposed Action, at least ten percent of the NGDV would have battery electric (BEV) powertrains, with the remainder being internal combustion (ICE). The FEIS evaluates the environmental impacts of the Proposed Action, as well as two BEV and ICE commercial off-the-shelf (COTS) vehicle alternatives and the “no action” alternative.

The U.S. Environmental Protection Agency’s publication of the FEIS in the **Federal Register** begins a 30-day waiting period. Following the waiting period, the U.S. Postal Service will make a final decision regarding the Proposed Action and complete a Record of Decision.

**ADDRESSES:** Interested parties may view the FEIS at <http://uspsngdveis.com/>.

#### References

1. U.S. Postal Service, Notice of Intent to Prepare an Environmental Impact Statement for Purchase of Next Generation Delivery Vehicles, 86 FR 12715 (Mar. 4, 2021).
2. U.S. Postal Service, Notice of Availability of Draft Environmental Impact Statement for Purchase of Next Generation Delivery Vehicle, 86 FR 47662 (Aug. 26, 2021).
3. U.S. Environmental Protection Agency, Notice of Availability of EIS No. 20210129, Draft, USPS, DC, Next Generation Delivery Vehicle Acquisitions, 86 FR 49531 (Sept. 3, 2021).

#### Ruth Stevenson,

Chief Counsel, Ethics and Legal Compliance.

[FR Doc. 2022-00037 Filed 1-6-22; 8:45 am]

BILLING CODE 7710-12-P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34462; 812-15257]

### Fairway Private Equity & Venture Capital Opportunities Fund and Fairway Capital Management, LLC

January 4, 2022.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from

sections 18(a)(2), 18(c) and 18(i) of the Act, and for an order pursuant to section 17(d) of the Act and rule 17d-1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain registered closed-end management investment companies to issue multiple classes of shares of beneficial interest with varying sales loads and to impose asset-based distribution and/or service fees.

**APPLICANTS:** Fairway Private Equity & Venture Capital Opportunities Fund (the “Initial Fund”) and Fairway Capital Management, LLC (the “Adviser”).

**FILING DATES:** The application was filed on August 16, 2021, and amended on November 24, 2021.

#### HEARING OR NOTIFICATION OF HEARING:

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission’s Secretary at [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov) and serving Applicants with a copy of the request email. Hearing requests should be received by the Commission by 5:30 p.m. on January 31, 2022, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer’s interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission’s Secretary.

**ADDRESSES:** The Commission: [Secretarys-Office@sec.gov](mailto:Secretarys-Office@sec.gov). Applicants: [gregory.davis@ropesgray.com](mailto:gregory.davis@ropesgray.com); [nathan.somogie@ropesgray.com](mailto:nathan.somogie@ropesgray.com); and [KCallahan@fairwaycapm.com](mailto:KCallahan@fairwaycapm.com).

**FOR FURTHER INFORMATION CONTACT:** Jill Ehrlich, Senior Counsel, at (202) 551-6819 or Lisa Reid Ragen, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel’s Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission’s website by searching for the file number, or for an applicant using the Company name box, at <https://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

#### Applicants’ Representations

1. The Initial Fund is a Delaware statutory trust that is registered under the Act as a non-diversified, closed-end

management investment company. The Initial Fund’s investment objective is to generate long-term capital appreciation.

2. The Adviser, a Delaware limited liability company, is registered as an investment adviser under the Investment Advisers Act of 1940 (the “Advisers Act”). The Adviser will serve as investment adviser to the Initial Fund.

3. Applicants seek an order to permit the Initial Fund to issue multiple classes of shares of beneficial interest with varying sales loads and to impose asset-based distribution and/or service fees and early repurchase fees.

4. Applicants request that the order also apply to any continuously offered registered closed-end management investment company that has been previously organized or that may be organized in the future for which the Adviser, or any entity controlling, controlled by, or under common control with the Adviser, or any successor in interest to any such entity,<sup>1</sup> acts as investment adviser and which provides periodic liquidity with respect to its shares pursuant to rule 13e-4 under the Securities Exchange Act of 1934 (each, a “Future Fund” and together with the Initial Fund, the “Funds”).<sup>2</sup>

5. The Initial Fund will initially will register two classes of shares, “Class A Shares” and “Class I Shares.” Shares of the Initial Fund will be sold only to persons who are “accredited investors,” as defined in Regulation D under the Securities Act of 1933, and “qualified clients,” as defined in the Advisers Act. The Funds will offer their Shares continuously at a price based on net asset value. Shares of the Funds will not be listed on any securities exchange nor quoted on any quotation medium. The Funds do not expect there to be a secondary trading market for their shares.

6. Applicants state that if the Initial Fund’s initial registration statement is declared effective prior to receipt of the requested relief, the Initial Fund will only offer one class of shares, Class I Shares, until receipt of the requested relief. Each of Class A Shares and Class I Shares will have its own fee and expense structure. Additional offerings by any Fund relying on the order may be on a private placement or public offering basis.

<sup>1</sup> A successor in interest is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

<sup>2</sup> Any Fund relying on this relief in the future will do so in compliance with the terms and conditions of the application. Applicants represent that each entity presently intending to rely on the requested relief is listed as an applicant.

7. Applicants state that, from time to time, the Initial Fund may create additional classes of shares, the terms of which may differ between Class A Shares and Class I Shares pursuant to and in compliance with rule 18f-3 under the Act.

8. Applicants state that shares of a Fund may be subject to an early repurchase fee ("Early Repurchase Fee") at a rate of no greater than 2% of the shareholder's repurchase proceeds if the interval between the date of purchase of the shares and the valuation date with respect to the repurchase of those shares is less than one year.<sup>3</sup> Any Early Repurchase Fee will apply equally to all classes of shares of a Fund, in compliance with section 18 of the Act and rule 18f-3 thereunder. To the extent a Fund determines to waive, impose scheduled variations of, or eliminate any Early Repurchase Fee, it will do so in compliance with the requirements of rule 22d-1 under the Act as if the Early Repurchase Fee were a CDSL and as if the Fund were an open-end investment company and the Fund's waiver of, scheduled variation in, or elimination of, any such Early Repurchase Fee will apply uniformly to all shareholders of the Fund regardless of class. Applicants state that the Initial Fund intends to impose an Early Repurchase Fee of 2%.

9. Applicants represent that any asset-based service and/or distribution fees for each class of shares of the Funds will comply with the provisions of the FINRA Rule 2341(d) ("FINRA Sales Charge Rule").<sup>4</sup> Applicants also represent that each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of shares offered for sale by the prospectus, as is required for open-end multiple class funds under Form N-1A. As is required for open-end funds, each Fund will disclose its expenses in shareholder reports, and describe any arrangements that result in breakpoints in or elimination of sales loads in its prospectus.<sup>5</sup> In addition, applicants will

<sup>3</sup> Applicants state that an Early Repurchase Fee charged by a Fund is not the same as a contingent deferred sales load ("CDSL") assessed by an open-end fund pursuant to rule 6c-10 under the Act, as CDSLs are distribution-related charges payable to a distributor, whereas the Early Repurchase Fee is payable to the Fund to compensate long-term shareholders for the expenses related to shorter term investors, in light of the Fund's generally longer-term investment horizons and investment operations.

<sup>4</sup> Any reference to the FINRA Sales Charge Rule includes any successor or replacement to the FINRA Sales Charge Rule.

<sup>5</sup> See Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Company Act Release No. 26372 (Feb. 27, 2004) (adopting release) (requiring open-end investment companies to disclose fund

comply with applicable enhanced fee disclosure requirements for fund of funds, including registered funds of hedge funds.<sup>6</sup>

10. Each of the Funds will comply with any requirements that the Commission or FINRA may adopt regarding disclosure at the point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements, as if those requirements applied to the Fund. In addition, each Fund will contractually require that any distributor of the Fund's shares comply with such requirements in connection with the distribution of such Fund's shares.

### Applicants' Legal Analysis

#### *Multiple Classes of Shares*

1. Section 18(a)(2) of the Act provides that a closed-end investment company may not issue or sell a senior security that is a stock unless certain requirements are met. Applicants state that the creation of multiple classes of shares of the Funds may violate section 18(a)(2) because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of shares of the Funds may be prohibited by section 18(c), as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Funds may violate section 18(i) of the Act because each class would be entitled to exclusive voting

expenses in shareholder reports); and Disclosure of Breakpoint Discounts by Mutual Funds, Investment Company Act Release No. 26464 (June 7, 2004) (adopting release) (requiring open-end investment companies to provide prospectus disclosure of certain sales load information).

<sup>6</sup> Fund of Funds Investments, Investment Company Act Rel. Nos. 26198 (Oct. 1, 2003) (proposing release) and 27399 (Jun. 20, 2006) (adopting release). See also Rules 12d1-1, *et seq.* of the Act.

rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under section 6(c) from sections 18(a)(2), 18(c) and 18(i) to permit the Funds to issue multiple classes of shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its securities and provide investors with a broader choice of shareholder services. Applicants assert that the proposed closed-end investment company multiple class structure does not raise the concerns underlying section 18 of the Act to any greater degree than open-end investment companies' multiple class structures that are permitted by rule 18f-3 under the Act. Applicants state that each Fund will comply with the provisions of rule 18f-3 as if it were an open-end investment company.

#### *Asset-Based Distribution and/or Service Fees*

1. Section 17(d) of the Act and rule 17d-1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates unless the Commission issues an order permitting the transaction. In reviewing applications submitted under section 17(d) and rule 17d-1, the Commission considers whether the participation of the investment company in a joint enterprise or joint arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Rule 17d-3 under the Act provides an exemption from section 17(d) and rule 17d-1 to permit open-end investment companies to enter into



distribution arrangements pursuant to rule 12b-1 under the Act. Applicants request an order under section 17(d) and rule 17d-1 under the Act to the extent necessary to permit the Fund to impose asset-based distribution and/or service fees. Applicants have agreed to comply with rules 12b-1 and 17d-3 as if those rules applied to closed-end investment companies, which they believe will resolve any concerns that might arise in connection with a Fund financing the distribution of its shares through asset-based distribution fees.

3. For the reasons stated above, applicants submit that the exemptions requested under section 6(c) are necessary and appropriate in the public interest and are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants also state that the Funds' imposition of asset-based distribution and/or service fees is consistent with the provisions, policies and purposes of the Act and does not involve participation on a basis different from or less advantageous than that of other participants.

#### Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

Each Fund relying on the order will comply with the provisions of rules 6c-10, 12b-1, 17d-3, 18f-3, 22d-1, and, where applicable, 11a-3 under the Act, as amended from time to time, as if those rules applied to closed-end management investment companies, and will comply with the FINRA Sales Charge Rule, as amended from time to time, as if that rule applied to all closed-end management investment companies.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2022-00113 Filed 1-6-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34460]

### Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

January 3, 2022.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company

Act of 1940 for the month of December 2021. A copy of each application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov) and serving the relevant applicant with a copy of the request by email, if an email address is listed for the relevant applicant below, or personally or by mail, if a physical address is listed for the relevant applicant below. Hearing requests should be received by the SEC by 5:30 p.m. on January 25, 2022, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov).

**ADDRESSES:** The Commission: [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov).

**FOR FURTHER INFORMATION CONTACT:** Shawn Davis, Assistant Director, at (202) 551-6413 or Chief Counsel's Office at (202) 551-6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549-8010.

#### American Beacon Apollo Total Return Fund [File No. 811-23351]

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 28, 2021, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of \$2,397 incurred in connection with the liquidation were paid by the applicant.

*Filing Dates:* The application was filed on November 24, 2021, and amended on December 17, 2021.

*Applicant's Address:* [Kathy.Ingber@kgates.com](mailto:Kathy.Ingber@kgates.com).

#### American Beacon Sound Point Enhanced Income Fund [File No. 811-23326]

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On July 6, 2021,

applicant made liquidating distributions to its shareholders based on net asset value. Expenses of \$2,397 incurred in connection with the liquidation were paid by the applicant.

*Filing Dates:* The application was filed on November 24, 2021, and amended on December 17, 2021.

*Applicant's Address:* [Kathy.Ingber@kgates.com](mailto:Kathy.Ingber@kgates.com).

#### Gadsden ETF Trust [File No. 811-23329]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

*Filing Dates:* The application was filed on September 20, 2021, and amended on December 6, 2021.

*Applicant's Address:* [compliance@almanackip.com](mailto:compliance@almanackip.com).

#### General New Jersey Municipal Money Market Fund, Inc. [File No. 811-05527]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. On September 11, 2020, applicant made a liquidating distribution to its shareholders based on net asset value. Expenses of \$3,324 incurred in connection with the liquidation were paid by the applicant's investment advisor.

*Filing Dates:* The application was filed on October 12, 2021, and amended on December 14, 2021.

*Applicant's Address:* [Sarah.Kelleher@bnymellon.com](mailto:Sarah.Kelleher@bnymellon.com).

#### SPT Funds Investment Trust [File No. 811-22159]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

*Filing Date:* The application was filed on November 9, 2021.

*Applicant's Address:* [Joy.ausili@mfac-ca.com](mailto:Joy.ausili@mfac-ca.com).

#### Stone Ridge Trust VI [File No. 811-23478]

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 21, 2021, applicant made liquidating distributions to its shareholders based on net asset value. Expenses of \$36,029 incurred in connection with the reorganization were paid by the applicant's investment adviser.

**Filing Dates:** The application was filed on September 13, 2021, and amended on December 3, 2021.

**Applicant's Address:** *legalnotices@stoneridgeam.com*.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2022-00064 Filed 1-6-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-93891; File No. SR-NASDAQ-2021-054]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Modify Listing Rule IM-5101-2 To Permit an Acquisition Company To Contribute a Portion of Its Deposit Account to Another Entity in a Spin-Off or Similar Corporate Transaction

January 3, 2022.

On June 24, 2021, The Nasdaq Stock Market LLC ("Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to modify Listing Rule IM-5101-2 to permit an acquisition company to contribute a portion of the amount held in its deposit account to a deposit account of a new acquisition company in a spin-off or similar corporate transaction. The proposed rule change was published for comment in the **Federal Register** on July 13, 2021.<sup>3</sup>

On August 25, 2021, pursuant to Section 19(b)(2) of the Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> On September 30, 2021, the Commission instituted proceedings under Section 19(b)(2)(B) of

the Act<sup>6</sup> to determine whether to approve or disapprove the proposed rule change.<sup>7</sup>

Section 19(b)(2) of the Act<sup>8</sup> provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for comment in the **Federal Register** on July 13, 2021.<sup>9</sup> The 180th day after publication of the proposed rule change is January 9, 2022. The Commission is extending the time period for approving or disapproving the proposed rule change for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change and comments received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>10</sup> designates March 10, 2022, as the date by which the Commission shall either approve or disapprove the proposed rule change (File Number SR-NASDAQ-2021-054).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2022-00058 Filed 1-6-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34461; 812-15192, 812-15192-01]

### Apollo Credit Management, LLC and Apollo Debt Solutions BDC

January 3, 2022.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice.

Notice of an application under Section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from Sections 18(a)(2), 18(c), 18(i) and Section 61(a) of the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit certain closed-end management investment companies that have elected to be regulated as business development companies ("BDCs") to issue multiple classes of shares with varying sales loads and asset-based service and/or distribution fees.

**APPLICANTS:** Apollo Credit Management, LLC (the "Current Investment Adviser") and Apollo Debt Solutions BDC ("ADSB").

**FILING DATES:** The application was filed on January 7, 2021, and amended on July 23, 2021, November 5, 2021, and December 22, 2021.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request by email. Hearing requests should be received by the Commission by 5:30 p.m. on January 28, 2022, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the 1940 Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov*.

**ADDRESSES:** The Commission: *Secretarys-Office@sec.gov*. Applicants: Joseph D. Glatt, Apollo Credit Management, LLC, *JGlatt@apollo.com*.

**FOR FURTHER INFORMATION CONTACT:** Stephan N. Packs, Senior Counsel, at (202) 551-6853, or Terri G. Jordan, Branch Chief, at (202) 551-6825 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 92344 (July 7, 2021), 86 FR 36841. Comments received on the proposal are available on the Commission's website at: <https://www.sec.gov/comments/sr-nasdaq-2021-054/srnasdaq2021054.htm>.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 92751, 86 FR 48780 (Aug. 31, 2021).

<sup>6</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>7</sup> See Securities Exchange Act Release No. 93219, 86 FR 55664 (Oct. 6, 2021).

<sup>8</sup> 15 U.S.C. 78s(b)(2).

<sup>9</sup> See *supra* note 3.

<sup>10</sup> 15 U.S.C. 78s(b)(2).

<sup>11</sup> 17 CFR 200.30-3(a)(57).

## Applicants' Representations

1. ADSB is a newly organized Delaware statutory trust that is an externally-managed, non-diversified closed-end management investment company that has elected to be regulated as a BDC under the Act.<sup>1</sup> ADSB's investment objectives are to generate current income and, to a lesser extent, long-term capital appreciation by seeking to invest primarily in certain directly originated assets, including debt securities, made to or issued by large private U.S. borrowers.

2. The Current Investment Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 and serves as investment adviser to ADSB.

3. Applicants seek an order to permit ASBD and other Funds (defined below) to offer investors multiple classes of shares, interests or units of beneficial interest, as the case may be ("Shares") with varying sales loads and asset-based service and/or distribution fees.

4. Applicants request that the order also apply to any continuously offered registered closed-end management investment company that elects to be regulated as a BDC that has been previously organized or that may be organized in the future for which the Current Investment Adviser or any entity controlling, controlled by, or under common control with the Current Investment Adviser, or any successor in interest to any such entity,<sup>2</sup> acts as investment adviser and which operates as an interval fund pursuant to Rule 23c-3 under the Act and/or periodically offers to repurchase its Shares pursuant to Rule 13e-4 under the Securities Exchange Act of 1934 ("Exchange Act") and Section 23(c)(2) of the Act (each, a "Future Fund" and together with ADSB, the "Funds").<sup>3</sup>

5. As a BDC, each Fund will be organized as a closed-end investment company, but will offer its Shares continuously, similar to an open-end management investment company. Shares of the Funds will not be offered or traded in a secondary market and will not be listed on any securities exchange

and do not trade on an over-the-counter system.<sup>4</sup>

6. Each Fund is seeking the ability to offer multiple classes of Shares that may charge differing front-end sales loads, contingent deferred sales charges ("CDSCs"), an early withdrawal charge ("Repurchase Fee"), and/or annual asset-based service and/or distribution fees. Each class of Shares will comply with the provisions of Rule 2310 of the Financial Industry Regulatory Authority, Inc. ("FINRA") Manual ("FINRA Rule 2310").<sup>5</sup>

7. Any Share of a Fund that is subject to asset-based service or distribution fees shall convert to a class with no asset-based service or distribution fees upon such Share reaching the applicable sales charge cap determined in accordance with FINRA Rule 2310. Further, if a class of Shares were to be listed on an exchange in the future, all other then-existing classes of Shares of the listing Fund will be converted into the listed class, without the imposition of any sales load, fee or other charge.

8. In order to provide a limited degree of liquidity to shareholders, Applicants state that each Fund may from time to time offer to repurchase Shares in accordance with Rule 13e-4 under the Exchange Act and Section 23(c)(2) of the Act. Applicants state further that repurchases of each Fund's Shares will be made at such times, in such amounts and on such terms as may be determined by the applicable Fund's board of trustees or directors in its sole discretion.

9. Each Fund will disclose in its prospectus the fees, expenses and other characteristics of each class of Shares offered for sale by the prospectus, as is required for open-end, multiple-class funds under Form N-1A. As if it were an open-end management investment company, each Fund will disclose fund expenses in shareholder reports,<sup>6</sup> and disclose in its prospectus any arrangements that result in breakpoints in, or elimination of, sales loads.<sup>7</sup> Each Fund will also comply with any requirements the Commission or FINRA may adopt regarding disclosure at the

point of sale and in transaction confirmations about the costs and conflicts of interest arising out of the distribution of open-end management investment company shares, and regarding prospectus disclosure of sales loads and revenue sharing arrangements as if those requirements applied to the Fund.<sup>8</sup> Each Fund will contractually require that any distributor of a Fund's Shares comply with such requirements in connection with the distribution of such Fund's shares.

10. Distribution fees will be paid pursuant to a plan of distribution adopted by each Fund in compliance with Rules 12b-1 and 17d-3 under the Act, as if those rules applied to closed-end funds electing to be regulated as BDCs, with respect to a class (a "Distribution Plan").

11. Each Fund will allocate all expenses incurred by it among the various classes of Shares based on the respective net assets of the Fund attributable to each such class, except that the net asset value and expenses of each class will reflect the expenses associated with the Distribution Plan of that class (if any), shareholder servicing fees attributable to a particular class (including transfer agency fees, if any) and any other incremental expenses of that class. Expenses of the Fund allocated to a particular class of the Fund's Shares will be borne on a pro rata basis by each outstanding Share of that class. Applicants state that each Fund will comply with the provisions of Rule 18f-3 under the Act as if it were an open-end management investment company.

12. Any Fund that imposes a CDSC will comply with the provisions of Rule 6c-10 (except to the extent a Fund will comply with FINRA Rule 2310 rather than FINRA Rule 2341, as such rule may be amended ("FINRA Rule 2341")), as if that rule applied to BDCs. With respect to any waiver of, scheduled variation in, or elimination of the CDSC, a Fund will comply with the requirements of Rule 22d-1 under the Act as if the Fund were an open-end management investment company. Each Fund also will disclose CDSCs in accordance with the requirements of Form N-1A concerning CDSCs as if the Fund were an open-end management investment company.

13. Funds may impose a Repurchase Fee at a rate no greater than 2% of the shareholder's repurchase proceeds if the

<sup>1</sup> Section 2(a)(48) of the Act defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in Sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

<sup>2</sup> For purposes of the requested order, "successor" is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization.

<sup>3</sup> Any Fund relying on this relief in the future will do so in compliance with the terms and conditions of the application.

<sup>4</sup> Applicants are not requesting relief with respect to any Fund listed on a securities exchange. Any Fund which relies on the relief requested herein will cease relying on such relief upon the listing of any class of its Shares on a securities exchange.

<sup>5</sup> Any reference to FINRA Rule 2310 includes any successor or replacement rule that may be adopted by FINRA.

<sup>6</sup> See Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Investment Co. Act Rel. No. 26372 (Feb. 27, 2004) (adopting release).

<sup>7</sup> See Disclosure of Breakpoint Discounts by Mutual Funds, Investment Co. Act Rel. No. 26464 (June 7, 2004) (adopting release).

<sup>8</sup> See Confirmation Requirements and Point of Sale Disclosure Requirements for Transactions in Certain Mutual Funds and Other Securities, and Other Confirmation Requirement Amendments, and Amendments to the Registration Form for Mutual Funds, Investment Co. Act Rel. No. 26341 (Jan. 29, 2004) (proposing release).

interval between the date of purchase of the Shares and the valuation date with respect to the repurchase of such Shares is less than a specified period. Any Repurchase Fee will apply equally to all shareholders of the applicable Fund, regardless of class, consistent with Section 18 of the Act and Rule 18f-3 under the Act. To the extent a Fund determines to waive, impose scheduled variations of, or eliminate any Repurchase Fees, it will do so consistently with the requirements of Rule 22d-1 under the Act as if the Repurchase Fee were a CDSC and as if the Fund were an open-end investment company and the Fund's waiver of, scheduled variation in, or elimination of, the Repurchase Fee will apply uniformly to all shareholders of the Fund.

### Applicants' Legal Analysis

#### *Multiple Classes of Shares*

1. Section 18(a)(2) of the Act provides that a closed-end investment company may not issue or sell a senior security that is a stock unless certain requirements are met. Applicants state that the creation of multiple classes of shares of the Funds may violate Section 18(a)(2), which is made applicable to BDCs through Section 61(a) of the Act, because the Funds may not meet such requirements with respect to a class of shares that may be a senior security.

2. Section 18(c) of the Act provides, in relevant part, that a closed-end investment company may not issue or sell any senior security if, immediately thereafter, the company has outstanding more than one class of senior security. Applicants state that the creation of multiple classes of Shares of the Funds may be prohibited by Section 18(c), which is made applicable to BDCs through Section 61(a) of the Act, as a class may have priority over another class as to payment of dividends because shareholders of different classes would pay different fees and expenses.

3. Section 18(i) of the Act provides that each share of stock issued by a registered management investment company will be a voting stock and have equal voting rights with every other outstanding voting stock. Applicants state that multiple classes of shares of the Funds may violate Section 18(i) of the Act, which is made applicable to BDCs through Section 61(a) of the Act, because each class would be entitled to exclusive voting rights with respect to matters solely related to that class.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction or any

class or classes of persons, securities or transactions from any provision of the Act, or from any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an exemption under Section 6(c) from Sections 18(a)(2), 18(c) and 18(i) (which are made applicable to BDCs by Section 61(a) of the Act) to permit the Funds to issue multiple classes of Shares.

5. Applicants submit that the proposed allocation of expenses relating to distribution and voting rights among multiple classes is equitable and will not discriminate against any group or class of shareholders. Applicants submit that the proposed arrangements would permit a Fund to facilitate the distribution of its Shares and provide investors with a broader choice of fee options. Applicants assert that the proposed BDC multiple class structure does not raise the concerns underlying Section 18 of the Act to any greater degree than open-end management investment companies' multiple class structures that are permitted by Rule 18f-3 under the Act.

### Applicants' Condition

Applicants agree that any order granting the requested relief will be subject to the following condition:

1. Each Fund will comply with the provisions of Rules 6c-10 (except to the extent a Fund will comply with FINRA Rule 2310 rather than FINRA Rule 2341), 12b-1, 17d-3, 18f-3, 22d-1, and, where applicable, 11a-3 under the 1940 Act, as amended from time to time, or any successor rules thereto, as if those rules applied to BDCs. In addition, each Fund will comply with FINRA Rule 2310, as amended from time to time, or any successor rule thereto, and will make available to any distributor of a Fund's shares all of the information necessary to permit the distributor to prepare client account statements in compliance with FINRA Rule 2231.

For the Commission, by the Division of Investment Management, under delegated authority.

**J. Matthew DeLesDernier,**

*Assistant Secretary.*

[FR Doc. 2022-00065 Filed 1-6-22; 8:45 am]

**BILLING CODE 8011-01-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36573]

### Western Nevada Railroad, LLC—Lease and Operation Exemption—Line in Churchill County, Nev.

Western Nevada Railroad, LLC (WNRR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to enter into an agreement to lease and operate 4,100 feet of existing track at the Fernley Business Park (FBP) at or near Fernley/Darwin, Churchill County, Nev. (the Line).

WNRR states that the Line connects to a rail line owned by Union Pacific Railroad Company (UP), over which BNSF Railway Company (BNSF) also has service rights. According to WNRR, the Line is currently private industry track that is served by UP and BNSF with switching service provided by a third-party contract switching operator, Western Nevada Transload, LLC (WNT). WNRR states that it will enter into a lease and operating agreement for the Line with Fernley Business Park, LLC, the owner of FBP. WNRR states that it will also obtain the right to construct additional industrial tracks in FBP to attract additional customers and rail business, and that WNT will continue to provide contract switching service on the Line until the buildout is complete and additional rail-served industries locate at FBP.

WNRR states that no interchange commitments are being imposed on its operations by the lease and operating agreement. WNRR certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier and will not exceed \$5 million.

The transaction may be consummated on or after January 21, 2022, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than January 14, 2022 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36573, should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on WNRR's representative, Eric M. Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103.

According to WNRR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: December 30, 2021.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Kenyatta Clay,**  
*Clearance Clerk.*

[FR Doc. 2022-00069 Filed 1-6-22; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Membership in the National Parks Overflights Advisory Group

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

**ACTION:** Solicitation of applications.

**SUMMARY:** The Federal Aviation Administration (FAA) and the National Park Service (NPS) invite interested persons to apply to fill one current and two upcoming vacancies on the National Parks Overflights Advisory Group (NPOAG). This notice invites interested persons to apply for the openings. The current opening is for a representative of Native American tribes. The upcoming openings are for another representative of Native American tribes and a representative of general aviation concerns.

**DATES:** Persons interested in these membership openings will need to apply by February 7, 2022.

**FOR FURTHER INFORMATION CONTACT:** Keith Lusk, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, 777 S Aviation Boulevard, Suite 150, El Segundo, CA 90245, telephone: (424) 405-7017, email: [Keith.Lusk@faa.gov](mailto:Keith.Lusk@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106-181, and subsequently amended in the FAA Modernization and Reform Act of 2012. The Act required the establishment of the advisory group within one year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of representatives of general aviation, commercial air tour operators, environmental concerns, and Native American tribes. The Administrator of

the FAA and the Director of NPS (or their designees) serve as ex officio members of the group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

In accordance with the Act, the advisory group provides “advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.”

#### Membership

The current NPOAG is made up of one member representing general aviation, three members representing the commercial air tour industry, four members representing environmental concerns, and two members representing Native American tribes. Members serve three year terms. Current members of the NPOAG are as follows:

Melissa Rudinger representing general aviation; Eric Lincoln, James Viola, and John Becker representing commercial air tour operators; Robert Randall, Dick Hinging, Les Blomberg, and John Eastman representing environmental interests; and Carl Slater representing Native American tribes, with one current opening. The three-year term of Mr. Slater expires on February 18, 2022 and the three-year term of Ms. Rudinger expires on April 3, 2022.

#### Selections

In order to retain balance within the NPOAG, the FAA and NPS are seeking candidates interested in filling the one current vacant seat and one upcoming opening representing Native American tribes and the one upcoming seat representing general aviation concerns. The FAA and NPS invite persons interested in these openings on the NPOAG to contact Mr. Keith Lusk (contact information is written above in **FOR FURTHER INFORMATION CONTACT**). Requests to serve on the NPOAG must be made to Mr. Lusk in writing and postmarked or emailed on or before February 7, 2022. Any request to fill one of these seats must describe the

requestor's affiliation with general aviation or federally-recognized Native American tribes, as appropriate. The request should also explain what expertise the requestor would bring to the NPOAG as related to issues and concerns with aircraft flights over national parks or tribal lands. The term of service for NPOAG members is 3 years. Members may re-apply for another term.

On August 13, 2014, the Office of Management and Budget issued revised guidance regarding the prohibition against appointing or not reappointing federally registered lobbyists to serve on advisory committees (79 FR 47482).

Therefore, before appointing an applicant to serve on the NPOAG, the FAA and NPS will require the prospective candidate to certify that they are not a federally registered lobbyist.

Issued in El Segundo, CA, on January 4, 2022.

**Keith Lusk,**

*Program Manager, Special Programs Staff, Western-Pacific Region.*

[FR Doc. 2022-00098 Filed 1-6-22; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2022-0002]

#### Agency Information Collection Activities; Emergency Approval of a New Information Collection Request: Apprenticeship Pilot Program

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

**ACTION:** Notice of request for emergency OMB approval.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the new Information Collection Request (ICR) discussed below has been forwarded to the Office of Management and Budget (OMB) for review and emergency approval. FMCSA requests that OMB approve this collection by January 13, 2021.

**DATES:** Comments must be submitted on or before January 12, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within by January 12, 2022 to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). All comments received are part of the public record. Comments will generally

be posted without change. Upon receiving the requested emergency approval by OMB, FMCSA will follow the normal PRA procedures to renew the information collection at its expiration date.

**FOR FURTHER INFORMATION CONTACT:**

Nicole Michel, Mathematical Statistician, Research Division, Department of Transportation, FMCSA, West Building, 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590-0001; 202-366-4354; [Nicole.michel@dot.gov](mailto:Nicole.michel@dot.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Apprenticeship Pilot Program.  
*OMB Control Number:* N/A; this is a new ICR.

*Type of Request:* Request for emergency approval of a new information collection.

*Respondents:* Motor carriers; drivers.  
*Estimated Total Respondents:* 44,945 total (4,500 motor carriers and 40,445 commercial motor vehicle (CMV) drivers); 16,482 annually (3,000 carriers and 13,482 CMV drivers).

*Estimated Total Responses:*  
Applications: 44,945 total, or 14,982 annually; Data collection for participating carriers: 486,000 total, or 162,000 annually.

*Estimated Burden Hours:* 571,047 total, or 190,349 annually (Motor carriers: 557,250 hours total, or 185,750 hours annually; Drivers: 13,797 hours total, or 4,599 hours annually).

*Estimated Burden per Response:* 20 minutes per response for carrier, apprentice, and experienced driver application forms; 15 minutes per response for safety benchmark certifications; 60 minutes per month per driver for monthly driving and safety data; 90 minutes per month for miscellaneous data submission.

*Frequency:* Once for carrier, apprentice, and experienced driver application forms; twice for safety benchmark certifications; monthly per number of participating drivers for driving and safety data; and monthly for miscellaneous monthly data.

*Background:* Current regulations on driver qualifications (49 CFR part 391.11(b)(1)) state that a driver must be 21 years of age or older to operate a CMV in interstate commerce. Currently, drivers under the age of 21 may operate CMVs only in intrastate commerce subject to State laws and regulations.

Section 23022 of the Infrastructure Investment and Jobs Act (IIJA), requires the Secretary of Transportation to conduct a commercial driver Apprenticeship Pilot Program. An "apprentice" is defined as a person under the age of 21 who holds a

commercial driver's license (CDL). Under this program, these apprentices will complete two probationary periods, during which they may operate in interstate commerce only under the supervision of an experienced driver in the passenger seat. An *experienced driver* is defined in Section 23022 as a driver who is not younger than 26 years old, who has held a CDL and been employed for at least the past 2 years, and who has at least 5 years of interstate CMV experience and meets the other safety criteria defined in the IIJA.

The first probationary period must include at least 120-hours of on duty time, of which at least 80 hours are driving time in a CMV. To complete this probationary period, the employer must determine competency in:

1. Interstate, city traffic, rural 2-lane, and evening driving;
2. Safety awareness;
3. Speed and space management;
4. Lane control;
5. Mirror scanning;
6. Right and left turns; and
7. Logging and complying with rules relating to hours of service.

The second probationary period must include at least 280 hours of on-duty time, including not less than 160 hours driving time in a CMV. To complete this probationary period, the employer must determine competency in:

1. Backing and maneuvering in close quarters;
2. Pre-trip inspections;
3. Fueling procedures;
4. Weighing loads, weight distribution, and sliding tandems;
5. Coupling and uncoupling procedures; and
6. Trip planning, truck routes, map reading, navigation, and permits.

After completion of the second probationary period the apprentice may begin operating CMVs in interstate commerce unaccompanied by an experienced driver.

In addition to data regarding successful completion of the probationary periods, the IIJA requires data collection for data relating to any incident in which a participating apprentice is involved as well as other data relating to the safety of apprentices. Additional data will include crash data (incident reports, police reports, insurance reports), inspection data, citation data, safety event data (as recorded by all safety systems installed on vehicles, to include advanced driver assistance systems, automatic emergency braking systems, onboard monitoring systems, and forward-facing and in-cab video systems) as well as exposure data (record of duty status logs, on-duty time, driving time, and

time spent away from home terminal). This data will be submitted monthly through participating motor carriers.

The data collected will be used to report on the following items, as required by section 23022:

1. The findings and conclusions on the ability of technologies or training provided to apprentices as part of the pilot program to successfully improve safety;
2. An analysis of the safety record of participating apprentices as compared to other CMV drivers;
3. The number of drivers that discontinued participation in the apprenticeship program before completion;
4. A comparison of the safety records of participating drivers before, during, and after each probationary period; and
5. A comparison of each participating driver's average on-duty time, driving time, and time spent away from home terminal before, during, and after each probationary period.

FMCSA will monitor the monthly data being reported by the motor carriers and will identify drivers or carriers that may pose a risk to public safety. While removing unsafe drivers or carriers may bias the dataset, it is a necessary feature for FMCSA to comply with 49 CFR 381.505, which requires development of a monitoring plan to ensure adequate safeguards to protect the health and safety of pilot program participants and the general public. Knowing that a driver or carrier was removed from the pilot program for safety reasons will help FMCSA minimize bias in the final data analysis.

FMCSA and the Department of Labor's Employment and Training Agency (DOL/ETA) will be partnering in the implementation of the Safe Driver Apprenticeship Pilot Program. All motor carriers who are approved for the program by FMCSA will also be required to become Registered Apprenticeships (RAs) under 29 CFR part 29 before they can submit information on their experienced drivers and apprentices. The information collection burden for the DOL/ETA RA Program can be found in approved ICR 1205-0223.

The statutory mandate for this pilot program is contained in Section 23022 of the Infrastructure Investment and Jobs Act. FMCSA's regulatory authority for initiation of a pilot program is 49 CFR 381.400. The Apprentice Pilot Program supports the USDOT strategic goal of economic strength while maintaining USDOT and FMCSA's commitment to safety.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its

functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87.

**Thomas P. Keane,**

*Associate Administrator, Office of Research and Registration.*

[FR Doc. 2022-00063 Filed 1-6-22; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2021-0006-N-18]

#### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On October 22, 2021, FRA published a notice providing a 60-day period for public comment on the ICR.

**DATES:** Interested persons are invited to submit comments on or before February 7, 2022.

**ADDRESSES:** Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find the particular ICR by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Ms. Hodan Wells, Information Collection Clearance Officer at email: [Hodan.Wells@dot.gov](mailto:Hodan.Wells@dot.gov) or telephone: (202) 493-0440.

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501-3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages.

See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On October 22, 2021, FRA published a 60-day notice in the **Federal Register** soliciting comment on the ICR for which it is now seeking OMB approval. See 86 FR 58721. FRA received no comments in response to this 60-day notice.

Before OMB decides whether to approve the proposed collection of information, it must provide 30 days for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)-(c); 5 CFR 1320.10(b); see also 60 FR 44978, 44983 (Aug. 29, 1995). OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983 (Aug. 29, 1995). Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

**Title:** Railroad Signal System Requirements.

**OMB Control Number:** 2130-0006.  
**Abstract:** The information collected under 49 CFR parts 233, 235, and 236 is used by FRA to monitor compliance with FRA's inspection and testing requirements for signal systems, as well as to review and approve requests to discontinue or materially modify existing signal systems. The information collected is also used by FRA to monitor signal failures (e.g., failure of a signal appliance, device, method, or system to function or indicate as required by 49 CFR part 236 that results in an incorrect signal or other condition hazardous to the movement of a train).

For instance:

- § 233.5 requires each railroad to report to FRA within 24 hours after learning of an accident or incident arising from signal failure.

- § 233.7 requires each railroad to report signal failures within 15 days in accordance with the instructions printed on Form FRA F 6180.14.

- § 235.5 requires railroads to apply for FRA approval to discontinue or materially modify railroad signal systems.

- § 235.8 allows railroads to seek relief from the requirements in 49 CFR part 236.

- § 235.20 describes the protest process, including essential information that must be included in the protest, the address for filing the protest, the time limit for filing the protest, and the requirement that a protestant requesting a public hearing explain why written statements cannot be used to explain his or her position.

- § 236.110 requires that the results of signal system tests required under §§ 236.102 through 236.109; §§ 236.376 through 236.387; §§ 236.576 and 236.577; and §§ 236.586 through 236.589 be recorded on pre-printed forms provided by the railroad or by electronic means, subject to FRA approval.

- § 236.590 requires railroads to clean and inspect the automatic train stop, train control, or cab signal pneumatic apparatus on locomotives and then record the results of the inspection as required by § 229.29(a) of this chapter.

**Type of Request:** Extension without change (with changes in estimates) of a currently approved collection.

**Affected Public:** Businesses.

**Form(s):** FRA F 6180.14.<sup>1</sup>

**Respondent Universe:** 754 railroads.

**Frequency of Submission:** On occasion.

**Total Estimated Annual Responses:** 943,412.

**Total Estimated Annual Burden:** 222,747 hours.

**Total Estimated Annual Burden Hour Dollar Cost Equivalent:** \$13,330,408.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that a respondent is not required to respond to, conduct, or sponsor a collection of information that does not display a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501-3520.

**Brett A. Jortland,**

*Deputy Chief Counsel.*

[FR Doc. 2022-00108 Filed 1-6-22; 8:45 am]

**BILLING CODE 4910-06-P**

<sup>1</sup> FRA made one minor change to Form FRA F 6180.14 by replacing "mail to" with "email to."

**DEPARTMENT OF TRANSPORTATION****Federal Transit Administration****[Docket FTA–2022–0001]****Notice of Establishment of Emergency Relief Docket for Calendar Year 2022**

**AGENCY:** Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** By this notice, the Federal Transit Administration (FTA) is establishing an Emergency Relief Docket for calendar year 2022, so grantees and subgrantees affected by a national or regional emergency or disaster may request temporary relief from FTA administrative and statutory requirements.

**FOR FURTHER INFORMATION CONTACT:**

Bonnie L. Graves, Attorney-Advisor, Office of Chief Counsel, Federal Transit Administration, 90 Seventh Street, Ste. 15–300, San Francisco, CA 94103; phone: (202) 366–0944, or email, [Bonnie.Graves@dot.gov](mailto:Bonnie.Graves@dot.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to 49 CFR 601.42, FTA is establishing the Emergency Relief Docket for calendar year 2022. In the case of a national or regional emergency or disaster, or in anticipation of such an event, when FTA requirements impede a grantee or subgrantee's ability to respond to the emergency or disaster, a grantee or subgrantee may submit a request for relief from specific FTA requirements.

If FTA determines that a national or regional emergency or disaster has occurred, or in anticipation of such an event, FTA will place a message on its web page (<https://www.transit.dot.gov>) indicating that the Emergency Relief Docket has been opened and including the docket number.

All petitions for relief from FTA administrative or statutory requirements must be posted in the docket in order to receive consideration by FTA. The docket is publicly available and can be accessed 24 hours a day, seven days a week, via the internet at [www.regulations.gov](http://www.regulations.gov). Any grantee or subgrantee submitting petitions for relief or comments to the docket must include the agency name (Federal Transit Administration) and docket number FTA–2022–0001.

Interested parties may consult 49 CFR part 601, subpart D for information on FTA's emergency procedures for public transportation systems. FTA strongly encourages grantees and subgrantees to contact their FTA regional office and

notify FTA of the intent to submit a petition to the docket.

A grantee or subgrantee seeking relief has three avenues for submitting a petition. First, a grantee or subgrantee may submit a petition for waiver of FTA requirements to [www.regulations.gov](http://www.regulations.gov), for posting in the docket (FTA–2022–0001). Alternatively, a grantee or subgrantee may submit a petition in duplicate (two copies) to the FTA Administrator, via U.S. mail or hand delivery to Federal Transit Administration, 1200 New Jersey Ave. SE, Washington, DC 20590; via fax to (202) 366–3472; or via email to [Bonnie.Graves@dot.gov](mailto:Bonnie.Graves@dot.gov); or via U.S. mail or hand delivery to the DOT Docket Management Facility, 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590. Thirdly, in the event that a grantee or subgrantee needs to request immediate relief and does not have access to electronic means to request that relief, the grantee or subgrantee may contact any FTA regional office or FTA headquarters and request that FTA staff submit the petition on its behalf.

Federal public transportation law at 49 U.S.C. 5324(d) provides that a grant awarded under Section 5324, or under 49 U.S.C. 5307 or 49 U.S.C. 5311, that is made to address an emergency shall be subject to the terms and conditions the Secretary determines are necessary. This language allows FTA to waive certain statutory, as well as administrative, requirements.

An FTA grantee or subgrantee receiving financial assistance under 49 U.S.C. 5324, 5307, or 5311 that is affected by a national or regional emergency or disaster may request a waiver of provisions of Chapter 53 of Title 49 of the United States Code in connection with such financial assistance, when a grantee or subgrantee demonstrates that the requirement(s) will limit a grantee's or subgrantee's ability to respond to a national or regional emergency or disaster.

Pursuant to 49 CFR 601.42, a grantee or subgrantee must include certain information when requesting a waiver of statutory or administrative requirements. A petition for relief shall:

(a) Include the agency name (Federal Transit Administration) and docket number FTA–2022–0001;

(b) Identify the grantee or subgrantee and its geographic location;

(c) Identify the section of Chapter 53 of Title 49 of the United States Code, or the portion of an FTA policy statement, circular, guidance document or rule, from which the grantee or subgrantee seeks relief;

(d) Specifically address how a requirement in Chapter 53 of Title 49 of

the United States Code, or an FTA requirement in a policy statement, circular, agency guidance or rule, will limit a grantee's or subgrantee's ability to respond to a national or regional emergency or disaster; and

(e) Specify if the petition for relief is one-time or ongoing, and if ongoing identify the time period for which the relief is requested. The time period may not exceed three months; however, additional time may be requested through a second petition for relief.

Pursuant to 49 CFR 601.46, a petition for relief from administrative requirements will be conditionally granted for a period of three (3) business days from the date it is submitted to the Emergency Relief Docket. FTA will review the petition after the expiration of the three business days and review any comments submitted regarding the petition. FTA may contact the grantee or subgrantee that submitted the request for relief, or any party that submits comments to the docket, to obtain more information prior to making a decision. FTA shall then post a decision to the Emergency Relief Docket. FTA's decision will be based on whether the petition meets the criteria for use of these emergency procedures, the substance of the request, and any comments submitted regarding the petition. If FTA does not respond to the request for relief to the docket within three business days, the grantee or subgrantee may assume its petition is granted for a period not to exceed three months until and unless FTA states otherwise.

A petition for relief from statutory requirements will not be conditionally granted and requires a written decision from the FTA Administrator. Further, grantees seeking a waiver from Buy America requirements must follow the procedures in 49 CFR part 661. Buy America waivers will not be granted through the Emergency Relief Docket.

An FTA decision, either granting or denying a petition, shall be posted in the Emergency Relief Docket and shall reference the document number of the petition to which it relates. FTA reserves the right to reconsider any decision made pursuant to these emergency procedures based upon its own initiative, based upon information or comments received subsequent to the three business day comment period, or at the request of a grantee or subgrantee upon denial of a request for relief. FTA shall notify the grantee or subgrantee if FTA plans to reconsider a decision.

Pursuant to FTA's Charter Rule at 49 CFR 604.2(f), grantees and subgrantees may assist with evacuations or other movement of people that might



otherwise be considered charter transportation when that transportation is in response to an emergency declared by the President, governor or mayor, or in an emergency requiring immediate action prior to a formal declaration, even if a formal declaration of an emergency is not eventually made by the President, governor or mayor. Therefore, a request for relief is not necessary in order to provide this service. However, if the emergency lasts more than 45 calendar days and the grantee will continue to provide service that would otherwise be considered charter service, the grantee or subgrantee shall follow the procedures set out in this notice.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Grantees and subgrantees should refer to FTA's regulations, including 49 CFR part 601, for requirements for submitting a request for emergency relief.

**Nuria Fernandez,**  
Administrator.

[FR Doc. 2022-00115 Filed 1-6-22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Tip Rate Determination Agreement (Gaming Industry)

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning guidance on the tip rate determination agreement (gaming industry).

**DATES:** Written comments should be received on or before March 8, 2022 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or to [omb.unit@irs.gov](mailto:omb.unit@irs.gov). Please include,

“OMB Number: 1545-1522—Public Comment Request Notice” in the Subject line.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form should be directed to Kerry Dennis at (202) 317-5751, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at [Kerry.Dennis@irs.gov](mailto:Kerry.Dennis@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Tip Rate Determination Agreement (Gaming Industry).

*OMB Number:* 1545-1530.

*Revenue Procedure Number:* 2007-32.

*Abstract:* Information is required by the Internal Revenue Service in its compliance efforts to assist employers and their employees in understanding and complying with Internal Revenue Code Section 6053(a), which requires employees to report all their tips monthly to their employers.

*Current Actions:* There is no change to the existing revenue procedure or burden at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit institutions.

*Estimated Number of Respondents:* 710.

*Estimated Time per Respondent:* 14 hours, 44 minutes.

*Estimated Total Annual Burden Hours:* 10,467 hours.

The following paragraph applies to all the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 3, 2022.

**Kerry L. Dennis,**  
Tax Analyst.

[FR Doc. 2022-00070 Filed 1-6-22; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 2290 and 2290-SP

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning form 2290—Heavy Highway Vehicle Use Tax Return and form 2290-SP, Declaracion del Impuesto sobre el Uso de Vehiculos Pesados en las Carreteras.

**DATES:** Written comments should be received on or before March 8, 2022 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andres Garcia Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Sara Covington at (202) 317-4542, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [Sara.L.Covington@irs.gov](mailto:Sara.L.Covington@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Heavy Highway Vehicle Use Tax Return.

*OMB Number:* 1545-0143.

*Abstract:* Form 2290 and 2290/SP are used to compute and report the tax imposed by section 4481 on the highway use of certain motor vehicles. The information is used to determine whether the taxpayer has paid the correct amount of tax.

*Current Actions:* There are no changes being made to Form 2290 and Form 2290/SP at this time.

*Type of Review:* Extension of a current OMB approval.

*Affected Public:* Individuals or households.

*Form 2290:*

*Estimated Number of Respondents:* 514,098.

*Estimated Time per Respondent:* 42 hours, 52 minutes.

*Estimated Total Annual Burden Hours:* 22,034,241.

*Form 2290/SP:*

*Estimated Number of Respondents:* 40,000.

*Estimated Time per Respondent:* 42 hours, 52 minutes.

*Estimated Total Annual Burden Hours:* 1,714,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 4, 2022.

**Sara L. Covington,**  
*IRS Tax Analyst.*

[FR Doc. 2022-00122 Filed 1-6-22; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Requesting Comments on Section 6708, Failure To Maintain List of Advisees With Respect to Reportable Transactions

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the collection of information in Treasury Decision (TD) 9764, Section 6708 Failure to Maintain List of Advisees with Respect to Reportable Transactions.

**DATES:** Written comments should be received on or before March 8, 2022 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number in your comment.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Jon Callahan, (737) 800-7639, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [jon.r.callahan@irs.gov](mailto:jon.r.callahan@irs.gov).

**SUPPLEMENTARY INFORMATION:** The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

*Title:* Section 6708, Failure to Maintain List of Advisees with Respect to Reportable Transactions.

*OMB Number:* 1545-2245.

*Regulation Project Number:* TD 9764.

*Abstract:* This document contains final regulations relating to the penalty under Internal Revenue Code (IRC) section 6708 for failing to make available lists of advisees with respect to reportable transactions. IRC section 6708 imposes a penalty upon material advisors for failing to make available to the Secretary, upon written request, the list required to be maintained by IRC

section 6112 within 20 business days after the date of such request. Treasury Regulations section 301.6708-1(c)(3)(ii) requires a material advisor requesting an extension of the 20-business-day period to provide certain information to the IRS to grant the extension. The final regulations primarily affect individuals and entities who are material advisors, as defined in IRC section 6111.

*Current Actions:* There is a change to the existing collection: The estimated number of responses was updated to eliminate duplication of the burden associated with business respondents captured under OMB control number 1545-0123.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals, Estates, and Trusts.

*Estimated Number of Responses:* 5.

*Estimated Time per Respondent:* 8 hours.

*Estimated Total Annual Burden Hours:* 40 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 4, 2022.

**Jon R. Callahan,**

*Tax Analyst.*

[FR Doc. 2022-00106 Filed 1-6-22; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974; System of Records

**AGENCY:** Office of Small & Disadvantaged Business Utilization (OSDBU), Department of Veterans Affairs (VA).

**ACTION:** Notice of a modified system of records.

**SUMMARY:** The purpose of this modified system of record is to combine SORN 132VAOSDBU with this SORN, 181VAOSDBU, to reflect the merging of the system interfaces. The combined system's purpose is fourfold: To gather and maintain information on small businesses owned and controlled by Veterans, including service-disabled Veterans; provide VA personnel with access to resources that allow them to perform market research upon Veteran Owned Small Businesses (VOSBs) and Service-Disabled Veteran Owned Small Businesses (SDVOSBs); provide a platform for registration and announcement of Direct Access Program (DAP) events; and allow Federal, State, and local government personnel and the general public, including private sector companies and corporate entities, the ability to locate potential Veteran entrepreneur resources through searches of the Vendor Information Pages (VIP). This combined system provides the mechanism that enables Veteran owned businesses to compete effectively for Federal contracts. It also provides the Office of Small & Disadvantaged Business Utilization (OSDBU) with the data and reports needed to manage their responsibilities under the Veterans Entrepreneurship and Small Business Development Act of 1999, as amended. VA personnel may utilize the VIP database to counsel and assist Veteran entrepreneurs in starting a small business or expanding an existing small business.

**DATES:** Comments on this modified system of records must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the modified system of records will become effective a minimum of 30 days after date of

publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary.

**ADDRESSES:** Comments may be submitted through [www.regulations.gov](http://www.regulations.gov) or mailed to VA Privacy Service, 810 Vermont Ave. NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to Center for Verification and Evaluation (CVE) VA VetBiz Vendor Information Pages (VIP) (181VAOSDBU). Comments received will be available at [regulations.gov](http://regulations.gov) for public viewing, inspection or copies.

**FOR FURTHER INFORMATION CONTACT:** For general questions about the system contact Renetta Bradford at Office of Small & Disadvantaged Business Utilization at 810 I Street NW, Washington, DC 20420, [osdbuexeccorr@va.gov](mailto:osdbuexeccorr@va.gov) and (202) 461-4600.

**SUPPLEMENTARY INFORMATION:** OSDBU provides numerous services for Veterans and service-disabled Veterans who seek to open or expand a business. The OSDBU staff coordinates the tasks required of the U.S. Department of Veterans Affairs by several Federal laws, including:

- Public Law 108-183 (December 2003), the Veterans Benefits Act of 2003, Sections 301, 305, 308.
- Public Law 106-554 (December 2000), Sections 803 and 808.
- Public Law 106-50 (August 1999), the Veterans Entrepreneurship and Small Business Development Act of 1999.
- Public Law 105-135 (December 1997), Title VII, Service-Disabled Veterans Program.
- Public Law 93-237 (January 1974), "Special Consideration for Veterans".

Public Law 106-50, Section 302, Entrepreneurial Assistance, subsection (5) requires VA to support the "establishment of an information clearinghouse to collect and distribute information, including electronic means, on the assistance programs of Federal, state, and local governments, and of the private sector, including information on office locations, key personnel, telephone numbers, mailing and email addresses, and contracting and sub-contracting opportunities."

The parts of the Veterans Benefits Act of 2003 (Pub. L. 108-183) that pertain to Veteran entrepreneurship are contained in Title III—Education Benefits, Employment Provisions, and Related Matters. They are as follows:

- Section 301—Expands the Montgomery GI Bill program by authorizing educational assistance for

on-job training in certain self-employment training programs.

- Section 305—Authorizes the use of VA education benefits to pay for nondegree/non-credit entrepreneurship courses at approved institutions:

- Small Business Development Centers, and
- National Veterans Business Development Corporation (also known as Veterans Corporation).

- Section 308—Furnishes Federal agencies discretionary authority to:

- Restrict certain contracts to disabled Veteran-owned small businesses if at least two such concerns are qualified to bid on the contract, and
- Create "sole-source" contracts for disabled Veteran-owned small businesses—up to \$5 million for manufacturing contract awards and up to \$3 million for nonmanufacturing contract awards.

A Web-based application allows Governmental and support sector organizations to "register" their services. This clearinghouse enables any user to search for business support services at the Federal, State, and local government levels and private providers in their respective category of business development, management, financial, technical or procurement assistance.

The site allows support organizations to update their business information and give the Department the ability to upload data from other sources to populate the proposed database. Contact information is kept as well as a means to extract this information to satisfy the Department's need to send out information.

The Center for Verification and Evaluation (CVE) operates and maintains the Department of Veterans Affairs (VA), CVE VetBiz Vendor Information Pages (VIP)—VA. This system enables VA to maintain and access an automated database containing the information on Veteran owned businesses resources set forth in the law (section 302, paragraph (5) and section 604, paragraph (b)). Because some information may be retrieved by the name or other personal identifiers of individuals acting in an entrepreneurial capacity, such as a sole proprietor of a small business, VA is using this system of records.

The information in this system is maintained in electronic form. The information in these records are available to government agencies, companies, and the general public via the internet.

The solution uses a combination of commercial off-the-shelf software (COTS) and cloud-based applications. These COTS and Cloud products

leverage market-tested products that are currently listed as enterprise solutions in the VA environment and comply with the VA's technology standards for enterprise-class software.

The VetBiz/VIP solution provides an internet-facing portal for submitting data and tracking the progress of the verification team as well as an integrated customer relationship management (CRM) system with strong document management, collaboration, notification, and reporting functionality in alignment with the security requirements dictated by the collection, capture, and distribution of sensitive material.

This SORN has been modified to include information collected by Event Management Scheduling System (EMSS), include data elements stored, changes in Routine Uses, as required, by Office of Management and Budget (OMB), and combining SORN 132VAOSDBU VETBIZ APP into this SORN.

#### Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Neil C. Evans, M.D., Chief Officer, Connected Care, Performing the Delegable Duties of the Assistant Secretary for Information and Technology and Chief Information Officer, approved this document on November 28, 2021 for publication.

Dated: January 4, 2022.

#### Amy L. Rose,

*Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.*

#### SYSTEM NAME AND NUMBER:

Center for Verification and Evaluation (CVE) VA VetBiz Vendor Information Pages (VIP)—VA (181VAOSDBU).

#### SECURITY CLASSIFICATION:

Information in this SORN is not classified information.

#### SYSTEM LOCATION:

The system is hosted on the Veterans Affairs (VA) Enterprise Cloud (EC), Microsoft Azure Government (MAG). The VA EC MAG is in Azure Government Region 1 and Region 2, or Region 3, and is designed to allow U.S. government agencies, contractors and customers to move sensitive workloads into the cloud for addressing specific

regulatory and compliance requirements.

#### SYSTEM MANAGER(S):

Renetta Bradford, Information Technology Systems Integration (ITSI) Program Manager, Department of Veterans Affairs (VA), Office of Small & Disadvantaged Business Utilization (OSDBU), 810 Vermont Ave. NW, Room 1064, Washington, DC 20420. [Renetta.bradford@va.gov](mailto:Renetta.bradford@va.gov), [osdbuexeccorr@va.gov](mailto:osdbuexeccorr@va.gov), and (202) 461-4600.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C. 8127 and Public Law 106-50, as amended.

#### PURPOSE(S) OF THE SYSTEM:

1. Gather and maintain information on small businesses owned and controlled by Veterans, including service-disabled Veterans.
2. Provide VA personnel with access to resources that allow them to perform market research upon Veteran Owned Small Businesses (VOSBs) and Service-Disabled Veteran Owned Small Businesses (SDVOSBs).
3. Provide a platform for registration and announcement of Direct Access Program (DAP) events.
4. Allow Federal, State, and local government personnel and the general public, including private sector companies and corporate entities, the ability to locate potential Veteran entrepreneur resources through searches of the Vendor Information Pages (VIP).
5. VA personnel may utilize the VIP database to counsel and assist Veteran entrepreneurs in starting a small business or expanding an existing small business.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system of records will cover Veteran entrepreneurs who have applied to have their small businesses included in the VIP database, and, if deceased, their surviving spouses, that wish to be a part of the information clearinghouse. Programs of Federal, State, and local governments, and private sector organizations and companies offering business or business assistance services to Veteran businesses will be accessing the information to improve Veteran business opportunities.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The records will contain data on Veteran-owned companies who have contacted the Center for Verification and Evaluation or have been extracted from e-government databases to which the companies have voluntarily

submitted the data as a part of the marketing efforts to the federal government. The records may include: Access Roles, AD Domain, Address, Address City, Address Country, Address Postal Code, Address State, agency Contract. Are you currently doing business or have a contract with the VA? (Yes/No), Assurance Level, Authentication Authority, Authentication Method, Authentication Time, Authorization Data (DS Logon only), Award Rating, BIRLS Disability Rating, BIRLS File Number, Business Email, Business Name, Business Type, category Contract, CCR\_Registration Number, Cell Phone, Certifications, City, Common Name, Company Address, Company City, Company Country, Company Name, Company Phone, Company State/Province, Company website URL, Company Zip, company Certification, company Contact, Core Competency/Strength, Corporate Participant ID, Credential Service Identifier, Credential Service Provider (CSP) Traits Only Indicator, CSP Object, Current Password, CVE Verification Expiration Date, Data Universal Numbering System DUNS®, Date of Birth (DOB), Defense Contract Audit Agency number (optional), Discharge Type, Do you have a Defense Contract Audit Agency Compliant Account, DoD Electronic Data Interchange Personal Identifier (EDIPI), DoD Sponsor ED IPI, Duty Location, EIN, Email, Environment Identifier, Excluded Parties Flag, extent Contract, Fax Number, fedbizopps, Federal Supply Contracting Vehicle, Fedmine Module, FirstName, Gender, Government Category, GSA Contract, GSA Schedule Contract, Hash, Have you had a contract with the VA in the last 5 years? (Yes/No), Header Version, Highest Level of Personal Security Clearance, Home city, Home State, Home street address, Home Zip Code, IAM Role One, IAM Role Three, IAM Role Two, IAM Service Down Indicator, IDV Contract, Industry, Integration Control Number (ICN), Issue Modified, Issue instant, Last Name, Level of Assurance, Mailing Address, MHV identifier (IEN), Middle Name, Middle Name, Initial, NAICS, NAICS Contract, Name, Office, office Contract, Owner Name, Person ID (PID), Personal Email Address, Personal Fax Number, Personal Mailing Address, Personal Phone Number(s), Phone Number, Position, Prefix, pricing Contract, Product Service Code, Profile Photographs, Proofing authority, PSC, PSC Contract, Registration Email, Salutation, samAccountName, SDVOSB\_Flag, Security ID (SecID),

Session Scope, socio Contract, Socio-Economic Category, Sponsor Electronic Data Interchange Personal Identifier, SSOi Landing URL, SSOi Logged Out URL, State, States in which you do Business, subaward Agency Contract, subaward Duns Contract, subaward NAICS Contract, subaward POP Contract, Subject Organization, Subject Organization ID, Subject Role, Suffix, System for Award Management (SAM) Unique Entity Identifier (UEI), System Permissions, Tax Identification Number, Transaction ID, type Of Set Aside Contract, UPN, User Hash, User ID, VAUID, Veteran ID/Service Number, Veteran Status, VISN, Vista Id, VOSB, Flag, Year Business was established, and Zip Code.

**RECORD SOURCE CATEGORIES:**

The information in this system of records is obtained from the following sources:

- a. Information voluntarily submitted by the business;
- b. Information gathered from official VA data sources such as Identity Access Management (IAM), Master Personnel Index (MPI), and Beneficiary Identification Records Locator Subsystem (BIRLS);
- c. Public information extracted from other business databases, System for Award Management (SAM), and Dun and Bradstreet (D&B).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

1. Congress

VA may disclose information to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

2. Data Breach Response and Remediation, for VA

VA may disclose information from this system to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that there has been a breach of the system of records; (2) VA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, VA (including its information systems, programs, and operations), and the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with VA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

3. Data Breach Response and Remediation, for Another Federal Agency

VA may disclose information to another Federal agency or Federal entity, when VA determines that the information is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

4. Law Enforcement

VA may disclose information that, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to a Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law. The disclosure of the names and addresses of Veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

5. DOJ for Litigation or Administrative Proceeding

VA may disclose information to the Department of Justice (DoJ), or in a proceeding before a court, adjudicative body, or other administrative body before which VA is authorized to appear, when:

- (a) VA or any component thereof;
- (b) Any VA employee in his or her official capacity;
- (c) Any VA employee in his or her individual capacity where DoJ has agreed to represent the employee; or
- (d) The United States, where VA determines that litigation is likely to affect the agency or any of its components,

is a party to such proceedings or has an interest in such proceedings, and VA determines that use of such records is relevant and necessary to the proceedings.

6. Contractors

VA may disclose information to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for VA, when reasonably necessary to accomplish an agency function related to the records.

7. OPM

VA may disclose information to the Office of Personnel Management (OPM)

in connection with the application or effect of civil service laws, rules, regulations, or OPM guidelines in particular situations.

8. EEOC

VA may disclose information to the Equal Employment Opportunity Commission (EEOC) in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law.

9. FLRA

VA may disclose information to the Federal Labor Relations Authority (FLRA) in connection with: The investigation and resolution of allegations of unfair labor practices, the resolution of exceptions to arbitration awards when a question of material fact is raised; matters before the Federal Service Impasses Panel; and the investigation of representation petitions and the conduct or supervision of representation elections.

10. MSPB

VA may disclose information to the Merit Systems Protection Board (MSPB) and the Office of the Special Counsel in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions promulgated in 5 U.S.C. 1205 and 1206, or as authorized by law.

11. NARA

VA may disclose information to NARA in records management inspections conducted under 44 U.S.C. 2904 and 2906, or other functions authorized by laws and policies governing NARA operations and VA records management responsibilities.

12. Federal Agencies, for Research  
VA may disclose information to a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency.

13. Federal Agencies, for Computer Matches

VA may disclose information from this system to other federal agencies for the purpose of conducting computer matches to obtain information to determine or verify eligibility of Veterans receiving VA benefits or medical care under Title 38, U.S.C.

14. Federal Agencies, Courts, Litigants, for Litigation or Administrative Proceedings

VA may disclose information to another federal agency, court, or party in litigation before a court or in an administrative proceeding conducted by

a Federal agency, when the government is a party to the judicial or administrative proceeding.

15. Governmental Agencies, for VA Hiring, Security Clearance, Contract, License, Grant

VA may disclose information to a Federal, state, local, or other governmental agency maintaining civil or criminal violation records, or other pertinent information, such as employment history, background investigations, or personal or educational background, to obtain information relevant to VA's hiring, transfer, or retention of an employee, issuance of a security clearance, letting of a contract, or issuance of a license, grant, or other benefit. The disclosure of the names and addresses of Veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

16. State or Local Agencies, for Employment

VA may disclose information to a state, local, or other governmental agency, upon its official request, as relevant and necessary to that agency's decision on the hiring, transfer, or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by that agency. The disclosure of the names and addresses of Veterans and their dependents from VA records under this routine use must also comply with the provisions of 38 U.S.C. 5701.

16. SSA, HHS, for SSN Validation

VA may disclose information to the Social Security Administration and the Department of Health and Human Services for the purpose of conducting computer matches to obtain information to validate the social security numbers maintained in VA records.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

The VetBiz VIP will be stored in a computerized database. The system will operate on servers, located on the VA EC MAG, Region 1 and Region 2, or Region 3. Data backups will reside on appropriate media, according to normal system backup plans for VA Enterprise Operations. The system will be managed by VA OSDDBU, in VA Headquarters, Washington, DC.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Automated records may be retrieved by:

1. Organization Name.
2. Contact Name.
3. Email Address.
4. Web Address.

5. Area Code and Phone Number.
6. Zip Code.
7. County Code (NaCO).
8. State(s).
9. Type of Organization: Government (Federal; State; County; Municipal; Other); Nongovernmental Organization; Commercial.
10. Type of Assistance: (Paperwork packaging; grants/loans; procurement assistance; management/technical assistance; mentoring/incubator; contract opportunities; other).
11. Service Area Limits (if any).
12. Service limited to Veterans.
13. Fees.
14. Organization Funding Limits: (None; term—funding expires on a specific date).
15. Year Established.
16. Full-time/part-time.
17. Days and Hours of Service.
18. Other Professional Staff Available.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records will be maintained and disposed of, in accordance with the records disposal authority approved by the Archivist of the United States, the National Archives and Records Administration, and published in Agency Records Control Schedules.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Read access to the system is via internet access, while VA staff, and contractor personnel will have access to the system, via VA Intranet and local connections, for operations, management and maintenance purposes and tasks. Access to the Intranet portion of the system is via VA PIV authentication and role-based access control, at officially approved access points. Veteran-owned small businesses will establish and maintain user-ids and passwords for accessing their corporate information under system control using VA's DS Logon or *ID.me* through Access VA. Policy regarding issuance of user-ids and passwords is formulated in VA by the Office of Information and Technology, Washington, DC. Security for data in the VetBiz database complies with applicable statutes, regulations and government-wide and VA policies. The system is configured so that access to the public data elements in the database does not lead to access to the non-public data elements, such as Veteran social security number.

#### **RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves, contained in this system of records, may access the records via the internet, or submit a written request to the system manager.

#### **CONTESTING RECORD PROCEDURES:**

An individual who wishes to contest records maintained under his or her name or other personal identifier may write or call the system manager. VA's rules for accessing records and contesting contents and appealing initial agency determinations are published in regulations set forth in the Code of Federal Regulations. See 38 CFR 1.577, 1.578.

#### **NOTIFICATION PROCEDURES:**

Individuals wishing to inquire, whether this system of records contains information about themselves, should contact the Deputy Director, IT Systems Integration (OSDBU), 810 Vermont Ave. NW, Washington, DC 20420.

#### **EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

There are no exemptions for the system.

#### **HISTORY:**

The previous SORN only applied to Vendor Information Pages that involved collecting Veteran Owned business information. It was published as 85 FR 22798. Publication date was 04/23/2020.

VAF 29-0877, VETBIZ VENDOR INFORMATION PAGES VERIFICATION PROGRAM, OMB Control No. 2900-0675, Expiration Date: 03/31/2021 and VA VetBiz Assistance Program Pages—VA (132VA00VE), published as 69 FR 62936, 10/28/2004, was the last full publication of OSDBU's SORN 132VA00VE which provided updated information regarding OSDBU's records.

[FR Doc. 2022-00087 Filed 1-6-22; 8:45 am]

#### **BILLING CODE P**

### **DEPARTMENT OF VETERANS AFFAIRS**

#### **Privacy Act of 1974; System of Records**

**AGENCY:** Office of Small and Disadvantaged Business Utilization (OSDBU), Department of Veterans Affairs (VA).

**ACTION:** Rescindment of a system of records.

**SUMMARY:** VA VetBiz Assistance Program Pages (132VAOSDBU) has been combined with the Center for Verification and Evaluation (CVE) VA VetBiz Vendor Information Pages (VIP) (181VAOSDBU). 132VAOSDBU is a system that is accessed by VA Procurement Decision Makers (PDMs) which allows the PDM to perform research upon Veteran Owned Small Businesses (VOSBs) and Service-Disabled Veteran Owned Small Businesses (SDVOSBs). This service

allows the VA to meet the requirements for contract set-aside for businesses that meet specific qualifications. The system has been combined with the system covered by CVE VA VetBiz VIP (181VAOSDBU), the system used by Veterans to submit information to become certified as VOSBs or SDVOSBs. Certified VOSBs/SDVOSBs are maintained in the Customer Relationship Management (CRM) database. The records from 132VAOSDBU are combined with and stored in 181VAOSDBU.

**DATES:** The agency has combined the two systems of record on February 28, 2021. Comments on this rescindment notice must be received no later than 30 days after date of publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the rescindment will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary.

**ADDRESSES:** Comments may be submitted through [www.Regulations.gov](http://www.Regulations.gov) or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005R1A), Washington, DC 20420. Comments should indicate that they are submitted in response to VA VetBiz Assistance Program Pages (132VAOSDBU). Comments received will be available at [regulations.gov](http://regulations.gov) for public viewing, inspection or copies.

**FOR FURTHER INFORMATION CONTACT:** Renetta Bradford, Information Technology Systems Integration (ITSI) Senior Program Manager, Department of Veterans Affairs (VA), Office of Small & Disadvantaged Business Utilization (OSDBU), 810 Vermont Ave. NW, Room 1064, Washington, DC 20420. Email: [osdbuexeccorr@va.gov](mailto:osdbuexeccorr@va.gov) or (202) 461-4600.

**SUPPLEMENTARY INFORMATION:** 132VAOSDBU has been combined with 181VAOSDBU. The records from 132VAOSDBU have been combined with 181VAOSDBU for users of the system. Records will be maintained according to VA security and NARA requirements.

### Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Neil C. Evans, M.D., Chief Officer, Connected Care, Performing the Delegable Duties of the Assistant Secretary for Information and Technology and Chief Information Officer, approved this document on November 28, 2021 for publication.

Dated: January 4, 2022.

**Amy L. Rose,**

*Program Analyst, VA Privacy Service, Office of Information Security, Office of Information and Technology, Department of Veterans Affairs.*

### SYSTEM NAME AND NUMBER:

VA VetBiz Assistance Program Pages (132VAOSDBU)

### HISTORY:

VA VetBiz Assistance Program Pages—VA (132VAOSDBU), published as 86 FR 7923, 02/02/2021, was the last full publication of OSDBU's SORN 132VAOSDBU which provided updated information regarding OSDBU's records.

[FR Doc. 2022-00083 Filed 1-6-22; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0695]

### Agency Information Collection Activity Under OMB Review: Application for Reimbursement of Licensing or Certification Test Fees

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it

includes the actual data collection instrument.

**DATES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Refer to "OMB Control No. 2900-0695".

### FOR FURTHER INFORMATION CONTACT:

Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266-4688 or email [maribel.aponte@va.gov](mailto:maribel.aponte@va.gov). Please refer to "OMB Control No. 2900-0695" in any correspondence.

### SUPPLEMENTARY INFORMATION:

**Authority:** 38 U.S.C. 5101(a), 3689, 3034(a), 3241(a), 3471 and 3513.

**Title:** Application for Reimbursement of Licensing or Certification Test Fees.

**OMB Control Number:** 2900-0695.

**Type of Review:** Revision of a currently approved collection.

**Abstract:** VA will use the information collection specific to licensing or certification test reimbursement to decide whether the claimant should be reimbursed the amount of the fee charged for taking a licensing or certification test and the amount.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 86 FR 205 on October 27, 2021, on page 59449.

**Affected Public:** Individuals or Households.

**Estimated Annual Burden:** 1,050 hours.

**Estimated Average Burden Time per Respondent:** 15 minutes.

**Frequency of Response:** Occasionally.

**Estimated Number of Respondents:** 4,202.

By direction of the Secretary.

**Maribel Aponte,**

*VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.*

[FR Doc. 2022-00072 Filed 1-6-22; 8:45 am]

**BILLING CODE 8320-01-P**



# FEDERAL REGISTER

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Part II

## Consumer Product Safety Commission

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16 CFR Parts 1112 and 1260

Safety Standard for Operating Cords on Custom Window Coverings;  
Proposed Rule



## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Parts 1112 and 1260

[CPSC Docket No. CPSC–2013–0028]

#### Safety Standard for Operating Cords on Custom Window Coverings

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The U.S. Consumer Product Safety Commission (CPSC) has determined preliminarily that custom window coverings with accessible operating cords that are longer than 8 inches pose an unreasonable risk of strangulation to children 8 years old and younger. To address this risk of strangulation, the Commission proposes a rule under the Consumer Product Safety Act (CPSA) to require that operating cords on custom window coverings meet the same requirements as operating cords on stock window coverings, as set forth in the applicable voluntary standard. Thus, the rule proposes that operating cords on custom window coverings must be cordless, inaccessible, or 8 inches or shorter in length in any use position. If finalized, operating cords on custom window coverings would require testing and certification to the rule under section 14 of the CPSA. Moreover, operating cords on custom window coverings that meet the definition of a “children’s product” would require third party testing by a CPSC-accredited third party conformity assessment body. Accordingly, the rule also proposes to amend the Commission’s regulation on requirements pertaining to third party conformity assessment bodies to add “Safety Standard for Operating Cords on Custom Window Coverings” to the list of rules that require third party testing.

**DATES:** Written comments must be received by March 23, 2022.

**ADDRESSES:** Direct comments related to the Paperwork Reduction Act aspects of the proposed rule to the Office of Information and Regulatory Affairs, the Office of Management and Budget, Attn: CPSC Desk Officer, fax to: 202–395–6974, or email [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Submit all other comments on the proposed rule, identified by Docket No. CPSC–2013–0028, 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 typically does not accept

comments submitted by electronic mail (email), except through <https://www.regulations.gov>. 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, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504–7479.

Alternatively, as a temporary option during the COVID–19 pandemic, you can 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, CPSC–2013–0028, into the “Search” box, and follow the prompts.

**FOR FURTHER INFORMATION CONTACT:** Rana Balci-Sinha, Director, Division of Human Factors, Directorate for Engineering Sciences, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850; telephone: 301–987–2584; [rbalcisinha@cpsc.gov](mailto:rbalcisinha@cpsc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

###### A. Overview of the Proposed Rule

The purpose of the proposed rule is to address the risk of strangulation to children 8 years old and younger associated with hazardous operating cords on custom window coverings.<sup>1</sup> The Commission issues this notice of proposed rulemaking (NPR) using its authorities in sections 7 and 9 of the CPSA, 15 U.S.C. 2056 and 2058, to

<sup>1</sup> On December 14, 2021, the Commission voted 4–0 to issue this notice of proposed rulemaking. Commissioner Feldman issued a statement in connection with his vote.

create a new mandatory standard for operating cords on custom window coverings. Due to the ongoing fatal and nonfatal incidents associated with window covering cords, high severity of the outcomes (death and disability to children), proven technical feasibility of cordless products, the implementation of stronger operating cord requirements for stock window coverings already on the market, and the ineffectiveness of warnings and safety devices for this class of products, the Commission proposes to regulate operating cords on custom window coverings. The proposed rule would require operating cords on custom window coverings to meet identical requirements for operating cords on stock window coverings, as set forth in section 4.3.1 of ANSI/WCMA A100.1—2018, American National Standard for Safety of Corded Window Covering Products (ANSI/WCMA–2018). The ANSI standard requires stock window coverings to have:

- (1) No operating cords (cordless) (section 4.3.1.1);
- (2) inaccessible operating cords (section 4.3.1.3); or
- (3) operating cords shorter than 8 inches in any use position (section 4.3.1.2).

In a separate, concurrent rulemaking under section 15(j) of the CPSA, the Commission is proposing to deem a “substantial product hazard” (SPH), as defined in section 15(a)(2) of the CPSA: (1) The presence of hazardous operating cords on stock window coverings; (2) the presence of hazardous inner cords on stock and custom window coverings; or (3) the absence of a required manufacturer label. Both NPRs are based on information and analysis contained in CPSC staff’s September 29, 2021, Staff Briefing Package: Notice of Proposed Rulemaking for Corded Window Coverings (Staff’s NPR Briefing Package), available at: <https://www.cpsc.gov/s3fs-public/NPRs-Add-Window-Covering-Cords-to-Substantial-Product-Hazard-List-Establish-Safety-Standard-for-Operating-Cords-on-Custom-Window-Coverings-updated-10-29-2021.pdf>?  
*VersionId=HIM05bK3WDLRZr*  
*INgogQLknhFvhtx3PD*.

###### B. Background and Statutory Authority

Window coverings are “consumer products” within the jurisdiction of the CPSC, and subject to regulation under the authority of the CPSA, because consumers use and enjoy window coverings in or around a permanent or temporary household or residence, and in schools. See 15 U.S.C. 2052(a)(5). Section 7(a) of the CPSA authorizes the

Commission to promulgate a mandatory consumer product safety standard that sets forth performance or labeling requirements for a consumer product if such requirements are reasonably necessary to prevent or reduce an unreasonable risk of injury. 15 U.S.C. 2056(a). The proposed rule sets forth performance requirements for operating cords on custom window coverings. The proposed performance requirements would make operating cords on custom products meet the same requirements for stock window coverings in section 4.3.1 of ANSI/WCMA–2018, to prevent an unreasonable risk of injury, strangulation and death, to children 8 years old and younger.

Section 7(b)(1) of the CPSA requires the Commission to rely on a voluntary standard, rather than promulgate a mandatory standard, when compliance with the voluntary standard would eliminate or adequately reduce the risk of injury associated with a product, and it is likely that products are in substantial compliance with the voluntary standard. 15 U.S.C. 2056(b)(1). As described in section II.E of this preamble, custom window coverings likely substantially comply with the voluntary standard, ANSI/WCMA–2018. However, section 4.3.2 of ANSI/WCMA–2018, which applies to custom window coverings, does not adequately address the risk of injury associated with operating cords on custom window coverings, because the ANSI standard allows operating cords on custom window coverings to be accessible to children, and to be longer than 8 inches, which presents an unreasonable risk of strangulation to children 8 years old and younger. CPSC staff advises that the operating cord requirements proposed in the NPR would address 100 percent of the operating cord incidents associated with custom window coverings.

Section 9 of the CPSA specifies the procedure that the Commission must follow to issue a consumer product safety standard under section 7 of the CPSA. In accordance with section 9, the Commission may commence rulemaking by issuing an advance notice of proposed rulemaking (ANPR) or a notice of proposed rulemaking (NPR). The Commission issued an ANPR for corded window coverings, including stock and custom products, in January 2015 (80 FR 2327 (January 16, 2015)). The Commission is moving forward with two NPRs because the voluntary standard now addresses the risk of injury for operating cords on stock window coverings, and inner cords on stock and custom window coverings. For the hazards addressed by the

voluntary standard, the Commission is issuing a separate rule under section 15(j) of the CPSA, leaving for this NPR to address, under sections 7 and 9 of the CPSA, operating cords on custom window coverings.

Section 9 authorizes the Commission to issue an NPR, including the proposed rule and a preliminary regulatory analysis, in accordance with section 9(c) of the CPSA. We request comments regarding the risk of injury identified by the Commission, the regulatory alternatives being considered, and other possible alternatives for addressing the risk of injury. 15 U.S.C. 2058(c). The preliminary regulatory analysis must include:

- A preliminary description of the potential benefits and costs of the rule, including benefits and costs that cannot be quantified, and the analysis must identify who is likely to receive the benefits and bear the costs;

- a discussion of the reasons any standard or portion of a standard submitted to the Commission in response to the ANPR was not published by the Commission as the proposed rule or part of the proposed rule;

- a discussion of the reasons for the Commission's preliminary determination that efforts submitted to the Commission in response to the ANPR to develop or modify a voluntary standard would not be likely, within a reasonable period of time, to result in a voluntary standard that would eliminate or adequately reduce the risk of injury addressed by the proposed rule; and

- a description of alternatives to the proposed rule that the Commission considered and a brief explanation of the reason the alternatives were not chosen.

*Id.* Tab K of Staff's NPR Briefing Package, and section V of this preamble, provide the required preliminary regulatory analysis for a mandatory standard on operating cords for custom window coverings.

After issuing an NPR, the Commission will consider the comments received in response to the proposed rule and decide whether to issue a final rule, along with a final regulatory analysis. *Id.* 2058(c)–(f). The Commission also will provide an opportunity for interested persons to make oral presentations of the data, views, or arguments, in accordance with section 9(d)(2) of the CPSA. *Id.* 2058(d)(2).

According to section 9(f)(1) of the CPSA, before promulgating a consumer product safety rule, the Commission must consider, and make appropriate findings to be included in the rule, on the following issues:

- The degree and nature of the risk of injury that the rule is designed to eliminate or reduce;

- The approximate number of consumer products subject to the rule;

- The need of the public for the products subject to the rule and the probable effect the rule will have on utility, cost, or availability of such products; and

- The means to achieve the objective of the rule while minimizing adverse effects on competition, manufacturing, and commercial practices.

*Id.* 2058(f)(1). At the NPR stage, the Commission is making these findings preliminarily, to allow the public to comment on the findings. Section XIII of the preamble contains the Commission's preliminary findings.

Under section 9(f)(3) of the CPSA, to issue a final rule, the Commission must find that the rule is “reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with such product” and that issuing the rule is in the public interest. *Id.* 2058(f)(3)(A)&(B). Additionally, if a voluntary standard addressing the risk of injury has been adopted and implemented, the Commission must find that:

- The voluntary standard is not likely to eliminate or adequately reduce the risk of injury, *or*

- Substantial compliance with the voluntary standard is unlikely.

*Id.* 2058(f)(3)(D). The Commission also must find that the expected benefits of the rule bear a reasonable relationship to its costs, and that the rule imposes the least burdensome requirements that would adequately reduce the risk of injury. *Id.*

2058(f)(3)(E)&(F). Section XIII of the preamble contains the Commission's preliminary findings on these additional requirements, so that the Commission can collect public comment.

### C. Product Description

#### 1. Overview of Window Covering Products

Window coverings comprise a wide range of products, including shades, blinds, curtains, and draperies. Generally, the industry considers blinds to be “hard” window coverings, composed of slats or vanes, and considers shades to be “soft” window coverings, composed of a continuous roll of material. Both blinds and shades may have inner cords that distribute forces to cause a motion, such as raising, lowering, or rotating the window covering to achieve a consumer's desired level of light control. Manufacturers use inner cords on

window coverings to open and close blinds and shades, using a variety of inputs, including traditional operating cords, motors, or direct-lift of the bottom rail of the product, to manipulate inner cords. Curtains and draperies do not contain inner cords,

but consumers can operate curtains and drapes using a continuous loop operating cord or a wand.

A cord or loop used by consumers to manipulate a window covering is called an “operating cord” and may be in the form of a single cord, multiple cords, or

continuous loops. “Cordless” window coverings are products designed to function without an operating cord, but they may contain inner cords. Figures 1 through 6 explain window covering terminology and show examples of different types of window coverings.

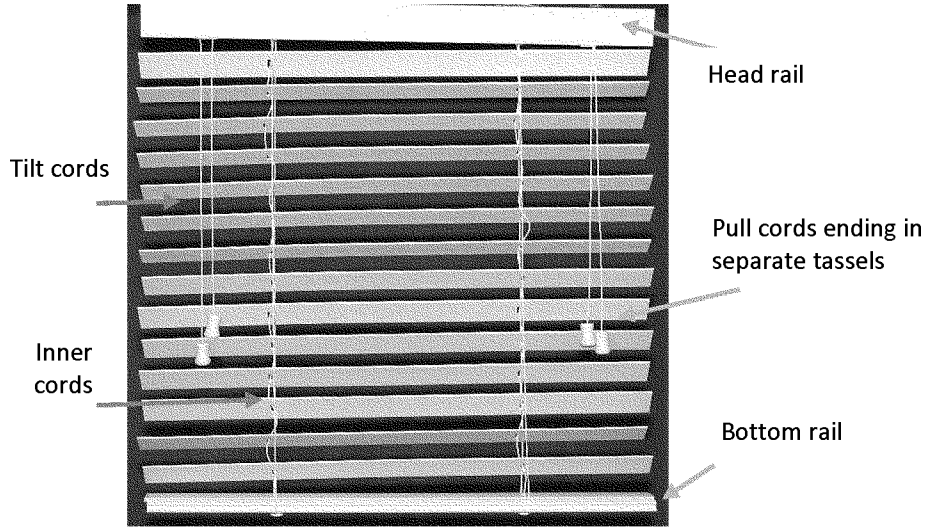


Figure 1. Horizontal blind

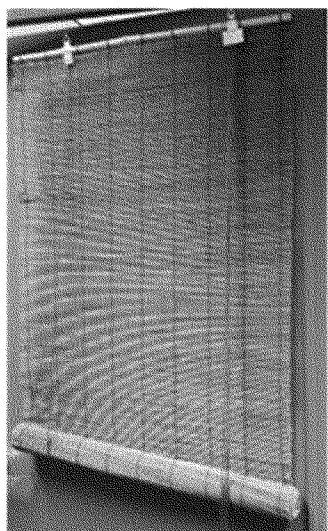


Figure 2. Roll-up shade with lifting

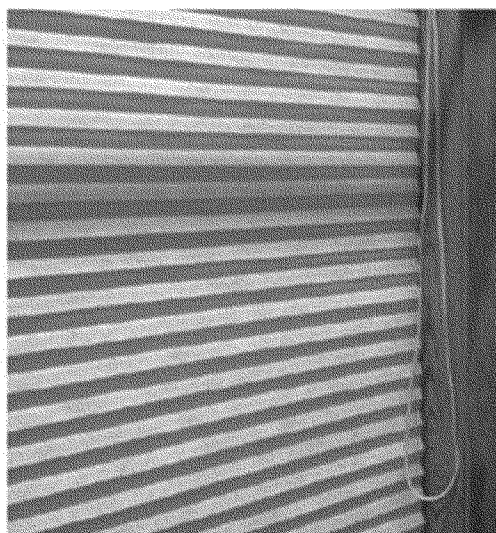


Figure 3. Cellular shade with looped operating



Figure 4. Vertical blind

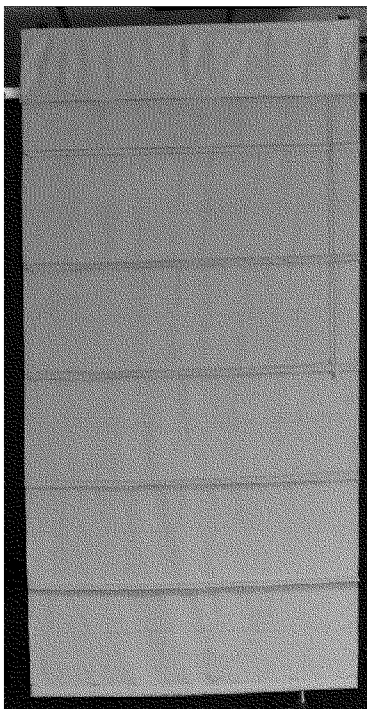


Figure 5. Roman shade

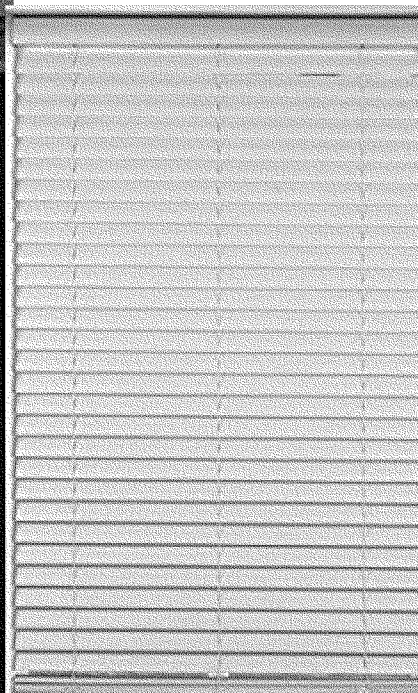


Figure 6. Cordless horizontal blind

Figure 1 shows a horizontal blind containing inner cords, operating cords, and tilt cords. Figure 2 shows a roll-up shade containing lifting loops and operating cords. Figure 3 shows a cellular shade with inner cords between two layers of fabric and operating cords. Figure 4 shows a vertical blind with a looped operating cord to traverse the

blind and a looped bead chain to tilt the vanes. Figure 5 shows a Roman shade with inner cords that run on the back side of the shade and operating cords. Figure 6 is a horizontal blind that is marketed as “cordless” because it has no operating cords, but it still contains inner cords.

Materials used to make shades and blinds include fabric, wood or faux wood, polymers, such as vinyl, and woven materials, such as bamboo. Window covering products are mounted either inside or outside the window frame and can be customized to fit non-standard-sized windows, or for operation when the window frame is

inaccessible, using tools or mobility devices, such as ladders, stools, and lifts. Some window covering types, such as curtains/drapes, shades, and horizontal blinds, can also be customized to fit unusual window shapes, like circles, ovals, trapezoids, and diamonds, but operation may be limited.

Window covering operating systems can vary slightly by window covering type, but all operating systems fit into one of two general categories: Corded or cordless.

## 2. Corded Window Coverings

“Traditional” or “corded” shades and blinds generally have cords located inside the product (inner cord), to the side of the product (operating cord or outer cord), or both. The inner cords between the head rail and bottom rail lift the horizontal slats to adjust light coming through, as in the case of horizontal blinds, or lift fabric and similar materials, as in the case of Roman or pleated shades. The inner cords may be exposed from the front, rear, or bottom of the window covering, or they can be rendered inaccessible, depending upon how the product is constructed. Horizontal blinds and pleated shades generally have two inner cords, one on each side of the blind; but products manufactured for wider windows may require more than two inner cords to be operational.

The outer cord or operating cord allows the user to raise, lower, open and close, rotate, or tilt the window covering. Operating cord systems generally fall into one of three categories: (1) Standard; (2) single cord; and (3) continuous loop. The operating cord in a standard operating system consists of two or more cords and often includes a cord locking device to allow the user to set the height of the window covering. In a single cord operating system, the user can manipulate the window covering with a pull cord. The operating cord in a continuous loop operating system uses a single piece of cord or a beaded metal or plastic chain that is secured to a wall and operates like a pulley. For example, pulling the rear half of the loop will raise the shade, while pulling the front half of the loop will lower the shade.

Although operating systems can vary, some products are more commonly coupled with specific systems. Cellular and pleated shades can have any of the three operating cord systems; in contrast, roller and Roman shades mostly use a standard or continuous loop system. Horizontal blinds are generally coupled with a standard operating system, while vertical blinds

operate by continuous loop. Some curtains and drapes operate by continuous loop along with a traverse rod, which are also within the scope of the rule. However, many curtains and drapes are stationary and do not have operating systems; these products are not within the scope of the rule.

## 3. Cordless Window Products

Virtually every window covering type is available with a “cordless” operating system, which means it has been designed to function without an operating cord.<sup>2</sup> Cordless window coverings may require inner cords, but these can be, and typically are, made inaccessible through a variety of approaches. In lieu of an operating cord, cordless operating systems can be manual or motorized. A manual operating system allows users to lift or lower the window covering with a plastic handle or directly by hand.

A motorized operating system uses a motor and control system to manipulate the window covering, such as a remote control or wall switch. Installation of cordless window coverings that are motorized is more complicated than manual systems because motorized systems require a power source. The power sources for motorized systems, in order of installation complexity are battery-powered, DC plug, solar-powered, and what is commonly called “hardwired.”

The simplest power source for a motorized cordless product is a battery system, which is typically installed near the head rail in a circular tube called a battery wand. Replacement of the batteries can require additional tools, like a screwdriver, step ladder, or stool. Most manufacturers recommend lithium-ion batteries for use in their systems, due to the increased temperature level around window coverings.<sup>3</sup> A DC plug adapter can also be used as a power source and is easy to install. A window covering with a DC plug adapter can be plugged into any standard electrical outlet. Electrical outlets aren’t typically installed near the top of a window. Accordingly, DC plugs may require consumers to use extension cords near the window covering to

reach an available outlet, which some consumers may find unsightly.

Solar-powered, motorized window coverings use a rechargeable battery wand combined with a solar panel to charge the batteries. Installation is about as complex as a typical battery system, but placement of the solar panel is critical to the operation of the window covering. Newer, more advanced versions of solar-powered window coverings can power themselves, while also providing renewable energy. These products are less mature than others and are generally much more expensive.

The most complex to install power source for motorized systems is to wire the window covering directly into the home, commonly called “hardwiring.” The industry does not regard hardwiring window coverings to be a task that consumers can complete. Typically, electricians are required to install these products, which creates higher installation costs for consumers.

## 4. Other Types of Safety Devices

Rather than eliminate the operating cord entirely, some manufacturers offer other devices to isolate the operating cord on custom window coverings. These alternatives include, among others: Retractable cord devices, cord cleats, cord shrouds, cord condensers, and wands. Tab I in Staff’s NPR Briefing Package contains a more detailed description of these devices and how to operate each. As described in section I.C.3 of this preamble, and Tab I of Staff’s NPR Briefing Package, these devices are inadequate to address the risk of injury associated with operating cords on custom window products.

All of these safety devices are currently available for purchase by consumers, or provided by manufacturers, on custom window coverings, but offerings vary by manufacturer. A retractable cord device uses a spring-loaded spool to adjust the length of the pull cord. After the consumer adjusts the pull cord to raise or lower the window covering, the retractable cord device automatically retracts the pull cord back to the bottom of the headrail in an attempt to keep the pull cord out of reach of small children.

Cord cleats are generally composed of transparent or white plastic material in a long, rectangular shape. To be effective, two cord cleats must be installed or anchored to the wall near the window covering at a height out of reach of children. Cord cleats are used in conjunction with operating cords that dangle below the bottom of the window covering. The consumer must wrap the operating cord(s) in an S-shape around

<sup>2</sup> The availability of alternatives to corded window coverings may sometimes be constrained due to size and weight limitations. See Lee, 2014. Through market research, staff found several examples of cordless blinds that are made with a maximum height of 84” and a maximum width of 144” (Tab G of Staff’s NPR Briefing Package).

<sup>3</sup> Window coverings receive direct sunlight for large portions of the day, resulting in higher surface temperatures that can cause the failure of non-lithium-type batteries.

the cord cleats each time the window covering is raised or lowered.

A cord shroud encloses the pull cord or continuous cord loops for various types of blinds and shades with a rigid material, usually plastic. Although the pull cord or continuous loop cords are rendered inaccessible, the consumer can use the cord shroud to raise and lower the window covering. Cord condensers are a small plastic device that the consumer feeds the multiple cords into to condense the pull cord to a single pull cord below where the device is installed. Wands are simple pieces of plastic that the consumer rotates or pulls to operate the window covering in place of a cord.

##### 5. “Stock” and “Custom” Window Coverings Defined in the NPR

This NPR relies on the definitions of window coverings and their features as set forth in the ANSI/WCMA–2018 standard, which currently requires “stock” and “custom” window coverings to meet different sets of operating cord requirements. For the NPR, the definition of a “stock window covering” is based on the definition of “Stock Blinds, Shades, and Shadings” in section 3, definition 5.02 of ANSI/WCMA–2018. A “stock window covering” is a completely or substantially fabricated product prior to being distributed in commerce and as a specific stock-keeping unit (SKU). Even when the seller, manufacturer, or distributor modifies a pre-assembled product, by adjusting to size, attaching the top rail or bottom rail, or tying cords to secure the bottom rail, the product is still considered “stock,” as defined in ANSI/WCMA–2018. Moreover, under the ANSI standard, online sales of a window covering, or the size of the order, such as multifamily housing orders, do not make the product a non-stock product. ANSI/WCMA–2018 provides these examples to clarify that, as long as the product is “substantially fabricated,” subsequent changes to the product do not change its categorization from “stock” to “custom.”

The NPR defines a “custom window covering” using the same definition of “Custom Blinds, Shades, and Shadings” found in section 3, definition 5.01 of ANSI/WCMA–2018, which is “any window covering that is not classified as a stock window covering.” We explain additional definitions in the NPR, including “operating cord,” “cord shroud,” and “rigid cord shroud,” in section IV.A of this preamble.

##### 6. The Window Covering Industry

Based on 2017 data, 1,898 firms were categorized as blinds and shades

manufacturers and retailers (Census Bureau, 2020). Of these, about 1,840 firms (302 manufacturers and 1,538 retailers) are small. In 2020, three manufacturers accounted for almost 38 percent of dollar sales in the U.S. window coverings market (Euromonitor 2021a). Only one of these manufacturers is a publicly held firm. In 2020, the largest global manufacturer and distributor of window coverings reported worldwide net sales of \$3,543 million, with North American window covering sales reported as \$1,703 million. The second largest firm is privately held, and annual reports are not publicly available. Estimates of this firm’s revenue indicate annual U.S. window covering revenue in 2020 of approximately \$728 million (Euromonitor 2021a). The third firm is also privately held, and estimates indicate U.S. window covering revenues in 2020 of approximately \$88 million (Euromonitor 2021a). The remainder of the total market size of \$6.6 billion is attributed to firms that each account for less than 3 percent market share (Euromonitor 2021b).

A recent study conducted for CPSC (D+R, 2021) estimated that in 2019, approximately 139 million residential window coverings were shipped in the United States. Most of these shipments, 59.2 percent, were blinds, while 25.4 percent were shades. When comparing unit sales data to revenue data, CPSC staff found that while custom products account for approximately 44 percent of unit sales, a disproportionate amount of revenue is attributable to custom window covering products. For example, Roman shades, which are sold almost always as custom window covering products, account for 1.9 percent of annual sales in 2019, but generated revenues equal to 2.3 percent of the total.

##### 6. Retail Prices

Retail prices for window coverings vary, depending on the type of the product and retailer. Stock products for common-size window coverings can be purchased at a variety of retailers, such as big box and home furnishing stores, and e-commerce retailers, such as Amazon and Wayfair. The type of material and brand affect the price. According to a study conducted for CPSC by D+R International (2021),<sup>4</sup> weighted average prices for window coverings range from about \$54 to \$94

<sup>4</sup> CPSC contracted with D+R International, which interviewed window covering manufacturers and component manufacturers to collect anecdotal information on the distribution of stock and custom product sales and the impact of compliance with the voluntary standard (D+R International, 2021).

for shades and from about \$25 to \$250 for blinds.<sup>5</sup> Prices for vertical blinds are generally lower than the prices of horizontal blinds; prices for roller shades are slightly lower than the prices of Roman and cellular shades (D+R International, 2021).<sup>6</sup>

Consumers can purchase custom-sized and custom-designed window coverings from mass merchants, specialty retailers, e-commerce retailers, and in-home consultation firms. Custom coverings include uncommon window covering sizes, such as extremely small (e.g., 9 inches wide x 13 inches high), extremely large (e.g., 96 inches wide x 96 inches high), and other unusual sizes. Retail prices for custom-made window coverings range from \$25 to \$900, but prices can be as high as \$5,000.<sup>7</sup> Typically, retail prices for custom products exceed the price of stock products of similar size and type. Retailers often suggest in-home measuring and evaluation to estimate the price for custom-designed products, because non-standard sizes or non-standard window shapes, or motorized lift systems can require professional installation. Prices for customized window coverings, on average, are higher than similar stock products sold by mass retailers.

##### 7. Window Coverings in Use

CPSC staff created an estimate of custom window coverings in use using multiple data sources. Estimates for the year 2019, are developed from (1) estimates of U.S. residential housing units; (2) estimates of the number of window coverings per housing unit; (3) estimates of the proportion of window coverings in use, by type; (4) estimates of the expected product life of window coverings; and (5) estimates of the proportion of corded custom window coverings sold by type. Based on U.S. Census estimates, approximately 124.1 million residential housing units existed in the United States during the year 2019 (Census Bureau, 2019). Additionally, the D+R (2020) study estimated an average of about 8.17 window coverings per housing unit.<sup>8</sup>

<sup>5</sup> The range for shades is based on average prices for cellular shades, roller shades, Roman shades, and pleated shades. The range for blinds is based on average prices for vinyl blinds, metal blinds, faux-wood blinds, wood blinds, and vertical blinds.

<sup>6</sup> The D+R review of prices and product availability found that stock product prices are generally lower than custom products and that cordless lift systems resulted in an increase in price, except in the case of vertical blinds.

<sup>7</sup> Based on firms’ websites, retail prices for custom-made Roman shades can range from \$300 to \$5,000.

<sup>8</sup> The D+R estimate uses a 2013 market characterization study completed for the U.S.

The product of the number of housing units and the average number of window coverings per housing unit suggests that about 1,014 million window coverings may have been in use in the United States (124.1 million housing units × 8.17 window coverings per housing unit) during 2019.

The distribution of the estimated 1,014 million window coverings in use is created using the 2019 share of

custom product sales to total for each aggregate category.<sup>9</sup> Application of the share of custom product sales to the window coverings in use estimate, amounts to approximately 111 million custom horizontal blinds, 213 million custom shades, 10 million custom vertical blinds, and 179 million custom curtains or drapery.<sup>10</sup> Applying an estimate of 65 percent of custom window covering products in use

having operating and/or accessible cords equates to an approximate total of 332.6 million corded custom window coverings in use. As shown in Figure 7 below, staff estimates that approximately 72 million corded custom horizontal blinds, 138.2 million corded custom shades, 6.4 million corded custom vertical blinds, and 116.1 million corded custom curtains or drapery are in use as of 2019.<sup>11</sup>

FIGURE 7—CUSTOM WINDOW COVERINGS IN USE  
[2019]

Product category [1]	Total product in use [2]	Custom product share of sales (2019) (%) [3]	Custom product in use [4] [col. 2 × col. 3]	Corded custom product in use [5] [col. 4 × 0.65]
Horizontal Blinds, All Types .....	340.4	32.52	110.7	72.0
Shades, All Types .....	300.9	70.66	212.6	138.2
Vertical Blinds .....	168.2	5.82	9.8	6.4
Curtains & Drapes .....	178.6	100.00	178.6	116.1
Total .....	1014	.....	511.7	332.6

Department of Energy. The study included a survey of 2,100 households in 13 cities across the United States to collect a representative sample of data on household characteristics, including number of windows, location of windows, the types of window coverings installed, and operation.

<sup>9</sup>Installed base data for window covering products does not differentiate between custom or stock products. A point estimate created from one

year of sales data may distort product in use estimates if there are large fluctuations in sales due to consumer preferences from year to year or if the expected product life of custom products is substantially different than stock products.

<sup>10</sup>Interior shutters are included in the total 1,014 million window covering in use estimate, but because these products are out of scope for the rule,

they are not included in the regulatory analysis later in this report.

<sup>11</sup>This estimate has an implicit assumption that the share of annual sales will equate to a similar share of product in use. Changes in consumer preferences over time, and differences in the expected product life between custom and stock products, could result in significant deviations in this estimate.

*D. Hazards Associated With Window Covering Cords*

Window coverings, depending on the type of accessible cords, including

operating cords (meaning pull cords and continuous loop cords), inner cords, and lifting loops, can pose strangulation hazards to children when they are accessible and long enough to wrap

around a child's neck. Figures 8, 9, and 10 below depict the strangulation hazard for different window covering cord types.

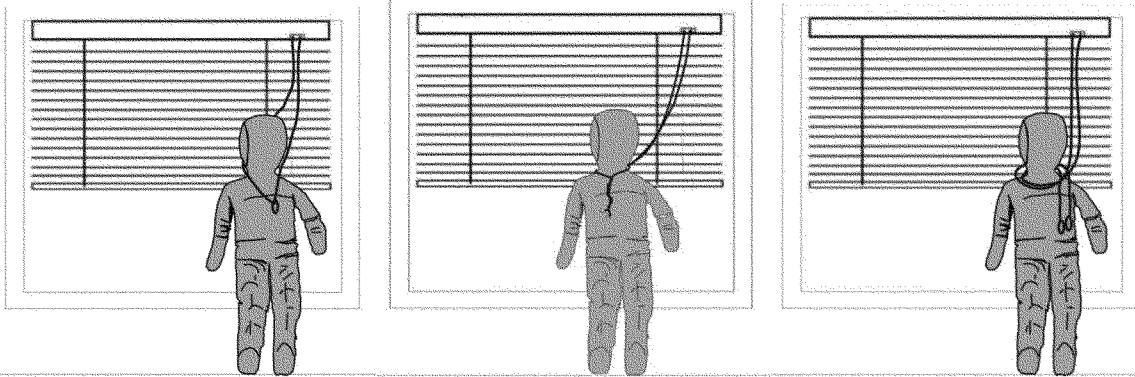


Figure 8. (a) Operating pull cords ending in one tassel (left); (b) operating cords tangled, creating a loop (middle); (c) operating cords wrapped around the neck (right)

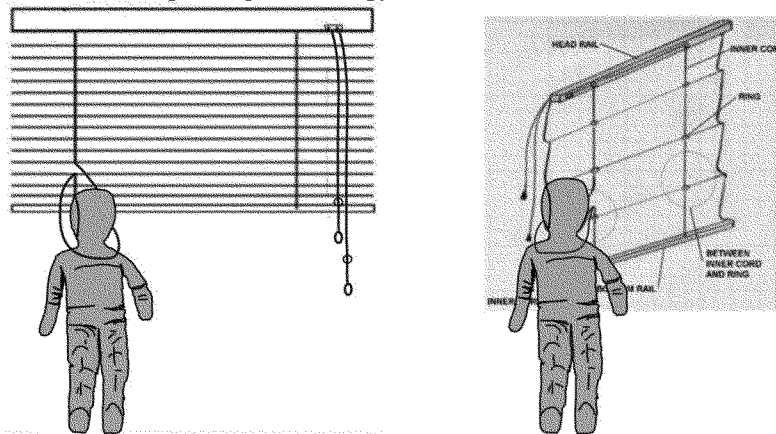
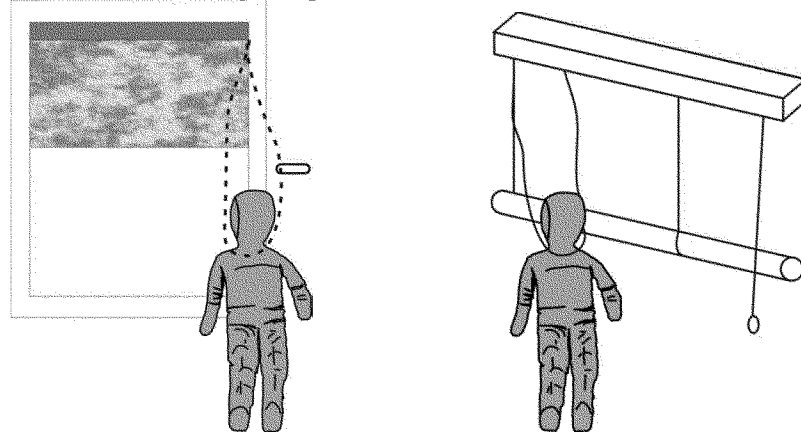


Figure 9. (a) Inner cords creating a loop (left), (b) Inner cords on the back side of Roman shade (right)



Children can strangle from mechanical compression of the neck when they place a window covering cord around their neck. Strangulation due to mechanical compression of the neck is a complex process resulting from multiple mechanisms and pathways that involve both obstruction of the airway passage and occlusion of

blood vessels in the neck. Strangulation can lead to serious injuries with permanent debilitating outcomes or death. If sustained lateral pressure occurs at a level resulting in vascular occlusion, strangulation can occur when a child's head or neck becomes entangled in any position, even in

situations where the body is fully or partially supported.

Strangulation is a form of asphyxia that can be partial (hypoxia), when there is an inadequate oxygen supply to the lungs, or total, when there is complete impairment of oxygen transport to tissues. A reduction in the delivery of oxygen to tissues can result in



permanent, irreversible damage. Experimental studies show that only 2 kg (4.4 lbs.) of pressure on the neck may occlude the jugular vein (Brouardel, 1897); and 3kg to 5 kg (7–11 lbs.) may occlude the common carotid arteries (Brouardel, 1897 and Polson, 1973). Minimal compression of any of these vessels can lead to unconsciousness within 15 seconds and death in 2 to 3 minutes, (Digeronimo and Mayes, 1994; Hoff, 1978; lseron, 1984; Polson, 1973).

The vagus nerve is also located in the neck near the jugular vein and carotid artery. The vagus nerve is responsible for maintaining a constant heart rate. Compression of the vagus nerve can result in cardiac arrest due to mechanical stimulation of the carotid sinus-vagal reflex. In addition, the functioning of the carotid sinuses may be affected by compression of the blood vessels. Stimulation of the sinuses can result in a decrease in heart rate, myocardial contractility, cardiac output, and systemic arterial pressure in the absence of airway blockage.

Strangulation proceeding along one or more of these pathways can progress rapidly to anoxia, associated cardiac arrest, and death. As seen in the CPSC data (Wanna-Nakamura, 2014), and in the published literature, neurological damage may range from amnesia to a long-term vegetative state. Continued deterioration of the nervous system can lead to death (Howell and Gully, 1996; Medalia et al., 1991).

Based on CPSC staff’s review of the incidents in section I.E of this preamble, and Tab A of Staff’s NPR Briefing Package, 16 of the 194 victims required hospitalization; six survived a hypoxic-ischemic episode or were pulseless and in full cardiac arrest when found,

suffered severe neurological sequelae, ranging from loss of memory to a long-term or permanent vegetative state, requiring tracheotomy and gastrointestinal tube feeding. One victim, who remained hospitalized for 72 days, was released from the hospital with 75 percent permanent brain damage and is now confined to a bed.

Because a preexisting loop acts as a noose when a child’s neck is inserted, and death can occur within minutes of a child losing footing, CPSC staff concluded that head insertion into a preexisting loop poses a higher risk of injury than when a child wraps a cord around his or her neck. However, both scenarios have been demonstrated to be hazardous and have led to fatal outcomes, according to CPSC data.

*E. Risk of Injury*

The Commission’s 2015 ANPR on Window Coverings presented incident data covering the period 1996 through 2012. 80 FR 2327, 2332 (Jan. 16, 2015). Since then, WCMA published the revised voluntary standard for window coverings, ANSI/WCMA–2018. For products that comply, ANSI/WCMA–2018 has removed hazardous operating cords and inner cords from stock window coverings and removed hazardous inner cords for custom window coverings. The incident data demonstrate that regardless of whether a product is categorized as stock or custom, children are exposed to the same risk of injury from accessible window covering cords.

CPSC staff reviewed the data related to window coverings from 2009 through 2020.<sup>12</sup> Some of the data sources relied upon in this analysis do not have data for 2020 available yet; for those sources,

staff included data for the latest available year, 2019. The following analysis distinguishes between stock and custom window coverings, whenever feasible. National estimates of deaths and injuries involving window covering strangulations among children under 5 years of age are associated with *all* types of window coverings, because the available information does not allow the CPSC to distinguish product subtypes.

1. Incident Data From CPSC Databases

Based on newspaper clippings, consumer complaints, death certificates purchased from states, medical examiners’ reports, hospital emergency department-treated injury reports, and in-depth investigation reports, CPSC found a total of 194 reported fatal and near-miss strangulations on window covering cords that occurred among children 8 years old and younger from January 2009 through December 2020. These 194 incidents do not constitute a statistical sample of known probability and do not necessarily include all window covering cord-related strangulation incidents that occurred during that period. However, these 194 incidents do provide at least a minimum number for such incidents during that time frame.

Table 1a provides the breakdown of the incidents by year. Because reporting is ongoing, the number of incidents presented here may change in the future. Given that these reports are anecdotal, and reporting is incomplete, CPSC strongly discourages drawing any inferences based on the year-to-year increase or decrease shown in the reported data.

TABLE 1a—REPORTED FATAL AND NEAR-MISS STRANGULATION INCIDENTS INVOLVING WINDOW COVERING CORDS AMONG CHILDREN EIGHT YEARS AND YOUNGER 2009–2020

Incident year	Number of reported incidents		
	Total	Fatal strangulations	Near-miss strangulations
2009 .....	48	14	34
2010 .....	31	11	20
2011 .....	10	6	4
2012 .....	17	8	9
2013 .....	9	2	7
2014 .....	17	12	5
2015 .....	9	7	2
2016 .....	17	13	4
2017 .....	9	5	4
2018 .....	8	4	4
2019* .....	11	4	7

<sup>12</sup> CPSC’s incident search focused on fatal and near-miss strangulations suffered by young children due to window covering cords. Whenever feasible, staff selected the time frame to be 2009 through 2020. CPSC staff searched three databases for identification of window covering cord incidents:

The Consumer Product Safety Risk Management System (CPSRMS), the National Electronic Injury Surveillance System (NEISS), and the Multiple Cause of Deaths data file. The first two sources are CPSC-maintained databases. The Multiple Cause of Deaths data file is available from the National

Center for Health Statistics (NCHS). The appendix at the end of this memorandum details information about the CPSC data sources and the selection criteria used for this data search.

TABLE 1a—REPORTED FATAL AND NEAR-MISS STRANGULATION INCIDENTS INVOLVING WINDOW COVERING CORDS AMONG CHILDREN EIGHT YEARS AND YOUNGER 2009–2020—Continued

Incident year	Number of reported incidents		
	Total	Fatal strangulations	Near-miss strangulations
2020*	8	3	5
Total	194	89	105

Source: CPSC epidemiological databases CPSRMS and NEISS.  
 Note: \* indicates data collection is ongoing.

Table 1b expands on Table 1a to display the distribution of the annual incidents by severity of incidents and type of window coverings involved.

CPSC staff identified 50 of 194 incident window coverings (26 percent) to be stock products, and 35 of the 194 (18 percent) were identified as custom

products; CPSC staff could not identify the window covering type in the remaining 109 of the 194 (56 percent) incidents.

TABLE 1b—REPORTED FATAL AND NEAR-MISS STRANGULATION INCIDENTS INVOLVING STOCK/CUSTOM/UNKNOWN TYPES OF WINDOW COVERING CORDS AMONG CHILDREN EIGHT YEARS AND YOUNGER 2009–2020

Incident year	Reported incidents by window covering type			
	Stock (fatal/nonfatal)	Custom (fatal/nonfatal)	Unknown (fatal/nonfatal)	All
2009	20 (4/16)	7 (2/5)	21 (8/13)	48
2010	10 (3/7)	7 (2/5)	14 (6/8)	31
2011	2 (1/1)	4 (3/1)	4 (2/2)	10
2012	1 (1/0)	5 (1/4)	11 (6/5)	17
2013	2 (1/1)	3 (1/2)	4 (0/4)	9
2014	3 (2/1)	2 (1/1)	12 (9/3)	17
2015	4 (4/0)	1 (1/0)	4 (2/2)	9
2016	5 (3/2)	4 (3/1)	8 (7/1)	17
2017	2 (1/1)	1 (0/1)	6 (4/2)	9
2018		1 (0/1)	7 (4/3)	8
2019*	1(0/1)		10 (4/6)	11
2020*			8 (3/5)	8
Total	50 (20/30)	35 (14/21)	109 (55/54)	194

Source: CPSC epidemiological databases CPSRMS and NEISS.  
 Note: \* indicates data collection is ongoing.

Eighty-nine of the 194 incidents (46 percent) reported a fatality. Among the nonfatal incidents, 15 involved hospitalizations (8 percent). The long-term outcomes of these 15 injuries varied from a scar around the neck, to quadriplegia, to permanent brain damage. One additional child was treated and transferred to another hospital; the final outcome of this patient is unknown. In addition, 75 incidents (39 percent) involved less-severe injuries, some requiring medical treatment, but not hospitalization. In the remaining 14 incidents (7 percent), a child became entangled in a window covering cord, but was able to disentangle from the cord and escape injury. Overall, among the incidents with gender information available, 66 percent of the children involved were males, while 34 percent were females. One incident did not report the gender of the child.

(a) Distribution of Reported Incidents by Window Covering and Associated Cord Types

Based on CPSC staff’s review of the incident data, listed below are the most common types of window coverings among the 194 reported incidents, along with the types of cords associated with each:

- *Horizontal Blinds (includes Venetian and mini blinds):* Associated cords: Continuous loop cord/beaded chain (free-standing, i.e., not mounted on a tension device), inner cord, pull cord (with loops or long cords), and tilt cord;
- *Vertical Blinds:* Associated cords: Continuous loop cord/beaded chain (free-standing);
- *Roman Shades:* Associated cords: Continuous loop cord/beaded chain (free-standing), inner cord, and pull cord (with loops or long cords);

- *Roller Shades:* Associated cords: Continuous loop cord/beaded chain (free-standing);
- *Roll-Up Shades:* Associated cords: Pull cord (with loops or long cords) and lifting loop;
- *Other Shades (includes pleated, cellular-honeycomb):* Associated cords: Continuous loop cord/beaded chain (free-standing) and pull cord (with loops or long cords);
- *Curtains/Draperies:* Associated cords: Continuous loop cord/beaded chain (free-standing).

(b) Incident Breakdown—Stock and Custom Window Coverings

CPSC staff definitively identified 50 of the 194 incidents that involved stock window coverings in the period from 2009 through 2020. Of the 50 incidents, 64 percent involved horizontal blinds; 28 percent involved Roman shades; 4 percent involved roller shades; and 2 percent involved roll-up shades and vertical blinds.

CPSC staff definitively identified 35 of the 194 incidents that involved custom window coverings. Of the 35 incidents, 51 percent involved horizontal blinds; 17 percent involved Roman shades; and 9 percent involved roller shades. Other shades, such as

cellular and pleated shades, together accounted for 11 percent of the incidents. Six percent involved vertical blinds. For the remaining 6 percent of the incidents involving custom products, staff did not have sufficient information to determine the type of

window covering. Table 2 provides cross-tabulation of the incidents by window covering type and the associated cord type involved in these 35 incidents.

TABLE 2—DISTRIBUTION OF REPORTED INCIDENTS BY TYPES OF WINDOW COVERINGS AND ASSOCIATED CORDS AMONG CUSTOM PRODUCTS: 2009–2020

	Pull cord	Continuous loop cord/beaded chain	Inner cord	Lifting loop	Tilt cord	Unknown	Total (%)
Horizontal .....	16	2	.....	.....	.....	.....	18 (51%)
Roman .....	1	2	3	.....	.....	.....	6 (17%)
Roller .....	.....	3	.....	.....	.....	.....	3 (9%)
Other Shades .....	1	3	.....	.....	.....	.....	4 (11%)
Vertical .....	.....	2	.....	.....	.....	.....	2 (6%)
Unknown .....	.....	.....	.....	.....	.....	2	2 (6%)
<b>Total .....</b>	<b>18</b>	<b>12</b>	<b>3</b>	.....	.....	<b>2</b>	<b>35 (100%)</b>

Source: CPSC databases CPSRMS and NEISS. Percentages may not add to 100 due to rounding.

For most of the reported incidents (109 out of 194), CPSC staff did not have enough information available to determine if the window covering was a stock or custom product. Among these reported incidents, 32 percent involved horizontal blinds; 7 percent involved vertical blinds; 5 percent involved roll-up shades; roller shades and Roman shades were each involved in 4 percent of the incidents; and draperies and other shades (pleated/cellular) were each involved in 3 percent of the incidents.

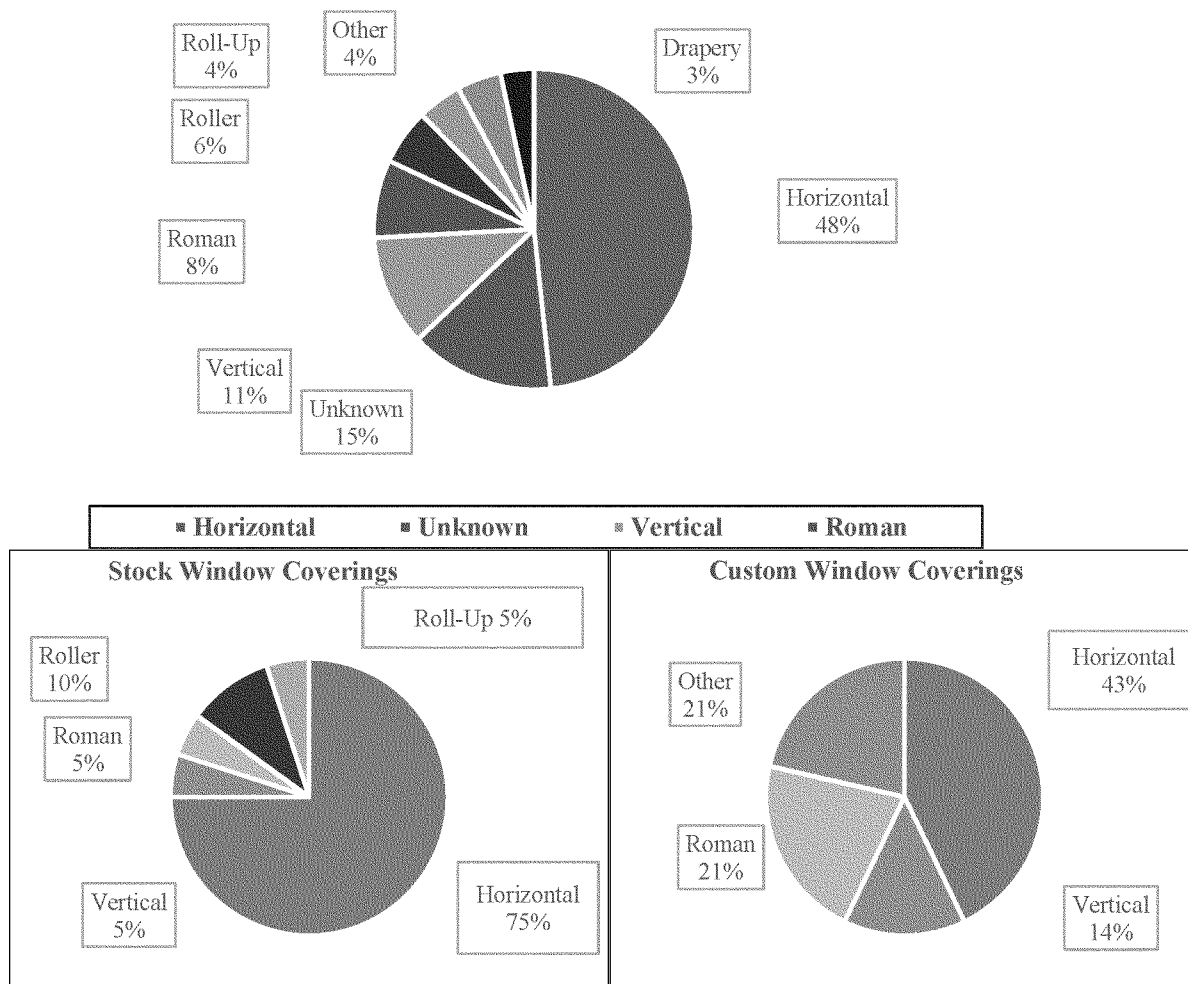
For a large proportion, 43 percent, CPSC staff could not determine the type of window covering based on the available data.

(c) Distribution of Fatal Incidents by Window Covering and Associated Cord Types

Of the 194 reported incidents, 89 involved a fatality. Of the 89 deaths, 43 involved horizontal window coverings; 10 involved vertical window coverings; and 7 involved Roman shades. For 13

fatalities, staff does not know the window covering type. When separated by the known stock versus custom products, horizontal blinds were involved in the most fatalities. Figure 11 shows the breakouts by window covering types for all 89 reported fatalities, as well as among the known stock and custom products separately. Figure 11 also illustrates the distribution of these fatal incidents by types of window coverings.

Figure 11: Distribution of Fatalities by All Window Coverings



Source: CPSC epidemiological databases CPRMS and NEISS

#### (d) Most Common Cord Types and Associated Hazards Resulting in Fatalities

Whether considering stock, custom, or unknown-if-stock-or-custom products, CPSC found that the pull/operating cord system is the single most hazardous scenario among the reported fatal incidents. Thirty-nine of the 89 (44 percent) fatalities involved a child getting entangled in such pull cords; continuous loops were next, with 23 of the 89 (26 percent) fatalities. Inner cords ranked next, accounting for 7 of the 89 (8 percent) fatalities.

(i) *Pull Cords*: In 37 of the 39 known pull cord fatalities, the pull cords were components of horizontal blinds. Of these 39 deaths, 38 occurred before implementation of the 2018 voluntary standard affecting stock products. Although reporting is ongoing, so far, one fatality has been reported in 2019, but none in 2020. Among the 39 fatalities, CPSC identified 7 incidents involving custom products, and 12

involving stock products; staff could not differentiate the remaining 20 incidents' window coverings in terms of being stock or custom products. Hence, the effects, if any, of the 2018 voluntary standard on these products have yet to be reflected in the data.

A closer look at pull cord-related incidents revealed several ways in which children have strangled. Figure 12 presents the distribution of the pull cord-related fatalities by the common modes of entanglement.

- *Loops created by knotted or tangled cord*: CPSC's review revealed that before the incidents, the pull cords had been tied together, or had been coiled and tucked away (out of children's reach), but later became accessible. When pull cords were tied together, a loop was created above the knot where the cords were tied, and that is where the child later became entangled. When the cords were coiled, the cords also became tangled and created a loop, which later acted as a noose. Among all 39 pull-cord-related fatal incidents, 18 out of 39

(46 percent) occurred on loops created by knotted or tangled cords.

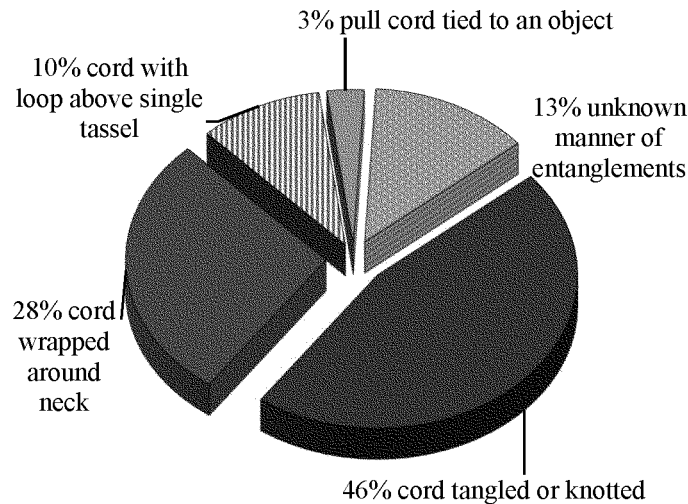
- *One or more long cords that the child wrapped around their neck*: In these scenarios, the child had wrapped the long pull cord(s) multiple times around the neck. When the child fell, or tried to pull away from the window covering, the cord pulled back, causing the child to strangle or nearly strangle. Among all pull cord-related fatal incidents, this category included 11 of the 39 (28 percent) pull cord fatalities.

- *Loop above a single tassel or a stop ball of the cord*: Some pull cords consist of multiple cords that hang from the window covering's head rail and are joined at a point, by a plastic or wooden tassel, or by a stop ball. In such configurations, a loop exists above the tassel. In the cases reviewed, CPSC determined that these loops, when accessible to a child, acted as a noose where the child was caught. Four of the 39 (10 percent) pull cord-related fatal incidents involved this scenario.

• *Pull cord tied to an object*: CPSC determined that in one of the 39 (3 percent) pull cord-related fatal incidents, pull cords were tied to a cord

cleat, creating a u-shape on the cords where the child was strangled.  
 • *Unknown manner*: Five of the 39 (13 percent) pull cord-related fatal

incidents did not report sufficient information to allow CPSC staff to determine the manner in which the child was entangled.



**Figure 12: Distribution of Pull Cord-Related Fatal Incidents by Mode of Entanglement 2009-2020**  
 Source: CPSC databases CPRMS and NEISS

(ii) *Continuous Loop Cords*: CPSC identified continuous loop cords or beaded chains that were not mounted with a tension device or that broke loose from a tension device at the time of the incident, to be the next major type of cord in which children become entangled. Vertical blinds and curtains/drapes are the predominant types of window covering associated with strangulations on continuous loops. Some of the incident reports mentioned the child's prior interest in wearing the beaded chain as a necklace. Among the 89 fatalities, 23 reported this type of operating mechanism.

(iii) *Inner Cords*: Inner cords on horizontal blinds and/or Roman shades are the third major type of cord in which children become entangled. In these scenarios, the child pulled out the inner cord from between the slats of the horizontal blinds or from behind the Roman shades, which were in the lowered position. Subsequently, the child got caught in the loop created by the pulled-out portion of the inner cord. In some Roman shade incidents, children inserted their heads into the opening between the inner cord and the shade material. Seven of the 89 fatalities involved inner cords.

(iv) *Other Cords*: Among the less-prevalent cord types, the lifting loop of a roll-up blind was involved in four fatalities. Children inserted their heads or arms into the lifting loop that came off the roll-up material, resulting in the strangulation incidents. Tilt cords that are used to swivel the slats on a

horizontal blind were involved in an additional two fatal incidents.

## 2. Incident Data From National Estimates

(a) Estimates of Window Covering Cord-Related Strangulation Deaths Using National Center for Health Statistics Data

The National Center for Health Statistics (NCHS) compiles all death certificates filed in the United States into multiple-cause mortality data files. The mortality data files contain demographic information on the deceased, as well as codes to classify the underlying cause of death and up to 20 contributing conditions. The NCHS compiles the data in accordance with the World Health Organization's (WHO) instructions, which request member nations to classify causes of death by the current Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death. Death classifications use the tenth revision of the International Classification of Diseases (ICD), implemented in 1999. The latest year for which mortality data are available is 2019; as such, CPSC derived the strangulation fatality estimates for 2009 through 2019, which is a slightly different time frame than that used for the incident data from the CPSC databases.

Based on CPSC staff's review of the death certificates maintained in the CPRMS database, staff identified three ICD10 codes that are likely to be used

for classification of strangulation fatalities:

- W75 (*accidental suffocation and strangulation in bed*),
- W76 (*Other accidental hanging and strangulation*), and
- W83 (*Other specified threats to breathing*).

Among these three ICD10 codes, W76 appeared to be the most commonly used to classify strangulation deaths.

Using the ICD10 code value of W76, CPSC staff identified a total of 256 strangulation fatalities among children under age 5 in the multiple-cause mortality data from the NCHS from 2009 through 2019, which yields an annual average of 24 deaths (rounded up to the nearest integer). Two hundred and fifty-six strangulation fatalities are most likely an underestimate of all strangulation deaths, because CPSC staff did not use the other two ICD10 codes (W75 and W83) in the search of this data source. An unknown proportion of strangulation deaths are likely coded under ICD10=W75, as well as ICD10=W83, which cannot be distinguished from the non-strangulation deaths—because of the unavailability of any narrative description—in this data and added to the total. Hence, staff's annual average estimate of 24 strangulation deaths is a minimum.

A CPSC report by Marcy *et al.*,<sup>13</sup> which reviewed CPSC databases in

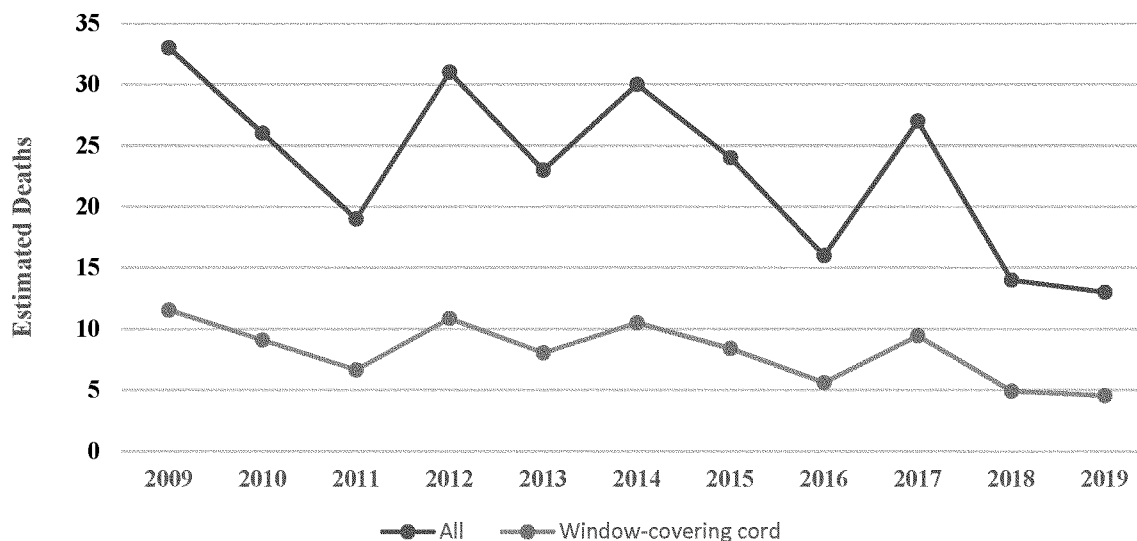
<sup>13</sup> N. Marcy, G. Rutherford. "Strangulations Involving Children Under 5 Years Old." U.S.

2002, found that 35 percent of all strangulation fatalities among children less than 5 years old were associated with window covering cords. Assuming that this 35 percent proportion applies to the entire period 2009 through 2019,

CPSC staff estimates that, on average, a minimum of 9 strangulation fatalities (35 percent of the unrounded average annual death estimate of 23.27) occur annually on window covering cords among children under 5 years of age.

Again, the estimate is rounded up to an integer. Figure 13 presents the yearly details. The Commission seeks comments on the estimated strangulations by window coverings.

**Figure 13: Estimated Annual Minimum for Fatal Strangulations Among Children Under Five Years of Age**



**Source:** Multiple Cause of Death data, NCHS, 2009 – 2019.

**Note:** The estimates for the window covering cord fatalities are based on the assumptions that 35 percent of all strangulation fatalities are due to window covering cords and that this percentage remained unchanged over 2009-2019.

#### (b) Estimates of Window Covering Cord-Related Strangulation Injuries Treated in Hospital Emergency Departments

Based on the emergency department-treated injury data (NEISS), the aggregated estimated injuries to children 8 years of age and younger, who were entangled on window covering cords in the period 2009 through 2020, fell below the NEISS reportable threshold.<sup>14</sup> The injury estimates for individual years are even smaller, which makes any trend analysis unfeasible. However, we combined the 34 injury reports from NEISS with the incident data for the analysis of anecdotal data in section I.E.1 of this preamble. CPSC staff set the upper limit for the age selection criterion for NEISS data at 8 years old, whenever feasible, because of multiple incident reports received by CPSC staff that involved children up to that age.

#### F. ANSI/WCMA–2018 History and Description

CPSC staff began working with the Window Covering Manufacturers Association (WCMA) in 1995 on an American National Standards Institute (ANSI) voluntary standard to address the strangulation hazard to young children from accessible cords on window coverings. WCMA published the first version of the ANSI standard in 1996. The 1996 standard sought to prevent strangulation incidents created by looped cords by requiring either: (1) Separate operating cords, or (2) a cord release device on multiple cords ending in one tassel. The standard also required a tension device that would hold the cord or bead loop taut, when installed according to manufacturer's instructions.

In 2001 and in 2002, CPSC staff sent letters to the WCMA asking for revisions to the 1996 standard, including the addition of inner cord stops and the elimination of free-hanging cords or

bead chains longer than the neck circumference of a fifth percentile 7-month to 9-month-old child.<sup>15</sup> In August 2002, the published ANSI standard required inner cord stops. In 2007, the published ANSI standard required that tension devices partially limit the consumer's ability to control the blind if the tension device is not properly installed. In 2009 and 2010, WCMA published provisional voluntary standards to address hazards associated with Roman shades.

In November 2010, CPSC held a public meeting regarding window coverings, and WCMA announced that it would establish a steering committee to oversee the activities of six task groups, including one intended for operating pull cords and another for continuous loops. On December 20, 2011, WCMA balloted the proposed revisions to the voluntary standard, and on February 6, 2012, staff sent WCMA a letter providing comments on the

<sup>14</sup> Consumer Product Safety Commission, December 2002.

<sup>14</sup> According to the NEISS publication criteria, an estimate must be 1,200 or greater, the sample size must be 20 or greater, and the coefficient of variation must be 33 percent or smaller.

<sup>15</sup> See <https://www.cpsc.gov/Regulations-Laws-Standards/Voluntary-Standards/Window-Blind-Cords>.

proposed revision.<sup>16</sup> In these comments, CPSC staff reiterated that the hazardous loop determination should be made for all cords and that the length of an accessible operating cord should not be longer than the neck circumference of the youngest child at risk. In addition, staff raised concerns about the inability of tension devices to eliminate effectively or reduce significantly the risk of strangulation under certain foreseeable-use conditions.

In November 2012, the WCMA announced the approval of the 2012 version of the ANSI/WCMA standard, which included: (1) Requirements for durability and performance testing of the tension/hold down devices, including new requirements for anchoring; (2) specific installation instructions and warnings; (3) new requirements for products that rely on “wide lift bands” to raise and lower window coverings; (4) requirements for a warning label and pictograms on the outside of stock packaging and merchandising materials for corded products; and (5) expanded testing requirements for cord accessibility, hazardous loop testing, roll-up style shade performance, and durability testing of all safety devices. A revised ANSI/WCMA A100.1 American National Standard for Safety of Corded Window Covering Products was approved on July 21, 2014, which included an editorial change.

On July 22, 2014, CPSC staff sent a letter to the WCMA, requesting that the WCMA reopen the ANSI standard to address the hazard related to pull cords and continuous loops, which are the predominant hazard types in the incidents reported to CPSC.<sup>17</sup> Staff suggested proposed language for a revision to the voluntary standard and asked that WCMA consider including the language in the standard. On August 29, 2014, WCMA responded that the association would begin the process of opening the ANSI/WCMA window covering standard. On August 2, 2016, CPSC staff hosted a WCMA technical meeting. At the meeting, WCMA committed to revising the voluntary standard to require no operating cords, short cords that cannot form a hazardous loop, or inaccessible cords, recognizing that there will be exceptions to these requirements. WCMA said that they would be exploring segmentation approaches, such as product categories, operating systems, applications and uses, distribution channels (e.g., stock versus custom), location in home; and size, weight, and geometry of the product and ability of the products to be readily adaptable to new technologies. WCMA also committed to submitting a revised draft standard for ANSI to ballot by the end of 2016.

Throughout FY 2017, staff participated in WCMA steering committee meetings, and also

participated in the stock/custom definitions and warning labeling task groups. ANSI published a revision to the window coverings standard, ANSI/WCMA A100.1–2018, on January 8, 2018. WCMA updated the 2018 version of the standard in May 2018, to include missing balloted revisions. The standard went into effect on December 15, 2018.

This NPR is based on the most recent version of the voluntary standard, ANSI/WCMA–2018, which segments the window covering market between “stock” and “custom” window coverings, as defined in section 3 of the standard, definitions 5.02 and 5.01. Per section 4.3.1 of the standard, stock window coverings are required to have:

- (1) No operating cords (4.3.1.1),
- (2) inaccessible operating cords (4.3.1.3), or
- (3) short operating cords (equal to or less than 8 inches) (4.3.1.2).

Although manufacturers of custom window coverings can opt to meet the operating cord requirements for stock window coverings (sections 4.3.2.1 through 4.3.2.3 for custom window coverings are identical to 4.3.1.1 through 4.3.1.3), consumers can still purchase corded window coverings if they custom order the product (sections 4.3.2.4 through 4.3.2.6). Table 3 demonstrates the operating cord systems allowed on custom window coverings that are not allowed on stock window coverings in ANSI/WCMA–2018.

**Table 3 – ANSI/WCMA-2018 Operating and Inner Cord Requirements for Stock and Custom Window Coverings**

<i>Performance Requirements</i>	<i>Stock Products</i>	<i>Custom Products</i>
<i>No operating cords OR</i>	<b>Required</b>	<b>Optional</b>
<i>Short operating cord with a length equal to or less than 8 inches in any state (free or under tension) OR</i>		<b>Optional</b>
<i>Inaccessible operating cords</i>		<b>Optional</b>
<i>Inner cords that meet Appendix C and D</i>	<b>Required</b>	<b>Required</b>
<i>Single Retractable Operating Cord Lift System</i>	<b>Prohibited</b>	<b>Allowed</b>
<i>Continuous-Loop Operating System</i>	<b>Prohibited</b>	<b>Allowed</b>
<i>Accessible Operating Cords longer than 8 inches</i>	<b>Prohibited</b>	<b>Allowed</b>

Section 4.3.2 of ANSI/WCMA–2018 contains additional revised default requirements for custom products, including:

(1) Operating cords must have a default length of 40 percent of the blind height (previously unlimited) (4.4);

(2) a wand is the default option for tilting slats (instead of a cord) (4.4.1.1); and

<sup>16</sup> Letter can be found at: [https://www.cpsc.gov/s3fs-public/pdfs/blk\\_media\\_wcma02\\_07\\_12.pdf](https://www.cpsc.gov/s3fs-public/pdfs/blk_media_wcma02_07_12.pdf).

<sup>17</sup> Letter can be found at:

[https://www.cpsc.gov/s3fs-public/pdfs/blk\\_media\\_WCMALtr22July2014.pdf](https://www.cpsc.gov/s3fs-public/pdfs/blk_media_WCMALtr22July2014.pdf).

(3) warning labels must depict more graphically the strangulation hazard associated with cords (5.1).

In 2018, staff participated in various task group meetings to develop requirements for rigid cord shrouds. Section 3, definition 2.09 of ANSI/WCMA–2018 defines a “cord shroud” as “a device or material added to limit the accessibility of a cord or formation of a Hazardous Loop.” A “rigid cord shroud” is not defined in the voluntary standard, but it is a hard material that encases an operating cord to prevent a child from accessing the cord inside the device. The requirements developed by the ANSI task group would clarify “rigid” by confirming that a cord shroud is rigid enough to ensure that the shroud cannot be wrapped around a child’s neck or won’t form a u-shape because of attaching the free end of the shroud to the wall (similar hazards to a single cord). CPSC staff is not aware of incidents related to current products with rigid cord shrouds and advises that cord shrouds that meet the proposed modifications to the ANSI/WCMA standard will address the strangulation hazard posed by accessible cords.

The task group, including CPSC staff, worked from March through December 2018, to develop draft language to test rigid cord shrouds, but WCMA has not balloted the requirements. The tests developed for rigid cord shrouds ensure the stiffness and integrity of the shroud. CPSC staff advises that the allowed deflection (1 inch for every 19-inch length of rigid cord shroud) for a rigid cord shroud under the test is reasonable. The axial torque test method simulates a child twisting the rigid cord shroud to determine if a cord becomes accessible. The torque is based on the mean wrist twisting strength of 2- to 5-year-old males, using a vertically positioned 20 mm-diameter knob, which is 4.4 inch-pound (DTI, 2002). If the cord is accessible, then the device is not considered a rigid cord shroud. Accordingly, the Commission proposes a “rigid cord shroud” definition and test method in this NPR. Tab H of Staff’s NPR Briefing Package, and section IV.C of this preamble, contain the proposed language related to cord shrouds, which is based on the work of the ANSI task group.

On March 12, 2019, staff participated in a WCMA steering committee meeting. The purpose of the meeting was to gather feedback on the new requirements that went into effect in December 2018, and to discuss potential proposals for the standard, which WCMA committed to open in mid-June 2019. During the meeting, the attendees agreed on the need for more education

for online sellers regarding distinguishing stock and custom products, such as a guidance document for online sellers. Additionally, CPSC staff provided ideas for the next revision of the standard for the committee to consider, including: (1) Segmenting custom products by size and/or type to meet stock product requirements; (2) considering cord retractors for custom products as an option (which is not allowed for stock products); (3) investigating complete inoperability of the product if a tension device is not installed (current requirement is partial inoperability); and (4) considering cordless systems as default operating system for custom orders.

On May 16, 2019, staff sent a letter to WCMA, requesting segmentation of custom window coverings by size and/or type, and applying the requirements for stock products to these segments of custom products; presenting the cordless/short cords/inaccessible cords as the default operating system for custom products as an interim measure, as well as interrupting the ordering process with an alert on hazardous cords if a consumer wants to switch to a corded system; balloting the rigid cord shroud requirement that was finalized by the task group; reaching out to online sellers and developing a guidance document for online sellers; and clarifying whether the standard applies to curtain and drapery products.<sup>18</sup>

WCMA responded to CPSC staff on August 12, 2019 and stated that they have put on hold the planned revision of ANSI/WCMA standard because the Government of Canada published a new regulation on corded window coverings. WCMA explained that stock products that do not have operating cords but have inner cords that cannot form a hazardous loop, would not comply with the Canadian regulation because of the new regulated pull force applied to the inner cord. WCMA also stated that the force applied to the inner cord under the Canadian regulation is not applied to test for a hazardous loop; rather, it is applied to determine the force required to raise the product, which is completely contrary to the hazard scenario and is causing considerable confusion within the U.S. and Canadian manufacturing sectors. WCMA reassured CPSC staff that they were still moving forward with balloting the rigid shroud language for the standard.

In November 2019, WCMA sent a letter to CPSC staff about the amendment in the fiscal year 2020

Operating Plan, asking staff to assess what further revisions are needed to the American National Standard for Safety of Corded Window Covering Products (ANSI/WCMA-2018), specifically for custom products. WCMA requested that CPSC staff use input from the technical experts at the WCMA’s member companies during the upcoming study and in drafting the report to provide the Commission with a comprehensive and balanced review. The letter stated that WCMA will also proceed with balloting the rigid shroud language for the standard that was developed and agreed upon by the technical working group.

On February 3, 2020, staff sent a letter to WCMA, outlining staff’s recommendations for future improvements to the standard, and included a request to reopen the standard and discuss staff’s recommendations.<sup>19</sup> Staff reiterated their belief that substantial improvements have been made to the latest version of the standard, particularly on stock window coverings; however, staff asserted, expanding the requirements to custom corded window coverings would improve window covering safety. In September 2021, staff sent another letter to WCMA, urging WCMA to apply the stock product requirements in ANSI/WCMA–2018 to custom window coverings, as well as to ballot the rigid cord shroud language developed and agreed upon by the technical working group.

Section II of this preamble assesses the adequacy of requirements for operating cords on stock and custom window coverings in ANSI/WCMA–2018 to address the hazards associated with corded window coverings. Based on staff’s assessment, the Commission finds that ANSI/WCMA–2018 adequately addresses the risk of strangulation on operating cords for stock window coverings, by removing operating cords, ensuring that they are inaccessible to children, or by making them too short for a child to wrap around his or her neck. However, as shown in Table 3, the Commission finds ANSI/WCMA–2018 does not adequately address the risk of injury associated with operating cords on custom window coverings, because custom products can still be sold to consumers with hazardous operating cords.

<sup>18</sup> See <https://www.cpsc.gov/Regulations-Laws-Standards/Voluntary-Standards/Window-Blind-Cords>.

<sup>19</sup> Letter can be found at the following link: <https://www.cpsc.gov/s3fs-public/CPSC-Staff-Letter-to-WCMA-Feb-2020.pdf?TZtarOeedGSVnaPzS5dHOEKpKz7f3N24>.



### G. Commission Efforts To Address Hazardous Window Covering Cords

#### 1. Petition and Rulemaking

Since the mid-1990s, CPSC staff has been engaged with the voluntary standards body urging changes to the ANSI/WCMA standard to reduce the risk of injury associated with window covering cords. On October 8, 2014, the Commission granted a petition to initiate a rulemaking to develop a mandatory safety standard for window coverings.<sup>20</sup> The petition sought to prohibit window covering cords when a feasible cordless alternative exists. When a feasible cordless alternative does not exist, the petition requested that all window covering cords be made inaccessible by using passive guarding devices. The Commission granted the petition and directed staff to prepare an ANPR to seek information and comment on regulatory options for a mandatory rule to address the risk of strangulation to young children on window covering cords.

On January 9, 2015, the Commission voted to approve publication in the **Federal Register** of the ANPR for corded window coverings. The Commission published the ANPR for corded window covering products on January 16, 2015 (80 FR 2327). The ANPR initiated a rulemaking proceeding under the CPSA. CPSC invited comments concerning the risk of injury associated with corded window coverings, the regulatory alternatives discussed in the notice, the costs to achieve each regulatory alternative, the effect of each alternative on the safety, cost, utility, and availability of window coverings, and other possible ways to address the risk of strangulation posed to young children by window covering cords. The Commission also invited interested persons to submit an existing standard or a statement of intent to modify or develop a voluntary standard to address the risk of injury. The ANPR was based on the 2014 version of the ANSI/WCMA standard.

As described in section II.A of this preamble, the revised version of the voluntary standard, ANSI/WCMA–2018, adequately addresses the risk of injury

<sup>20</sup>The petition, CP 13–2, was submitted by Parents for Window Blind Safety, Consumer Federation of America, Consumers Union, Kids in Danger, Public Citizen, U.S. PIRG, Independent Safety Consulting, Safety Behavior Analysis, Inc., and Onder, Shelton, O’Leary & Peterson, LLC. Staff’s October 1, 2014 Petition Briefing Package, and a copy of the petition at Tab A, is available on CPSC’s website at: <https://www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2015/PetitionRequestingMandatoryStandardforCordedWindowCoverings.pdf> on (cpsc.gov).

from operating and inner cords on stock window coverings, and the risk of inner cord strangulation on custom window coverings. Accordingly, the Commission is issuing two proposed rules: (1) This NPR under sections 7 and 9 of the CPSA, to require that custom window coverings sold in the United States not contain hazardous operating cords, by complying with the same operating cord requirements as stock products in section 4.3.1 of ANSI/WCMA–2018; and (2) in a separate, concurrent rulemaking under section 15(j) of the CPSA, the Commission is proposing to deem an SPH, as defined in section 15(a)(2) of the CPSA: (a) The presence of hazardous operating cords on stock window coverings, (b) the presence of hazardous inner cords on stock and custom window coverings, or (c) the absence of a required manufacturer label.

#### 2. Window Covering Recalls

During the period from January 1, 2009 to December 31, 2020, CPSC conducted 42 consumer-level recalls, including two recall reannouncements. Tab C of Staff’s NPR Briefing Package provides the details of these 42 recalls, where strangulation was the primary hazard. Manufacturers recalled more than 28 million units,<sup>21</sup> including: Roman shades and blinds, roll-up blinds, roller shades, cellular shades, horizontal blinds, and vertical blinds. The recalled products also included stock products, which can be purchased by consumers off the shelf, and custom products, which are made-to-order window coverings based on a consumer’s specifications, such as material, size, and color.

### II. Assessment of Operating Cord Requirements for Stock and Custom Window Coverings

Based on CPSC staff’s engineering and human factors assessments of the voluntary standard, set forth in Tabs G and I of Staff’s NPR Briefing Package, the NPR requires that operating cords on custom window coverings meet the same requirements for operating cords on stock window coverings, as provided in section 4.3.1 of ANSI/WCMA–2018. In this section of the preamble, we provide an overview of the operating cord requirements for stock and custom window coverings in ANSI/WCMA–2018 and in other international standards; assess the adequacy of these

<sup>21</sup>This estimate does not include the recalled units of Recall No. 10–073. This was an industry-wide recall conducted by members of the Window Covering Safety Council (WCSC). An exact number of recalled products was not stated in the recall announcements.

requirements to address the risk of strangulation to young children; and explain why the Commission proposes to require that custom window coverings meet the same operating cord requirements as stock window coverings.

#### A. Engineering Assessment of Operating Cord Requirements in ANSI/WCMA–2018

##### 1. Stock Window Coverings

Requirements for operating cords on stock window coverings in ANSI/WCMA–2018 are adequate to address the risk of injury associated with window coverings. Staff analyzed the incident data, which indicated that the largest proportion of deaths, irrespective of window covering type, involved operating cords (most frequently tangled or knotted cords, followed by cord(s) wrapped around the child’s neck). The voluntary standard recognizes that long and accessible cords can pose a strangulation hazard. ANSI/WCMA–2018 defines the “operating cord” as the portion of a cord that the user interacts with and manipulates to move the window covering in a certain direction (e.g., lifting or lowering, traversing, rotating). If a child wraps a long operating cord around their neck or inserts their neck into a cord loop created by the design of the window covering or by tangled cords, the child can strangle to death within minutes. ANSI/WCMA–2018 provides three ways that a stock window covering can comply with the standard to reduce or eliminate the risk of children strangulating on operating cords:

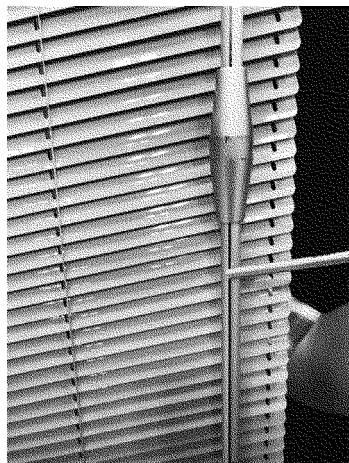
*a. No Operating Cords (section 4.3.1.1).* Having no operating cords effectively eliminates the strangulation hazard associated with operating cords because there is no cord to cause strangulation. Consumers use a mechanism, other than an operating cord, to accomplish the desired movement action on the product (i.e., lifting, lowering, traversing). For example, a spring mechanism on a horizontal blind allows the user to lift and lower the blind via bottom rail of the window covering.

*b. Short Cord with a Length Equal to or Less Than 8 Inches in Any State (section 4.3.1.2).* Based on the anthropometric dimensions of the youngest child involved in an incident, a static cord length of 8 inches or shorter is insufficient to strangle a child,

because the neck circumference of a fifth percentile 6- to 9-month-old child is 8 inches (BSI, 1990, as cited in Norris and Wilson, 1995). Because a child would need some extra length of cord to hold the cord out and wrap it around their neck, staff calculated that a cord must be longer than 8 inches to cause strangulation.

*c. Inaccessible Operating Cords Determined Per the Test Requirement in Appendix C of the ANSI/WCMA–2018 (section 4.3.1.3).* If a window covering has an operating cord that is longer than 8 inches, ANSI/WCMA–2018 requires that the cord must be inaccessible to children. Having inaccessible cords effectively eliminates the strangulation hazard associated with operating cords, because the child is unable to access a cord to cause strangulation. Accordingly, this requirement is tested using a probe that is intended to simulate the finger size of a young child; the diameter of the probe is 0.25 inches, based on fifth percentile 2- to 3.5-year-old's index finger diameter (Snyder et al., 1977) at 0.33 inches and the off-the-shelf availability of a 0.25-inch diameter dowel pin. If the probe cannot touch the operating cord, the cord is then deemed inaccessible, pursuant to ANSI/WCMA–2018.

Staff is unaware of a stock window covering for sale in the United States that has an inaccessible operating cord, as described in section 4.3.1.3 of ANSI/WCMA–2018. For products sold in other countries that meet the inaccessibility requirement, the test in the voluntary standard is met by using a rigid cord shroud that encapsulates the operating cord. Figure 14 displays an example of a rigid cord shroud. In Figure 14, the accessibility probe cannot touch the operating cord because it is surrounded by the cord shroud. Therefore, the window covering in Figure 14 meets section 4.3.1.3 of ANSI/WCMA–2018, because the operating cord is inaccessible.



**Figure 14. Rigid cord shroud**

CPSC concludes that ANSI/WCMA–2018 adequately addresses the strangulation hazard posed by accessible operating cords on stock window covering products, because the standard either eliminates accessible operating cords, or limits the length of the cord so that it is too short for a child to strangle.

## 2. Custom Window Coverings

Requirements for operating cords on custom window products in section 4.3.2 of ANSI/WCMA–2018 do not adequately address the risk of strangulation to children 8 years old and younger, because ANSI/WCMA–2018 allows hazardous operating cords if window coverings are custom ordered. Of the 35 custom window covering incidents reviewed by staff, 30 of the 35 (86%) incidents were related to operating cords (including pull cords and continuous loops). CPSC staff advises that had the requirements in section 4.3.1 of the ANSI/WCMA standard for operating cords on stock products been in effect for custom window coverings, the requirements would have prevented 100 percent of the incidents involving operating cords on custom window coverings. However, the requirements in section 4.3.2 of ANSI/WCMA–2018 do not address the custom window covering incidents associated with accessible operating cords.

The 2018 version of the voluntary standard added two new requirements for custom window coverings to mitigate the hazard: (1) Default maximum operating cord length of 40 percent of the blind height when the product is fully lowered, and (2) default tilt wand option for tilting slats instead of a cord. However, ANSI/WCMA–2018 still allows hazardous operating cords to be part of the window covering design for custom products, which can comply with ANSI/WCMA–2018 using one of the following methods, all of which pose strangulation risks:

(a) *Accessible Operating Cords longer than 8 inches (section 4.3.2.6).* By allowing operating cords on custom window coverings to exceed 8 inches in length, ANSI/WCMA–2018 creates a continuing unreasonable risk of injury to children 8 years old and younger. Section 4.3.2.6 of ANSI/WCMA–2018 allows hazardous operating cords, meaning operating cords that are long enough to be wrapped around a child's neck, or multiple cords that can become tangled and create a loop large enough for a child to insert their head. Even though ANSI/WCMA–2018 attempts to reduce the strangulation risk by shortening the default length of the cord to 40 percent of the window covering's length (section 4.4) and specifying the

tilt wand as the default option versus tilt cords (section 4.4.1.1), as explained in Tab I of Staff's NPR Briefing Package, and in section II.C of this preamble, the risk associated with operating cords remains.

(b) *Continuous Loop Operating System (section 4.3.2.5).* This operating system requires that the operating loop be kept taut with a tension device. However, as observed in the incident data, a child can still insert his/her head into the continuous loop if it is not taut enough; in addition, as explained in Tab I of Staff's NPR Briefing Package, and in section II.C of this preamble, tension devices may not be attached to the wall, which results in a free loop on the product. CPSC staff identified 23 fatal strangulations involving a continuous corded loop on a product without a functional tension device. CPSC is aware of cord or bead-chain restraining devices intended to be integrated into the window covering, and that do not need to be attached on the wall to keep the loop taut. According to the standard, these devices are required to meet durability, UV stability, and impact testing, and the devices must pass the hazardous loop testing procedure to confirm that they do not create a hazardous loop from an accessible continuous operating cord. CPSC requests comments on the adequacy of these devices to reduce or eliminate the strangulation hazard associated with custom window coverings.

(c) *Single Retractable Cord Lift System (section 4.3.2.4).* This method of complying with ANSI/WCMA–2018 allows an operating cord on a custom window covering to be pulled at any length to operate the window covering, and then retracts to a shorter length when the user releases the cord. Staff advises that retractable cord lift systems with an extended cord greater than 8 inches, and a low-retraction force to sustain that length, could allow a child to manipulate the cord and wrap the cord around his/her neck. Accordingly, the retractable cord requirement, as written, in ANSI/WCMA–2018 for operating cords on custom window coverings is not adequate to address the risk of injury, because the maximum cord length and a minimum pull force required to operate the system is not specified in the standard. CPSC requests comments on whether additional requirements for retractable cords, such as a maximum exposed cord length and a minimum pull force for a single retractable cord lift system, can address the strangulation hazard.

Based on staff's analysis, the Commission concludes that ANSI/WCMA-2018 does not adequately address the strangulation hazard posed by accessible operating cords on custom window coverings, because the standard allows these products to have one or more operating cords that is longer than 8 inches, and the standard allows custom products to have continuous-loop operating systems.

### 3. Window Covering Technologies

Stock window coverings currently on the market, as well as a substantial portion of custom window coverings, implement safer technologies to address the hazards identified in the incident analysis review. These products include, but are not limited to, cordless window coverings, window coverings with rigid cord shrouds, and cordless motorized window coverings.

Operating cords can be made inaccessible with passive guarding devices. Passive guarding devices allow the user to operate the window covering without the direct interaction of a hazardous cord. These types of window coverings use rigid cord shrouds, integrated cord/chain tensioners, or crank mechanisms.

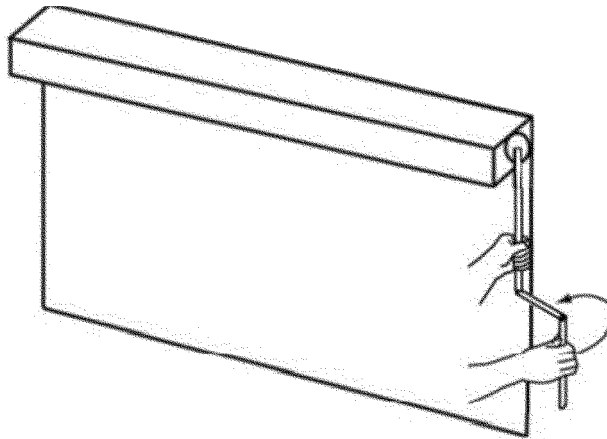
Cordless blinds can be raised and lowered by pushing the bottom rail up or pulling the rail down. This same motion may also be used to adjust the position of the horizontal slats for light control. Through market research, CPSC staff found several examples of cordless blinds that are made with a maximum height of 84 inches and a maximum width of 144 inches.

Rigid cord shrouds can be retrofitted over various types of window coverings to enclose pull cords and continuous-cord loops. A rigid cord shroud allows the user to use the pull cords while eliminating access to the hazardous cords. CPSC staff worked with WCMA and other members from March through December 2018, to develop draft requirements to test the stiffness of "rigid cord shrouds," by measuring the deflection and deformation.<sup>22</sup> In December 2018, WCMA sent the agreed-upon language for rigid cord shrouds to the members; however, the language was never balloted. This NPR includes requirements for rigid cord shrouds, based on the previously developed test, so that custom window coverings can use a rigid cord shroud to comply with

the proposed rule through inaccessibility of the operating cord.

The proposed rigid cord shroud requirements in the NPR include two tests: The "Center Load" test and the "Axial Torque" test, to ensure the stiffness and the integrity of the shroud so that the enclosed operating cord does not become accessible when the shroud is twisted. The Center Load test verifies the stiffness of the cord shroud, by measuring the amount of deflection in the shroud when both ends are mounted, and a 5-pound force is applied at the mid-point. This test ensures that the shroud is not flexible enough to wrap around a child's neck. The Axial Torque test verifies that the cord shroud's opening does not enlarge to create an accessible cord opening when the shroud is twisted. Tab H of Staff's NPR Briefing Package contains additional detail on the requirement. The Commission solicits comments on the proposed test methods set forth in the proposed regulatory text.

Crank mechanisms (Figure 15) can replace the continuous-loop mechanism with a crank/wand. Because the operating cord is replaced with a wand, the strangulation hazard is completely removed.



**Figure 15. Crank Mechanism**

Finally, cordless motorized blinds can be raised and lowered using an electric motor with a supplied controller. These window coverings function similarly to the motorized projector screens. Because these window coverings use a motor instead of a pull cord, they do not contain exposed hazardous operating cords.

#### *B. Assessment of International Standards for Window Covering Operating Cords*

The 2015 ANPR identified three jurisdictions that specify requirements for the safety of window coverings: (1) Australia, (2) Canada, and (3) Europe. Australia has a Trade Practices (Consumer Product Safety Standard-Corded internal Window coverings) Regulation 2010 F2010C00801. Europe has the EN: 13120 Internal Blinds—

Performance requirements, including safety, EN 16433 Internal Blinds—Protection from strangulation hazards—test methods, and EN 16434 Internal Blinds—Protection from strangulation hazards—Requirements and Test methods for safety devices. Canada previously had the Corded Window Covering Products Regulation SOR/2006-112. Since the ANPR, the Canadian standard was revised to SOR/2019-97.

<sup>22</sup> The 2018 standard tests rigid cord shrouds for UV stability and impact.

ANSI/WCMA–2018 is more stringent than Australia Regulation, 2010 F2010C00801, or EN 13120, EN 16433, or EN 16434. However, ANSI/WCMA–2018 is not as stringent as the new Canadian regulation, SOR/2019–97. Canada’s window covering regulation states that any window covering cord that can be reached must be too short to wrap around a 1-year-old child’s neck (*i.e.*, not more than 22cm (8.66 inches) in length) or form a loop that can be pulled over a 1-year-old child’s head (*i.e.*, not more than 44cm (17.32 inches) in circumference). Canada’s regulation also requires that all window coverings meet one of the following conditions:

- *Section 4*: The cord shall be unreachable/inaccessible.
- *Section 5 and 6*: Reachable/accessible cords shall be 22 cm (8.66 inches) or less when pulled with 35N (7.87 lbf).
- *Section 7*: Reachable/accessible looped cords shall be 44 cm (17.32 inches) or less in perimeter when pulled with 35N (7.87 lbf).

Both the Canadian standard and the ANSI/WCMA stock window covering requirements do not permit a long accessible operating cord. The Canadian standard is more stringent, however, because the Canadian standard applies to both stock and custom products, while the ANSI/WCMA standard contains separate requirements for stock and custom products, which allows long, accessible operating cords on custom products.

Although the Canadian standard is similar to the ANSI/WCMA’s stock window covering requirement, there are some differences. For example, ANSI/WCMA–2018 and the Canadian

standard take a different approach to the definition of “Accessible Cord.” Section 3, definition 2.01 of ANSI/WCMA–2018 defines an “accessible cord” as a cord that can touch a cord accessibility probe and a cord shroud accessibility probe. Section 1 of the Canadian regulation states that a “reachable/accessible cord” is:

the part of the cord that any person can touch when the corded window covering has been installed whether the window covering is fully opened, fully closed or in any position in between.

This definition of “accessible cord” in the Canadian standard is subjective because the definition applies to a person with unspecified measurements who shall be able to reach a cord. The definition of “accessible cord” in ANSI/WCMA–2018 uses a performance requirement with accessibility probes based on the dimension of a child’s fingers. The approach in ANSI/WCMA–2018 is more stringent than the Canadian standard because it requires a test that is not subjective and that provides consistent results when tested.

#### C. Human Factors Assessment of Operating Cord Requirements in ANSI/WCMA–2018

Operating cord requirements for stock window coverings in section 4.3.1 of ANSI/WCMA–2018 effectively eliminate the strangulation hazard associated with operating cords. However, operating cord requirements for custom window coverings in section 4.3.2 of ANSI/WCMA–2018 allow operating cords to meet one of the three requirements for operating cords on stock window coverings in section 4.3.1 of the standard (cordless, inaccessible,

or 8 inches or shorter) to comply, but the standard also allows operating cords that have accessible cords that are longer than 8 inches, such as single retractable cord lift systems, continuous loop operating systems, and standard operating systems. Thus, the ANSI standard allows free-hanging and accessible cords on custom window coverings that do not eliminate the strangulation hazard associated with operating cords.

#### 1. Default Requirements for Custom Operating Cords Allow Accessible Cords

In the earlier versions of the ANSI/WCMA standard, the standard contained no specified length for operating cords. However, ANSI/WCMA–2018 provides the following two new requirements for custom window coverings, which are intended to reduce the hazard associated with free-hanging and accessible operating cords:

- Section 4.4 of ANSI/WCMA–2018 requires that the default cord length should be no more than 40 percent of the product height when the window covering is fully lowered. The exception is when a custom length is required to ensure user accessibility. Figure 16 shows the length of operating cords that are longer than 40 percent of product height and shorter cords that comply with this new requirement.

- Section 4.4.1 requires that a wand tilt be the default operating system, and cord tilt be an allowable customer option (Figure 16). The length requirement in section 4.4 still applies to tilt cords.

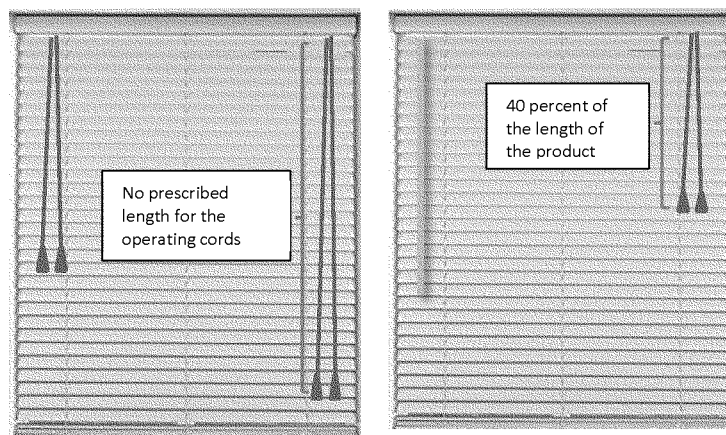


Figure 16. Window blind with operating cords longer than 40 percent of the length of the product and tilt cords to tilt the slats (left). Window blind with operating cords equal to 40 percent of the product length and wand tilt replacing tilt cords (right)

CPSC has concerns with operating cords that comply with the requirements in sections 4.4 and 4.4.1 because:

- The length of operating cords can still be hazardous when the window

covering is fully lowered. First, a child can wrap the cord around their neck; only about 8 inches of cord is enough to encircle the child’s neck.<sup>23</sup> Additionally, multiple cords can tangle

and create a loop in which a child can insert his/her head; a loop with a circumference of about 17 inches is sufficient for child’s head to enter.<sup>24</sup> Figure 17 shows these two scenarios.

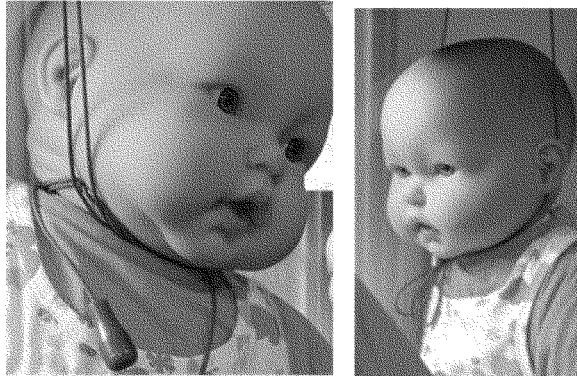


Figure 17. Demonstration of wrapped cords around (doll) child’s neck (left), (doll) child’s head is through the loop created by entangled multiple cords (right)

- Operating cord(s) will get longer as the window covering is raised, making it easier for a child to access and manipulate the hazardous operating cord.

- If the cord tilt option is chosen, the cord tilt can also be long enough to be wrapped around a child’s neck or be tangled and create a loop in which a child’s head can enter.

- Consumers can easily change the default options during the custom order process, thus maintaining the ability to choose an accessible operating cord that exceeds 8 inches long, posing a strangulation hazard.

Incident data show that children have strangled on operating cords in various ways. As reported in the incident data in section I.E of this preamble, and Tab A of Staff’s NPR Briefing Package, custom window coverings were involved in at least 35 incidents. Table 4 shows how children accessed window covering cords. In 14 incidents, the child climbed on an item including couch, chair, toy chest or dog kennel and accessed the cord. In four cases, a child was on a sleeping surface, including a bed (2), playpen, and a crib. In six incidents, a child was able to get to the cord from the floor.

TABLE 4—CHILD’S INTERACTION SCENARIO IN INCIDENTS ASSOCIATED WITH CUSTOM PRODUCTS

Scenario	Number of incidents
Climbed on an item to reach the cords .....	14
On floor .....	6
On bed, in playpen or crib ....	4
Unknown .....	11
<i>Total</i> .....	<i>35</i>

The incident data demonstrate that accessible cords that are longer than 8 inches are hazardous. For example, the data show that even if operating cords are kept close to the window covering head rail with some means, children climb and access the cords. Additionally, a significant number of operating pull cord incidents occurred in fully or partially raised window coverings, which essentially reduces the benefit of having a default length of 40 percent of the window covering height in fully lowered position of the window covering, because the cords will get longer as the product is raised.<sup>25</sup> Based on these data, CPSC concludes that even though the requirements in sections 4.4 and 4.4.1 of the ANSI standard attempt to reduce the strangulation hazard associated with accessible and hazardous operating cords, these

requirements are still inadequate, because they continue to allow accessible and long cords to be part of the window covering.

2. Warning Labels in ANSI/WCMA–2018, Alone, Are Inadequate To Address the Strangulation Hazard Associated With Operating Cords

The ANSI/WCMA–2018 standard requires that corded custom window covering products have warning labels regarding the strangulation hazard to children, as summarized below:

- A generic warning label must be permanently attached to the bottom rail, including a pictogram depicting the hazard of a cord wrapped around a child’s neck. The content explains the strangulation hazard and what consumers need to do to avoid the hazard (keeping cords out of children’s reach, shortening cords to prevent reach, moving crib and furniture away.)

- A similar warning label must be placed on product merchandising materials which includes, but is not limited to, the sample book and the website (if the website is relied upon for promoting, merchandising, or selling on-line).

- A warning tag containing a pictogram and similar text as above must be placed on accessible cords, including operating cords, tension devices that are intended to keep

<sup>23</sup> Neck circumference of fifth percentile 6–9-month-old children is 8 inches (BSI, 1990 as cited in Norris and Wilson, 1995.)

<sup>24</sup> Head circumference of fifth percentile 6–9-month-old children is 16.5 inches (Snyder et al., 1977).

<sup>25</sup> A total of 36 out of 46 pull cord incidents when position of the window covering was known have occurred with partially or fully raised window covering (1996 to 2016 incidents.)

continuous loops taut, and on inner cords of a roll up shade.

Formatting of warning labels in the ANSI standard is required to follow ANSI Z535 standards, which are the preeminent set of standards to develop safety labels.<sup>26</sup> This includes a signal word (“Warning”) in all uppercase letters measuring not less than 5/16 in (8 mm) in height and preceded by an ANSI safety alert symbol (an equilateral triangle surrounding an exclamation point) of at least the same size, the rest of the warning message text be in both uppercase and lowercase letters, with capital letters measuring not less than 1/8 in (3 mm). A Spanish version of the label is also required.

Among the 35 incidents involving custom products, at least 19 included a permanent label. Table 5 shows the presence of the labels on the incident units.<sup>27</sup> The presence of the label was unknown in 10 incidents, and no label was reported in 6 incidents. In some cases, parents reported that they were aware of the cord hazard, but never thought their child would interact with them; in a few cases, parents were aware of the operating cord hazard but not the inner cord hazard. In some cases

involving bead chains, parents thought that the connector clip on the bead chain loop was supposed to break away. None of the incident units had a hang tag. One unit had the hang tags tucked into the head rail, which was discovered when the unit was removed.

TABLE 5—PRESENCE OF PERMANENT WARNING LABELS IN INCIDENT UNITS

Permanent label present	Number of incidents
Yes .....	18
Mostly peeled off .....	1
No .....	6
Unknown .....	10
<i>Total</i> .....	<i>35</i>

Research demonstrates that consumers are less likely to look for and read safety information about the products that they use frequently and are familiar with (Godfrey et al., 1983). Given that many of the window covering incidents occurred on products with at least the permanent label attached on the bottom rail, and the high likelihood that consumers have window coverings in their homes and

almost certainly use them daily, and thus have high familiarity, even well-designed warning labels will have limited effectiveness in communicating the hazard on this type of product.

Based the forgoing research and the incident data, warning labels are unlikely to effectively reduce the strangulation risk due to hazardous cords on window coverings, because consumers are not likely to read and follow warning labels on window covering products, and strangulation deaths among children occur quickly and silently, such that parental supervision is insufficient to address the incidents.

3. Safety Devices Are Inadequate To Address the Risk of Strangulation

ANSI/WCMA–2018 requires that custom products with accessible operating cords include cord cleats with instructions for use and mounting. The standard also requires that custom products with a continuous loop operating system contain a cord tension device. Figure 18 shows examples of cord cleats and tension devices.

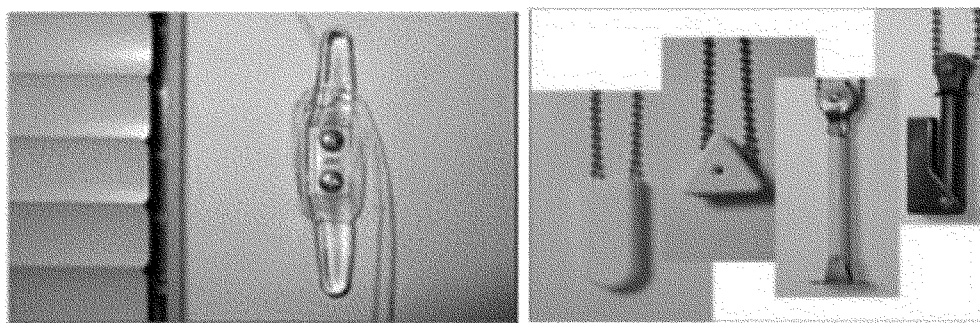


Figure 18. Examples of cord cleat (left), cord tension device (right)

(a) Tension Devices

ANSI/WCMA–2018 requires that a tension device be attached to the cord or bead chain loop by the manufacturer and also requires a sequential process or tools to be removed, which essentially means that consumers would have to go through multiple steps or need to use a tool such as a screwdriver to remove the tension device. Unless installed or altered from the shipped condition, the voluntary standard also requires window coverings to be designed so that they are prevented from operating, at least partially, unless the tension device is properly installed. The standard also

requires that the tension device be supplied with fasteners and instructions and meet the durability test requirements.

CPSC has concerns with using safety devices to reduce the risk of strangulation for several reasons. Securing safety devices goes beyond the installation of the window covering itself, which increases the “cost of compliance” that is the time and effort to use the product. Also, safety devices, such as tension devices, usually require drilling holes on the wall or windowsill that may not be permissible for renters

and may not be desirable by homeowners.

Among the 35 incidents involving custom products, 12 had continuous loop cords or bead chains. In one incident, the child was able to insert his head through the loop even though the tension device was attached to the wall, originally installed by a professional. In 2 incidents, a tension device was attached to the cord but not to the wall. In one incident, a tension device broke prior to the incident. In 4 incidents, staff confirmed that a tension device was not installed. The remaining 4 incidents contained no mention of tension device.

<sup>26</sup>The ANSI Z535 Series provides the specifications and requirements to establish uniformity of safety color coding, environmental/

facility safety signs and communicating safety symbols. It also enables the design, application, use

and placement of product safety signs, labels, safety tags and barricade tape.

<sup>27</sup>In two cases, staff examined exemplar units.

(b) Cord Cleats

While the tension device is intended to prevent the window covering at least “partially” from operating, cord cleats have no impact on the operation of the window covering. Even when a cord cleat is installed, the consumer must wrap the cord around the cleat every time the product is raised or lowered to mitigate the strangulation hazard, which means that the user’s active involvement is necessary every time. Further, cord cleats can be accessed by a child if he/she climbs up. In one incident, although caregivers normally wrapped the cord around the cleat, on the day of the incident, cords were not wrapped, and the child accessed the cords after climbing on a couch.

(c) Consumer Perception of Safety Devices

Some consumers may believe that because they either do not have young children living with them or visiting them, installation of the safety devices is unnecessary. However, window coverings last a long time, and when homes are sold or new renters move in, the existing window coverings, if they are functional, usually remain installed and could be hazardous to new occupants with young children.

CPSC issued a contract to investigate the effectiveness of safety devices in reducing the risk of a child’s access to hazardous cords and loops on window coverings. Westat conducted research under Contract CPSC–Q–15–0064.<sup>28</sup> The research objective was to provide CPSC with systematic and objective data on the factors that impact installation, use, and maintenance of window covering safety devices; assess how these factors impact the likelihood of correct installation, use, and maintenance; and identify how the factors relate to the goal of reducing children’s access to hazardous cords and loops on window coverings. Westat reviewed the window coverings and safety devices available in brick-and-mortar and online stores; performed task analysis to identify key issues and specific questions to be addressed in the

focus groups; developed materials and procedures for the focus groups; and conducted the focus groups. Major findings from the study point to:

- (i) A general awareness about cord entanglement among caregivers, which does not translate to precautionary action, due partly to the insufficient information provided at the point of sale;
- (ii) Lack of awareness of the speed and mechanism of the injury that may lead to caregivers’ underestimating the importance of providing an adequate level of supervision;
- (iii) Difficulty using and installing safety devices as primary reasons for not using them; and
- (iv) Inability to recognize the purpose of the safety devices provided with window coverings.

In general, participants in the Westat study preferred a cordless window covering or a passive mechanism, which does not require intentional action by the user. Westat concluded that there could be benefits from enhancing the public’s awareness and understanding of the unique nature of incidents (*e.g.*, speed, mechanism) and explaining a child’s vulnerability in all rooms in the home, and that providing specific information at the point of sale, could be partially helpful. However, Westat stated that these improvements would be incremental, and that increasing the use of cordless window coverings would be needed to achieve significant benefits.

4. Relying on Parental Supervision Is Inadequate To Address the Risk of Strangulation

CPSC has recognized cords on window coverings as a hidden hazard for many years. Strangulation with cords requires only a few minutes. Because even young children are left unsupervised for a few minutes or more in a room that is considered safe, such as a bedroom or family room, parental supervision is unlikely to be effective to eliminate or reduce the hazard. Children can wrap the cord around their necks, insert their heads into a cord loop and get injured, or die silently in a few

minutes in any room, with or without supervision.

Even when supervision is present, the level of supervision varies and distractions and other limitations to supervision exist. For example, CPSC has incident reports involving five near-fatal strangulations, in which the parent was either nearby or in the same room and was able to rescue the child before the child lost consciousness.<sup>29</sup> Among the 35 incidents involving custom products, incident location was known in 33 incidents. In 18 incidents, a child was in a room shared by the family members such as a family room, living room, and sunroom. Eleven of 18 incidents were not witnessed, whereas 5 were witnessed by an adult, 2 incidents occurred in the company of other children. Almost all the incidents (14/15) that occurred in a bedroom were unwitnessed, including one victim’s father sleeping in the same room; only one was witnessed by another child, a 5-year-old (Table 6). Out of the 14 fatalities, 13 were not witnessed, whereas, out of the 21 nonfatal incidents, 12 were not witnessed.

Research supports these observations. People cannot be perfectly attentive, particularly over long periods of time, regardless of their desire to do so (Wickens & Hollands, 2000). Caregivers are likely to be distracted, at least occasionally, because they must perform other tasks, are exposed to more salient stimuli, or are subject to other stressors, such as being responsible for supervising more than one child. In fact, research by Morrongiello and colleagues (2006) indicates that older toddlers and preschool children (2 through 5 years old) are regularly out of view of a supervising caregiver for about 20 percent of their awake time at home, and are completely unsupervised (*i.e.*, the parent was not listening to or watching what the child was doing at all) for about 4 percent of awake time in the home. The most common rooms in which children were left alone and unsupervised were the living or family room and the bedroom.

TABLE 6—LOCATION OF INCIDENTS AND WHETHER THE INCIDENTS WERE WITNESSED

Location	Fatal	Nonfatal
Bedroom:		
Witnessed by children .....	1	.....
Not witnessed .....	8	6
Family/Living/Dining room:		
Witnessed by Adult .....	.....	5

<sup>28</sup> <https://cpsc.gov/s3fs-public/Window%20Coverings%20Safety%20Devices%20Contractor%20Reports.pdf>.

<sup>29</sup> Video capturing a child’s entanglement in the cords at <https://www.youtube.com/watch?v=2s6nBgy3MJA>, accessed on 8/13/2021.

TABLE 6—LOCATION OF INCIDENTS AND WHETHER THE INCIDENTS WERE WITNESSED—Continued

Location	Fatal	Nonfatal
Witnessed by children .....	.....	2
Not witnessed .....	5	6
Unknown .....	.....	2
<i>Grand Total</i> .....	14	21

5. Assessment of Operating Cord Requirements for Window Coverings

CPSC staff evaluated the requirements that apply to operating cords on stock window coverings in section 4.3.1 of ANSI/WCMA–2018 (no operating cords, short operating cords 8 inches or shorter, or inaccessible operating cords determined per the test requirement in Appendix C of ANSI/WCMA–2018). Having no operating cords effectively eliminates the strangulation hazard associated with operating cords because there is no cord to cause strangulation; therefore, this is an adequate requirement. Having a short cord that does not exceed 8 inches of length in any position of the window covering also effectively eliminates the strangulation hazard associated with operating cords; the neck circumference of fifth percentile 6–9-month-old children is 8 inches (BSI, 1990 as cited in Norris and Wilson, 1995), therefore this is an adequate requirement. Ensuring that the operating cords are inaccessible is another adequate requirement. This requirement is tested in ANSI/WCMA–2018 using a probe that is intended to simulate the finger size of a young child. The diameter of the probe is 0.25 inches, based on fifth percentile 2–3.5-year old’s middle index finger diameter (Snyder et al., 1977.) at 0.33 inches and the off-the-shelf availability of a 0.25-inch diameter dowel pin. If the probe cannot touch the cords, the cord is then deemed inaccessible. Staff assessed that child anthropometry and strength related inputs to develop these requirements are adequate to address the strangulation risk associated with hazardous cords.

Staff assessed the operating cord requirements on custom window coverings, which are different than those required on stock window coverings in section II.A of this preamble and Tab G of Staff’s NPR Briefing Package. Based on the staff’s assessment, the Commission proposes to require the same requirements for operating cords on stock and custom window coverings to effectively eliminate the unreasonable risk of

strangulation associated with operating cords on custom window coverings.

6. Addressability of Incidents With the Proposed Rule

CPSC received reports of 194 incidents that reportedly occurred from January 2009 through December 2020. Staff identified 35 of these incidents as having occurred with a custom window covering; 50 with stock window covering, and in 109 cases, there was not enough information to identify whether the incident unit was stock or custom window covering. Out of the 35 custom window covering incidents, a continuous loop was involved in 12 incidents; operating cords, including tilt cords, were involved in 19 incidents; 3 incidents involved inner cords; and 2 incidents involved an unknown cord type.

The stock window covering requirements in ANSI/WCMA–2018 adequately address both the continuous loops and operating cords by removing cords entirely, making them inaccessible, or by requiring them to be no longer than 8 inches. All three of the inner cord incidents have reportedly occurred on custom Roman shades that did not comply with the requirements in the standard; if the products had complied with the voluntary standard, staff concludes that those incidents would have been prevented. Moreover, as reviewed in section I.E of this preamble and Tab E of Staff’s NPR Briefing Package, new window coverings substantially comply with the inner cord voluntary standards.

All 30 incidents associated with operating cords and continuous loops (out of 35 total incidents involving custom products, with the others including 3 that involved inner cords and 2 unknown) would have been prevented if the custom window covering complied with the requirements for stock window coverings in the ANSI/WCMA standard. The three inner cord related incidents would have been prevented if the incident units complied with the existing standard. Therefore, if the custom window covering complied with the recommended requirements, 86 percent (30/35) of the custom product

incidents would have been addressed in addition to the 8.6 (3/35) percent of the inner cord incidents that would be addressed by complying with the voluntary standard. Given that all accessible and hazardous cords are effectively addressed with the recommended requirements, the remaining 5.4 percent of the incidents (which represented 2/35 incidents for which the involved cord type was unknown) would also be addressed.

Even though a large portion of the reported incidents did not have sufficient information to categorize the incident product as stock or custom, all of the hazard patterns involving unknown stock or custom product incidents (109) would also be addressed for future products if the Commission issues a final rule for operating cords on custom window coverings. If the unknown products are stock products, such products would be part of the market we now find to be substantially compliant with ANSI/WCMA–2018. If the unknown products are custom products, they would comply with the rule for operating cords on custom products. The hazard associated with inner cords is addressed by compliance with the ANSI standard; the Commission finds that all stock and custom products substantially comply with ANSI/WCMA–2018.

7. Accessibility Concerns

Some manufacturers, including WCMA, have expressed concern about users with a disability, who may not be able to reach cordless window coverings to successfully operate the product, and urge that these consumers still need a corded product. However, CPSC staff advises that various tools exist on the market designed to make the operation of the window coverings easier and accessible to consumers in a variety of use locations. For example, extension poles are already available for window coverings that are out of reach, such as poles for skylights and cordless products (Figure 19). Wands are also available to make it easier for users to



operate it with a power grip instead of a pinch grip (Figure 20).

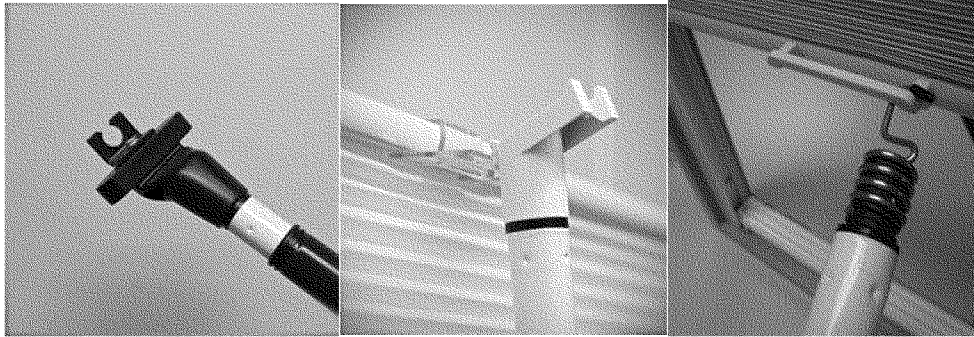


Figure 19. Examples of extension poles currently available on the market (Source: Extension poles for out of reach shades | CellularWindowShades.com)<sup>30</sup>

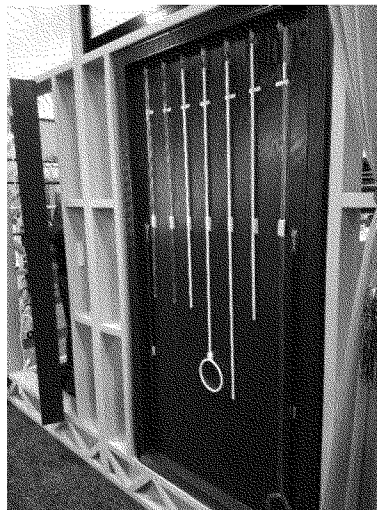


Figure 20. Wand with a hand grip shown in the middle. Photo provided by Parents for Window Blind Safety

## 8. Information and Education

Since the first safety alert was issued in 1985, CPSC has been warning parents of the danger of child strangulation due to corded window coverings. Every October, CPSC participates jointly with Window Covering Safety Council (WCSC) in National Window Covering Safety Month to urge parents and caregivers to check their window coverings for exposed and dangling cords and to take precautions. Both CPSC and WCSC recommend cordless window coverings at homes where young children live or visit.

In addition to traditional communication methods, CPSC reaches out to consumers using social media, such as safety blogs and online chats, to

create awareness of the hazards associated with corded window coverings. Staff has not assessed the effectiveness of these public education campaigns, but given the long history on window covering safety campaigns, the campaigns have had limited impact.

### *D. Performance Requirements for Operating Cords on Custom Window Coverings*

ANSI/WCMA–2018 contains strong requirements for operating cords on stock window coverings. Stock window coverings on the market demonstrate the feasibility of safer technologies to meet these requirements. Due to the ongoing window covering cord incidents, high severity of the outcomes, proven

technical feasibility, and the ineffectiveness of warnings and safety devices for this class of products, CPSC proposes in this NPR to require that operating cords on custom window coverings be identical to the requirements for operating cords on stock window coverings, as set forth in section 4.3.1 of ANSI/WCMA–2018. Section 4.3.1 of ANSI/WCMA–2018 requires that operating cords be cordless, inaccessible, or 8 inches or shorter.

Additionally, this NPR includes a rigid cord shroud requirement based on the WCMA Rigid Cord Shroud Task

<sup>30</sup> Mention of trade names or products does not constitute endorsement or recommendation for use, nor does it imply that alternative products are unavailable or unable to be substituted after

appropriate evaluation. The products are identified here to describe the concept of accessibility tools. Such identification is not intended to imply recommendation or endorsement by the U.S.

Consumer Product Safety Commission nor is it intended to imply that the products identified are necessarily the best available for this purpose.

Group's work that was never balloted.<sup>31</sup> Implementing the rigid cord shroud requirements would allow custom window coverings to meet the mandatory rule by using a rigid cord shroud to make an operating cord inaccessible.

#### *E. Window Coverings Substantially Comply With the Voluntary Standard*

The Commission has several bases to determine preliminarily that window coverings substantially comply with the requirements for operating cords in ANSI/WCMA–2018.<sup>32</sup> First, WCMA, the trade association for window coverings and the body that created the voluntary standard, stated in a comment on the ANPR (comment ID: CPSC\_2013–0028–1555) that there has been substantial compliance with the voluntary standard since its first publication. WCMA also stated that the association's message to all manufacturers is that, to sell window coverings in the United States, compliance with the standard is mandatory.

Additionally, the Commission instructed the staff to investigate the level of compliance of window coverings with the voluntary standard. CPSC contracted with D+R International, which interviewed window covering manufacturers and component manufacturers to collect anecdotal information on the distribution of stock and custom product sales and the impact of compliance with the voluntary standard (D+R International, 2021). Various manufacturers indicated retail customers would not stock noncompliant products. Manufacturers are also aware of their customers' procedures, and stated that they would not ship to them, if there were concerns about the assembly and installation process. The D+R report indicates that the voluntary standard has caused U.S. window covering manufacturers to design and offer cordless lift operations for most stock window covering categories. All manufacturers interviewed were aware of the standard

and had implemented compliance in all stages of their development process, from product design to fabrication.

CPSC field staff also confirmed compliance of the categorization for "stock" and "custom" window coverings, as defined in the ANSI/WCMA standard. CPSC field staff conducted unannounced in-store visits to 18 firms, comprising wholesalers, manufacturers, and retailers. Window coverings in 13 locations demonstrated compliance with the voluntary standard for operating cords for stock and custom products. However, in four locations, staff observed noncompliance of custom window coverings with the ANSI/WCMA standard, including: Length of operating cords 40 percent longer than the window covering length, with no accompanying specific customer request; lack of warning label; lack of manufacturer label; lack of hang tag; and use of a cord tilt, instead of wand tilt, without an accompanying specific customer request. Staff found one location with a noncomplying stock window covering. This stock window covering was being sold with long beaded-cord loops in various sizes. Tab E of Staff's NPR Briefing Package contains a more detailed description of staff's assessment of substantial compliance with the voluntary standard.

Finally, CPSC technical staff tested custom product samples, using test parameters defined in ANSI/WCMA–2018, with a cord accessibility probe and force gauge. The samples tested by staff also indicated a high level of conformance in custom products regarding inner cord accessibility.

Based on incident data, WCMA's statements, contractor report findings, and staff's examination and testing of window covering products, the Commission preliminarily determines that a substantial majority of window coverings sold in the United States comply with the readily observable safety characteristics identified in ANSI/WCMA–2018.

### **III. Response to Comments on the ANPR**

On January 16, 2015, the Commission published an ANPR to initiate rulemaking and seek information and comment on regulatory options for a mandatory rule to address the risk of strangulation to young children on window covering cords. The comment period on the ANPR was scheduled to end on March 17, 2015. However, in a letter dated February 2, 2015, WCMA requested a 75-day extension of the comment period to complete multiple studies that WCMA commissioned. The

Commission granted WCMA's request to extend the comment period for the ANPR until June 1, 2015. CPSC received 1,010 comments during the comment period: 748 were in favor of a mandatory rule, 254 were against a mandatory rule, and eight had no clear opinion.

As reviewed in this preamble, since the public comment period on the ANPR closed in 2015, the ANSI/WCMA standard has substantially improved to effectively address the strangulation risk associated with stock window coverings. Accordingly, many of the comments on the ANPR have been obviated by updates to the ANSI/WCMA standard, and specifically by the requirements for operating cords on stock window coverings and requirements for inner cords on stock and custom window coverings. Below we summarize the comments received on the ANPR and provide responses to the issues raised in the comments.

#### *A. General Support or Opposition for a Mandatory Standard*

*Comment 1:* Seven hundred and forty-eight (748) commenters expressed general support for the rulemaking effort, some stating that given the hidden nature and severity of the risk, a mandatory standard is necessary. Two hundred and fifty-four (254) commenters submitted comments disagreeing with the proposed rulemaking, with most suggesting that a regulation will have a negative impact on the window covering industry.

*Response 1:* Although the Commission supports the changes to the ANSI/WCMA standard, as evidenced by the proposed rule under section 15(j) of the CPSA; an unreasonable risk of injury remains with operating cords on custom window coverings. Accordingly, we support a mandatory rulemaking to address this unreasonable risk of injury. Window coverings should be inherently safe and should not require consumer intervention due to the silent, quick, and hidden nature of the strangulation hazard. Since the ANPR was published in 2014, 37 children have died by strangulation on a window covering cord.

#### *B. Voluntary Standard*

*Comment 2:* Several commenters expressed support for the voluntary standard and felt that working through the voluntary standards process to develop requirements for window coverings would create a more robust standard. Other commenters stated that a mandatory standard is necessary to address the strangulation hazard because decades have gone by and the

<sup>31</sup> Although staff has never seen a stock product with a rigid cord shroud, staff encourages WCMA to revise the voluntary standard to include this requirement for stock and custom products.

<sup>32</sup> CPSC staff observes some decline in pediatric incident data that suggests compliance with the voluntary standard is effective at reducing the number of incidents (see Tab A of Staff's NPR Briefing Package for CPSRMS and NCHS data). We expect a similar trend to continue for stock products given the substantial improvements made to the standard in 2018. However, because window coverings are used for many years, and will be replaced over time with safer products that conform to the voluntary standard, several more years of incident data are required to more definitively demonstrate a reduction in incidents.

number of deaths and permanent injuries associated with window covering cords remain consistent. These commenters noted that voluntary standards have failed to effectively address the strangulation hazard for nearly 20 years.

*Response 2:* CPSC staff worked closely with WCMA since 1995 to develop and revise the ANSI/WCMA A100.1 standard. Since the public comment period on the ANPR closed in 2015, the WCMA steering committee developed and published improvements to the voluntary standard, with substantial improvements in the 2018 revision to effectively address the strangulation risk associated with stock window coverings. For stock window coverings, the ANSI/WCMA standard requires: no operating cords, inaccessible cords, or short static cords that do not exceed eight inches in length. As detailed in this NPR briefing package, CPSC staff assesses that the requirements for operating cords on stock window coverings, and the requirements for inner cords on stock and custom window coverings, in ANSI/WCMA are adequate to address the risk of strangulation. However, ANSI/WCMA–2018 does not adequately address the hazard associated with operating cords on custom window coverings.

Given the availability of technologies applicable to both stock and custom window coverings, and the identical hazard patterns associated with cords on stock and custom window coverings, custom window coverings can be made as safe as stock window coverings to address the strangulation risk to children, by complying with the same operating cord requirements as stock window coverings. We agree with commenters regarding the timing concern, given that it took 22 years to get to an effective voluntary standard for cords on stock window coverings. Based on this experience, CPSC staff does not recommend delaying a rule to address operating cords on custom window coverings, to wait for the ANSI/WCMA standard to address these operating cords, and we concur.

#### *C. Hazard Communication: Warnings, Public Awareness, and Education*

*Comment 3:* At least twelve commenters suggested that the Commission should rely on warning labels and educational campaigns to address the strangulation hazard. At least seven commenters stated that warning labels and educational efforts were tried, did not work, and are insufficient to address the strangulation risk.

*Response 3:* Section II.C of this preamble and Tab I of Staff's NPR Briefing Package discuss the reasons that warnings are unlikely to adequately address the strangulation hazard associated with window covering cords. Briefly, warning labels are not likely to be effective on products that consumers use frequently and are familiar with, because consumers are less likely to look for and read safety information. Most of the incident window coverings that CPSC reviewed had a permanent warning label on the product. Even well-designed warning labels will have limited effectiveness in communicating the hazard on this type of product.

However, public awareness is a crucial component in making safe purchasing decisions and safely using window coverings at home. Public information campaigns are on-going. For example, CPSC and the Window Covering Safety Council (WCSC) have joined forces to raise awareness regarding the strangulation risks presented by window covering cords. Since 2003, October has been designated "Window Covering Safety Month" by CPSC and the Window Covering Safety Council (WCSC). Currently, CPSC does not have information to evaluate the effectiveness of public information campaigns on reducing the risk of injury associated with corded window coverings. However, CPSC has conducted information and education campaigns for several decades on the hazards associated with corded window coverings; these efforts have had limited effectiveness in reducing injuries and deaths. Accordingly, the Commission will not rely solely on education campaigns to address the risk of injury and will move forward with rulemaking.

#### *D. Off-the-Shelf Products*

*Comment 4:* At least two commenters suggested that off-the-shelf window coverings carry higher risks, because consumers install many window coverings incorrectly. One of these commenters suggested that consumers typically do not read the installation instructions and are not familiar with safety devices, such as cord cleats. Another commenter suggested that stock window coverings are more dangerous than custom window coverings because stock window coverings can have longer lengths of accessible pull cords than custom window coverings, stock window covering customers are less likely to get safety information, and stock window coverings are likely to be installed by consumers who may be unfamiliar with the hazard.

*Response 4:* Based on CPSC staff's assessment, the Commission has determined that the requirements for stock window coverings in the 2018 version of the ANSI/WCMA standard adequately and effectively address the operating and inner cord strangulation hazards associated with stock products. The standard requires that stock window coverings have: No operating cords, cords shorter than 8 inches, or inaccessible cords. The standard similarly requires that if inner cords are present, they either be inaccessible, or too short to create a loop large enough to insert a child's head.

The Commission agrees that consumer installation issues should not make window coverings less safe. For example, ANSI/WCMA–2018 requirements for corded stock window coverings are not dependent on installation, and the requirements do not rely on safety devices. However, ANSI/WCMA–2018 still relies on safety devices, such as cord cleats and tension devices, to address the strangulation hazard on custom window coverings. Because consumers can choose corded options that rely on the installation of external safety devices, and diligent monitoring and use of safety devices required of consumers, custom window coverings are now less safe than stock window coverings under the ANSI/WCMA standard.

Although the Commission agrees that consumers may not be as knowledgeable about safety devices as professional installers, most of the custom products involved in incidents were installed by professionals, and yet still lacked safety devices. Educating consumers is important to reduce the risk associated with the corded window coverings already installed in consumers' homes. However, manufacturing inherently safe custom window coverings that are on par with the stock window coverings that are compliant with ANSI/WCMA–2018 will have a more substantial impact on safety, as stock window coverings now do not have to rely on additional, consumer behavior-related measures to make the window covering safe.

#### *E. Impact on Elderly and Disabled Consumers*

*Comment 5:* At least eight commenters suggested that cordless products will be difficult to use for those consumers who cannot reach window coverings to operate the product.

*Response 5:* Although some users have challenges reaching products at a height, CPSC staff advises that various tools are currently marketed for hard-to-

reach locations, such as skylights. Section II.C of this preamble and Tab I of Staff's NPR Briefing Package provide examples of these tools. Currently available tools and devices can be used to reach custom window coverings, and for stock window coverings such tools are already being used for this purpose. Some consumers are likely to choose window coverings operated via remote control.

#### F. Parental Responsibility

*Comment 6:* At least 27 commenters suggested that parents are responsible for supervising their children around corded window coverings to prevent injuries.

*Response 6:* Strangulation by window covering cords requires only a few minutes to occur, and it happens silently. As explained in section II.C of this preamble and in Tab I of Staff's NPR Briefing Package, parental supervision is unlikely to be effective at eliminating or reducing the strangulation hazard, because even young children are left unsupervised for a few minutes or more in a room that is considered safe, such as bedroom or family room. A more effective solution to the window covering cord hazard is to ensure that window coverings do not have hazardous cords.

#### G. Rental Leases and Real Estate Documents

*Comment 7:* At least 30 commenters suggested some means of informing or addressing the corded window covering hazard in rental units. Some commenters suggested disclosing the hazards associated with corded window coverings to inform renters. Other commenters suggested that rental units should replace existing corded window coverings with newer and safer window coverings. Some commenters were concerned that tenants may not have the option to replace corded window coverings. At least 34 commenters suggested requiring the disclosure of the presence of corded window coverings in real estate documents.

*Response 7:* The Commission shares the commenters' concerns regarding window coverings included in rental units where tenants with young children may not have the option of choosing safer window coverings. Moreover, the real estate sales process is an obvious opportunity to inform buyers about the dangers associated with corded window coverings, or to remove and replace the hazardous corded window coverings. However, CPSC does not have jurisdiction to regulate rental homes or real estate sales. Rather, the Commission regulates consumer

products, wherever consumers may use such products (homes, schools, in recreation, or otherwise). State and local authorities likely have the authority to regulate what types of defects must be disclosed in real estate documents and in rental home transactions, and some states already have regulations in place to address window covering cords in certain settings, such as daycare centers.

#### H. Cost of Safer Products

*Comment 8:* At least 35 commenters stated that safer window coverings might be too expensive for some consumers, because regulations will increase the cost of window coverings, and motorized window coverings cost much more than corded products. At least 108 commenters suggested that safe alternatives to corded window coverings currently exist but are unaffordable. At least 71 commenters stated that the price of cordless window coverings will drop due to regulation and competition.

*Response 8:* Safer stock window coverings that comply with ANSI/WCMA-2018 are currently widely available for sale in the United States. Based on a review of currently available window covering products completed by D+R International, nearly all available stock window coverings in 2021 are cordless. Based on the D+R International (2020) study, sales of stock window coverings have remained consistent.

Corded products are now only available for custom window coverings. Custom window coverings have typically been more expensive than stock window covering counterparts because consumers can special order sizes, colors, and shapes. As described in the preliminary regulatory analysis, section V and in Staff's NPR Briefing Package, if this rule is finalized, retail prices for custom products are expected to increase by an average of at least 4 percent, price increase will vary based on product type. Any custom window covering that cannot meet the requirement in the rule for an inaccessible or short operating cord must stop offering the product, incorporate a cordless lift system, or use a motorized lift system.

Based on a review of currently available custom products, motorized lift systems may be prohibitively expensive for many consumers and can exceed the cost of the window covering in some circumstances. If a motorized custom window covering is prohibitively expensive, consumers will likely substitute the window covering for another type (*i.e.*, using curtains instead of Roman shades), purchase a

less expensive stock window covering (which already complies with ANSI/WCMA-2018), or purchase a cordless custom window covering with manual operation. If operating cords on custom window coverings must comply with the proposed rule, consumers will still have affordable window covering options.

#### I. Incentives for Manufacturers

*Comment 9:* One commenter suggested that CPSC incentivize manufactures to design safer, durable, solutions for window coverings through grants and awards. Another commenter suggested that individuals and small companies need to be incentivized to create new products and systems without the need for high-cost research.

*Response 9:* CPSC does not currently have the resources to offer grants, subsidies, or awards to firms for development of safer window covering products.

#### J. Detailed Cost-Benefit Analysis

*Comment 10:* At least three commenters suggested that CPSC must prepare a detailed cost and benefit analysis.

*Response 10:* CPSC staff developed a preliminary regulatory analysis, as required by the CPSA, with a preliminary description of the potential benefits and potential costs of the proposed rule, including any benefits or costs that cannot be quantified in monetary terms, and an identification of those likely to receive the benefits and bear the costs. Section V of this preamble and Tab K of Staff's NPR Briefing Package contain this preliminary regulatory analysis.

#### K. Small Versus Large Businesses

*Comment 11:* One commenter stated that larger corporations that manufacturer "hard" window coverings would have an unfair advantage over smaller manufacturers of "soft" window coverings if the CPSC issues a mandatory regulation for window coverings, because hard window coverings could more easily comply with a mandatory rule.

*Response 11:* Stock window coverings that comply with ANSI/WCMA-2018 are available in both soft and hard types, and implementation of safer window covering technologies has been proven for both types of window coverings. As stated in the Initial Regulatory Flexibility Analysis for custom window coverings, section VI of this preamble and Tab J of Staff's NPR Briefing Package, CPSC expects significant cost impacts on small manufacturers of custom products, but these costs are not

limited to small manufacturers of certain window covering types. The cost impacts of a rule on operating cords for custom window coverings vary by product type. However, CPSC expects that small manufacturers of all custom window covering product types will have significant cost impacts (*i.e.*, those that exceed 1 percent of annual revenue) associated with the mandatory rule.

**L. Product Options**

*Comment 12:* At least 40 commenters suggested that consumers may want to have different options to serve their different window covering needs, and that reducing options that are available to consumers is not preferable.

*Response 12:* Stock products currently on the market that comply with ANSI/WCMA–2018 are available in a variety of materials, sizes, and types to meet consumer needs. Based on the currently available window covering operating systems, the only product type that is unlikely to keep the traditional design and still meet the proposed rule would be roll-up style shades, as they are lifted and lowered using lifting loops that are accessible and hazardous. The window covering industry is innovative; roll-up shades could be replaced with a window covering option that meets the same purpose and is safe.

**M. Product Reliability**

*Comment 13:* One commenter suggested that motors are not as reliable as cords on window coverings, because motors are more complex and require electricity. Two commenters suggested that cordless window coverings do not last long compared to corded versions.

*Response 13:* Cordless or motorized cordless window coverings are not the only option for a safer window covering that complies with the operating cord requirements in section 4.3.1 of ANSI/WCMA–2018. Corded window covering options are available and comply with section 4.3.1 of the ANSI standard if accessible cords are 8 inches or shorter

or if the cords are made inaccessible using a rigid cord shroud. WCMA stated in their response to the ANPR that the expected product life for a window covering is 10 years for a custom-made window covering and 3–5 years for a stock window covering. CPSC does not have information on product life averages for each safer window covering technology.

**N. Incidents/Risk**

*Comment 14:* Several commenters suggested that children die from interacting with household products other than window covering cords, and some commenters suggested that the risk of strangulation on window covering cords is low.

*Response 14:* The Commission is well-aware that children are injured and die from interacting with other household products. CPSC reviews injury and death reports daily, has a database of these incidents, studies the incidents, and responds to the identified hazards, because our statutory mission is to protect consumers from the risk of injury associated with consumer products. The fact that other products also are associated with injuries and death does not diminish the seriousness of each hazard, and CPSC tries to use our authorities to address injuries on all hazards associated with consumer products. The strangulation hazard to young children on window covering cords is serious, with most incidents resulting in death. The strangulation hazard is a “hidden hazard,” because many people do not understand or appreciate the hazard, and do not take appropriate steps to prevent death and injury. As reviewed in section II.C and Tab I of Staff’s NPR Briefing Package, other means of addressing deaths and injuries, such as warning labels, parental supervision, and education campaigns, have not been effective at reducing deaths and injuries, and are unlikely to be effective in the future.

However, performance requirements for window covering cords will effectively reduce the risk of death and injury to young children on window covering cords.

**O. Stories of Loss**

*Comment 15:* Over 500 commenters either were personally affected by a window covering cord injury or death or knew someone who was affected by a death.

*Response 15:* The Commission appreciates the courage of these consumers in sharing their stories. To each of these parents, family members, and loved ones, we thank you for sharing these stories and we are deeply sorry for your loss. The Commission has taken the information about the interactions and conditions involved in the incidents into consideration in developing proposed rules for stock and custom window coverings.

**IV. Description of the Proposed Rule**

Section 4.3.1 of ANSI/WCMA–2018 sets forth the performance requirements for operating cords on stock window coverings (*see* Table 7). The Commission has determined that these operating cord performance requirements are adequate and effective to reduce or eliminate the unreasonable risk of strangulation to children 8 years old or younger on window covering cords (*see* section II.A of this preamble). The Commission has further determined that the requirements for operating cords on custom window coverings in section 4.3.2 of ANSI/WCMA–2018 are inadequate to address the risk of strangulation. Accordingly, the Commission proposes to require that operating cords on custom window coverings comply with the same performance requirements for operating cords on stock window coverings in section 4.3.1, instead of the requirements in section 4.3.2, of ANSI/WCMA–2018.

TABLE 7—REQUIREMENTS FOR OPERATING CORDS ON STOCK WINDOW COVERINGS IN ANSI/WCMA–2018

Stock window coverings section of the standard	Explanation
A. Operating cord: 4.3.1.1 <i>Cordless Operating System, “The product shall have no operating cords”.</i> 4.3.1.2 <i>Short Static or Access Cords, “The product shall have a Short Cord”.</i> 4.3.1.3 <i>Inaccessible Operating Cords, “The operating cords shall be inaccessible as determined per the test requirements in Appendix C: Test Procedure for Accessible Cords”.</i>	(a) Operating cord not present <i>or</i> (b) Operating cord is 8 inches or shorter in any use position <i>or</i> (c) Operating cord is inaccessible when tested using cord shroud accessibility probe.

### A. Description of Proposed Section 1260.1—Scope and Definitions

Proposed section 1260.1, scope and definitions, describes the scope of the proposed rule and provides relevant definitions. The Commission's intent is to remain consistent with the ANSI standard for window coverings with regard to definitions, and the requirements for operating cords in section 4.3.1 of ANSI/WCMA–2018. Section 1260.1(a) limits the scope of the proposed rule to operating cords on custom window coverings. The risk of injury associated with inner cords on custom window coverings, and operating and inner cords on stock window coverings, are addressed in a separate proposed rule under section 15(j) of the CPSA. Section 1260.1(b) incorporates by reference several definitions in section 3 of ANSI/WCMA–2018. Below we set forth the terms and explain how these terms are defined in the ANSI standard.

- “custom window covering,” definition 5.01 of ANSI/WCMA–2018, is a window covering that is not a stock window covering.

- “stock window covering” definition 5.02 of ANSI/WCMA–2018, is a product that is a completely or substantially fabricated product prior to being distributed in commerce and is a stock-keeping unit (SKU). For example, even when the seller, manufacturer, or distributor modifies a pre-assembled product by adjusting to size, attaching the top rail or bottom rail, or tying cords to secure the bottom rail, the product is still considered stock under the ANSI standard. Online sales of the product or the size of the order, such as multi-family housing, do not make the product a non-stock product. These examples are provided in ANSI/WCMA A100.1–2018 to clarify that as long as the product is “substantially fabricated,” subsequent changes to the product do not change its categorization.

- “operating cord,” definition 2.19 of ANSI/WCMA–2018, is a cord that the user manipulates to use the window covering, such as lifting, lowering, tilting, rotating, and traversing. An example operating cord is pictured in Figure 8 of this preamble.

- “cord shroud,” definition 2.09 of ANSI/WCMA–2018, is material that is added around a cord to prevent a child from accessing the cord and to prevent the cord from creating a loop. Defining a cord shroud in the proposed rule is necessary because the Commission is proposing to include a test for a “rigid cord shroud” in 1260.2(b), to meet the

inaccessibility requirement in section 4.3.1.3.

The Commission is adding a definition for “rigid cord shroud” in proposed 1260.1(c) based on work by the voluntary standards task group in 2018. A “rigid cord shroud” is not currently defined in the standard but is a hard material that encases an operating cord to prevent a child from accessing an operating cord.

### B. Explanation of Proposed 1260.2—Requirements for Operating Cords on Custom Window Coverings

Proposed section 1260.2 sets forth the requirements for operating cords on custom window coverings. Section 1260.2(a) would require that each operating cord on a custom window covering comply with section 4.3.1 of ANSI/WCMA–2018 (operating cord not present (section 4.3.1.1)); operating cord is inaccessible (section 4.3.1.3); or operating cord is eight inches long or shorter in any position of the window covering (section 4.3.1.2), instead of the current requirements for operating cords on custom products in section 4.3.2 of ANSI/WCMA–2018.

Section 1260.2(b) contains a proposed requirement for rigid cord shrouds, when they are used to comply with section 1260.2(a), to make an operating cord inaccessible. Proposed sections 1260.2(c) and (d) contain the test methods to confirm whether a cord shroud is “rigid.” The requirements for rigid cord shrouds are not currently in the ANSI/WCMA standard. An ANSI/WCMA task group worked on a test method in 2018 to clarify “rigid” by confirming that a cord shroud is rigid enough to ensure that the shroud cannot be wrapped around a child's neck or won't form a u-shape as a result of attaching the free end of the shroud to the wall (similar to hazards associated with a single cord). ANSI/WCMA has never balloted these provisions.

For this proposed rule, CPSC staff developed a similar test method based on the ANSI task group work. The proposed rigid cord shroud requirements include two tests, the “Center Load” test and the “Axial Torque” test. The Center Load test verifies the stiffness of the cord shroud, by measuring the amount of deflection in the shroud when both ends are mounted and a 5-pound force is applied at the mid-point. This test ensures the shroud is not flexible enough to wrap around a child's neck. The Axial Torque test verifies the cord shroud's opening does not enlarge to create an accessible cord opening when the shroud is twisted.

CPSC is not aware of incidents related to current products with rigid cord shrouds and concludes that shrouds that meet the proposed modifications to the ANSI/WCMA standard will address the strangulation hazard posed by accessible cords. Section II.A of this preamble and Tabs G and H of Staff's NPR Briefing Package contain further explanation and the proposed language related to cord shrouds.

### C. Explanation of Proposed 1260.3—Prohibited Stockpiling

The purpose of proposed 1260.3 is to prohibit manufacturers and importers from stockpiling products that will be subject to a mandatory rule, in an attempt to circumvent the final rule. The Commission's authority to issue an anti-stockpiling provision is in section 9(g)(2) of the CPSA, 15 U.S.C. 2058(g)(2). Proposed 1260.3(a) prohibits manufacturers and importers of custom window coverings from manufacturing or importing custom window coverings that do not comply with the requirements of the proposed rule in any 12-month period between the date of the final rule publishing the in the **Federal Register** and the effective date of the rule, at a rate that is greater than 120 percent of the rate at which they manufactured or imported custom window coverings during the *base period* for the manufacturer.

The *base period* is set forth in proposed 1260.3(b) and is described as any period of 365 consecutive days, chosen by the manufacturer or importer, in the 5-year period immediately preceding promulgation of the final rule. “Promulgation” means the date the final rule is published in the **Federal Register**.

The proposed stockpiling limit is intended to allow manufacturers and importers sufficient flexibility to meet normal levels and fluctuations in demand for custom window coverings, while limiting the ability to stockpile large quantities that do not comply with the rule for sale after the effective date. Thus, the stockpiling limit would allow manufacturers and the industry to meet any foreseeable increase in the demand for custom window coverings, without allowing large quantities of custom window coverings to be stockpiled.

Custom products are typically made to order, so it is unlikely that a firm would manufacture large quantities in advance of demand. Therefore, this anti-stockpiling provision should not adversely impact manufacturers. However, firms will need to modify their window coverings to comply with the proposed requirements, and the modifications may be costly.

Accordingly, CPSC believes it is appropriate to prevent stockpiling of noncompliant custom window coverings.

#### *D. Explanation of Proposed 1260.4—Findings*

The findings required by section 9 of the CPSA are discussed in section XIII of this preamble.

#### *E. Explanation of Proposed 1260.5—Standards Incorporated by Reference*

Proposed § 1260.5 contains the information required by the Office of the Federal Register (OFR) to incorporate by reference the requirements in section 4.3.1, and the relevant definitions in section 3, of ANSI/WCMA–2018. As set forth in section XII of this preamble, the Commission has met the OFR's procedural requirements to incorporate by reference the relevant parts of ANSI/WCMA–2018.

### **V. Preliminary Regulatory Analysis**

A proposed consumer product safety rule published in the **Federal Register** in accordance with the requirements of section 9 of the CPSA must include a preliminary regulatory analysis that contains: A preliminary description of the potential benefits and potential costs of the proposed rule; a discussion of the reasons any standard or portion of a standard submitted to the Commission under subsection (a)(5) was not published by the Commission as the proposed rule or part of the proposed rule; a discussion of the reasons for the Commission's preliminary determination that efforts proposed under subsection (a)(6) and assisted by the Commission as required by section 5(a)(3) [15 U.S.C. 2054 (a)(3)] would not, within a reasonable period of time, be likely to result in the development of a voluntary consumer product safety standard that would eliminate or adequately reduce the risk of injury addressed by the proposed rule; and a description of any reasonable alternatives to the proposed rule, together with a summary description of their potential costs and benefits, and a brief explanation of why such alternatives should not be published as a proposed rule. The information and analysis in this section is based on Tab K of Staff's NPR Briefing Package.

#### *A. Preliminary Discussion of Potential Benefits and Costs of the Rule*

Based on the estimated 9 fatal injuries involving corded window coverings per year, the societal costs of these fatal injuries are about \$82.8 million annually. Based on the estimate of about 185 nonfatal window covering injuries

annually from CPSC's Injury Cost Model (ICM), staff estimates that the societal costs of nonfatal window covering injuries are approximately \$9.3 million annually. Overall, staff estimates the societal costs of fatal and nonfatal injuries to be about \$92.1 million annually. Because staff assesses that the voluntary standard adequately addresses the risk of injury associated with stock window coverings, and because operating and inner cord hazards on stock window coverings, and inner cord hazards on custom window coverings, are the subject of a separate proposed rule under section 15(j) of the CPSA, this proposed rule under sections 7 and 9 of the CPSA would only address the injuries attributable to operating cords on custom window coverings. Staff estimates the proportion of injuries attributable to operating cords on custom products to be approximately \$53.9 million annually, based on a CPSC review of reported incidents.

The present value of societal cost per window covering unit ranged from \$0.92 for cellular, pleated, and roller shades, \$1.57 for Roman shades, \$3.61 for wood and faux wood horizontal blinds, \$1.34 for metal/vinyl horizontal blinds, \$7.56 for vertical blinds, and \$0.14 for curtains/drapes. Combining these estimates with one year of corded custom window covering sales (2019) amounts to a gross annual benefit of \$52.3 million. Adjusting this estimate for the expected effectiveness of the proposed rule, because not all incidents associated with custom window coverings involved operating cords, equates to a total annual benefit of approximately \$49.5 million.

Based on component cost estimates, assembly/manufacturing costs, and proportions of domestic manufacturing, the increased cost per corded custom window covering produced would range from \$2.15 to \$34.57, an average of at least 4 percent of the retail price, and is highly dependent on product type. The proposed rule is not expected to result in any cost increases for cordless custom window coverings, and as such, aggregate costs are calculated on only corded custom products. Aggregate cost estimates range between \$156.5 million to \$309 million based on 2019 custom sales estimate of \$61.58 million with a per unit cost increase, and the percentage of corded custom sales, which are estimated as 65 percent of custom window covering unit sales.

Many sources of uncertainty are inherent in a complex cost-benefit analysis because of using estimated parameters, inputs from several models, assumptions based on expert judgement, and public/private data. This analysis

includes uncertainty related to cost estimate calculations, the value of statistical life, the number of corded window coverings in use, and the expected product life for certain blind types. The cost studies from which staff derived all of the cost estimates could be outdated, given the first study was completed in 2016, about 2 years before WCMA revised the voluntary standard for stock products. Economies of scale could have reduced costs related to cordless components since the completion of the first cost study in 2016.<sup>33</sup> For example, prices for custom window coverings are, on average, higher than those for stock products, which are already required to comply with section 4.3.1 of ANSI/WCMA–2018. Although prices of stock window coverings have increased since the revised voluntary standard went into effect in 2018, sales of stock products remain consistent.<sup>34</sup> For custom products that already have higher prices, consumers may be willing to pay more for a safer window covering without affecting sales, similar to stock window coverings.

Another example of uncertainty in the analysis is related to the value of statistical life (VSL). Staff valued the benefit of reducing fatal incidents at \$9.2 million each, which, as discussed in Tab K of Staff's NPR Briefing Package, is in-line with most reasonable estimates of the value of a statistical life. Staff noted though that there has been some discussion in the literature suggesting that people might be willing to spend more for a small reduction in the risk to children than they are for the same reduction in their own risk. A review of the literature conducted for the CPSC suggested that the VSL for

<sup>33</sup> Staff notes, though, that the low-end cost could also be an underestimate for a rule involving custom products, because the cost study, from which the estimate is derived, mostly analyzed stock products with an assumed high-volume production in China, which is less applicable for custom than for stock.

<sup>34</sup> Staff does not have information on detailed sales data to determine the impact of the ANSI/WCMA–2018 on stock products. CPSC contractor (D+R) aimed to identify the share of custom versus stock sales over time to understand how the window covering market has changed in response to the ANSI/WCMA–2018 as the standard primarily impacts stock products. Researchers considered that metal/vinyl blinds, roller shades, vertical blinds, and wood/faux wood blinds are the categories that should be most affected by the standard, given their large share in stock product sales. They assumed that if these categories had an increase in custom sales after 2018, it would indicate that the cordless operation could be one of the factors driving consumers towards purchasing custom products with corded operation, despite the higher price points. However, researchers' projections indicate that there is not a consistent trend towards greater custom sales, and in the case of metal/vinyl blinds, there is an increasing share of stock sales over time.

children could exceed that of adults by a factor of 1.2 to 3, with a midpoint of around 2 (IEc, 2018). If we increase the VSL by a factor of 3, the estimated VSL would equate to \$27.6 million per life, increasing the total benefits of the rule to an estimated \$136.9 million annually. See Table 11 in Tab K of Staff's NPR Briefing Package.

Additionally, the assumption used to create the estimate of corded products in the market is based on interviews with manufacturers and retailers, some of whom gave conflicting accounts. The estimate is not based on exposure surveys, and thus, the actual number of corded custom products could be higher or lower than the estimate used in the base analysis; and, we have no basis for stating whether we think we have over or underestimated the number.

Lastly, the estimated product life used in the analysis for vinyl and metal horizontal blinds was significantly shorter than for the other products. This estimate was based on work completed by D+R for the Department of Energy (2013). However, it is possible that this estimate is skewed because of the dominance of stock in this category. Custom window coverings have a longer product life. For example, WCMA stated in their response to the ANPR that the expected product life for a custom window covering is 10 years and is 3–5 years for a stock window covering. CPSC staff expects a higher per-unit benefit for custom products because of the longer expected product life.

#### *B. Reasons for Not Relying on a Voluntary Standard*

Given improvements in the voluntary standard for operating and inner cords on stock window coverings, and inner cords on custom window coverings, the Commission considered whether the agency could rely on the current voluntary standard, ANSI/WCMA–2018, instead of issuing a mandatory rule for operating cords on custom window coverings. However, as reviewed in section II of this preamble, staff assessed that operating cord requirements for custom products in ANSI/WCMA–2018 are inadequate to effectively address an unreasonable risk of strangulation to children 8 years old and younger associated with custom window coverings. Requirements in the voluntary standard still allow operating cords on custom window coverings to be accessible and to be longer than 8 inches.

Moreover, the Commission finds it unlikely that the ANSI/WCMA standard will be modified to address the risk of injury associated with operating cords on custom window coverings in the

near term, or in the long term. CPSC's previous efforts to work with ANSI/WCMA for an effective standard for stock window coverings required more than two decades of development by WCMA. In addition, WCMA did not agree with recommendations from other stakeholders, including consumer advocates and CPSC staff, to require the stock product requirements for custom window coverings. WCMA resists safer custom window coverings, even though cord requirements to remove the strangulation hazard (cordless, inaccessible cords, or short cords) are well known by CPSC and the industry and the technologies to achieve this have been developed and are being used to manufacturer both stock and custom window coverings. Therefore, based on WCMA's position on operating cords on custom products, and on past experience, the Commission finds it unlikely that an effective voluntary standard addressing the operating cord hazards on custom window coverings will be developed within a reasonable period.

#### *C. Alternatives to the Proposed Rule*

The Commission considered several alternatives to issuing a mandatory standard for operating cords on custom window coverings. These alternatives included: (1) Not issuing a mandatory rule, but instead relying upon voluntary standards; (2) improving the voluntary standard ANSI/WCMA–2018; (3) using a later effective date; (4) narrowing the scope of the rule to address only vertical blinds and curtains and drapes; and (5) continuing and improving information and education campaigns.

##### 1. No Mandatory Standard; Rely on Voluntary Standard

If CPSC did not issue a mandatory standard, the Commission believes that most manufacturers would comply with ANSI/WCMA–2018, because manufacturers already substantially comply with the voluntary standard. However, ANSI/WCMA–2018 allows custom window coverings to be produced with hazardous operating cords, and CPSC concludes that the requirements for operating cords associated with custom window coverings in ANSI/WCMA–2018 are inadequate to protect children from the risk of strangulation. Not mandating a standard would not impose any additional costs on manufacturers; neither would it result in any additional benefits in terms of reduced deaths and injuries to children. CPSC staff does not recommend that the Commission pursue this option.

##### 2. Improve Voluntary Standard for Window Coverings

The Commission also considered directing CPSC staff to continue participating in voluntary standards development and encouraging safety improvements to the voluntary standard for window coverings, ANSI/WCMA–2018. This option would be similar to the “no action alternative,” with the key difference being that the Commission could direct staff to pursue safety improvements in the voluntary standard, including applying the requirements for operating cords on stock window coverings to custom window coverings, as a conditional alternative to a mandatory standard. The Commission could then reconsider a mandatory standard if efforts to improve the voluntary standard for custom products remain unsatisfactory.

Although CPSC staff supports recent changes in the voluntary standard creating requirements for cordless/short cords/inaccessible cords on stock products, more descriptive warning labels, and materials describing the strangulation hazard, staff does not recommend that the Commission pursue this option. In the past, WCMA rejected initiatives for operating cords on custom products to be cordless, or to not have accessible cords longer than 8 inches in length. Based on staff's previous experience with WCMA, and the length of time it took for WCMA to update the voluntary standard to require cordless stock products (22 years), the Commission does not believe that WCMA is likely to improve the voluntary standard for custom products in a timely manner.

##### 3. Later Effective Date

The proposed rule includes an effective date that is 180 days after the final rule is published in the **Federal Register**. Because some manufacturers may need to redesign certain custom window coverings of unusual sizes to accommodate a cordless operation, a later effective date would allow manufacturers more time to redesign and spread the research and development costs or eliminate product variants that cannot be switched to cordless operation. Based on staff's analysis, the Commission believes it is unlikely that any manufacturer (large or small) would leave the window covering market as a result of the proposed rule. Nevertheless, elimination of some product sizes is possible because conversion to cordless operation may not be feasible for some large or unusual sizes.



Providing a later effective date for the custom window covering rule would mitigate some of the costs related to redesign/research and development for manufacturers. However, if cordless operation is not feasible, a reduction in sales would occur if a consumer could not find a suitable alternative. Given the potential for large costs for some products to conform per unit to the proposed rule, delaying the effective date would be expected to reduce costs.

#### 4. Narrow Proposed Rule to Vertical Blinds, Curtains, and Drapes

The Commission could narrow the proposed rule to address only the hazards associated with operating cords on custom vertical blinds, curtains, and drapes, on the grounds that cords are not critical to the operation of these products. These custom products typically offer cordless options at no additional cost because, for most applications, a plastic rod can be used for operation. Narrowing the proposed rule to these three product types would lessen the cost impact and make it unlikely that any particular product type and/or size would be eliminated. Under this alternative, the costs are expected to be near \$0 because using plastic rods for operation is very similar to cords in cost.

However, only 2 of the 35 custom product incidents (both are fatalities) were associated with vertical blinds, and there were no curtain or drape incidents where the stock/custom classification could be determined. Because of the limited presence of vertical blinds in custom product incidents (5.7 percent), this option is unlikely to be effective in reducing injuries and deaths.

#### 5. Continue and Improve Information and Education Campaign

The Commission could work to improve the current information and education campaign concerning the strangulation hazard associated with custom corded window covering products. Information and education campaigns on corded window coverings that have been continuing for decades have had limited effectiveness in the reduction of injuries and deaths. Accordingly, the Commission will not rely solely on education campaigns to address the risk of injury.

### VI. Initial Regulatory Flexibility Act Analysis<sup>35</sup>

Whenever an agency publishes a proposed rule, the Regulatory Flexibility

Act (5 U.S.C. 601–612) requires that the agency prepare an initial regulatory flexibility analysis (IRFA) that describes the impact that the rule would have on small businesses and other entities, unless the agency has a factual basis for certifying that the proposed rule “will not have a significant economic impact on a substantial number of small entities.”<sup>36</sup> The IRFA must contain—

(1) a description of why action by the agency is being considered;

(2) a succinct statement of the objectives of, and legal basis for, the proposed rule;

(3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply;

(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

(5) an identification to the extent practicable, of all relevant Federal rules which may duplicate, overlap or conflict with the proposed rule.

An IRFA must also contain a description of any significant alternatives that would accomplish the stated objectives of the applicable statutes and which would minimize any significant economic impact of the proposed rule on small entities.

#### A. Reason for Agency Action

The proposed rule is intended to address the strangulation hazard to children 8 years and younger associated with operating cords on custom window coverings. Based on an analysis of the relevant data, as set forth in section I.E of this preamble and Tab A of Staff’s NPR Briefing Package, staff reports an average of 9 fatal injuries annually to children less than 5 years old. Staff estimates the societal costs of these fatal injuries to be about \$82.8 million annually. Based on the estimate of about 185 nonfatal window covering injuries annually from CPSC’s Injury Cost Model (ICM), staff estimates the societal costs of nonfatal window covering injuries are approximately \$9.3 million. Combining these estimates amounts to annual societal costs associated with corded window coverings of approximately \$92.1 million. The proposed rule only addresses injuries attributable to custom window coverings. Based on a CPSC review of 194 reported incidents, the

proportion of injuries attributable to custom window coverings is approximately \$53.9 million annually.

The NPR proposes that operating cords on custom window coverings be subject to the same requirements in section 4.3.1 ANSI/WCMA–2018 that currently apply to operating cords on stock window coverings. Based on staff’s expertise and analysis of window covering cord incidents, the Commission has determined that these requirements are effective at preventing strangulations for operating cords on stock window coverings and would be equally effective when applied to operating cords on custom window coverings.

#### B. Objectives of and Legal Basis for the Rule

The objective of the rule is to reduce or eliminate an unreasonable risk of injury or death to children 8 years old or younger associated with operating cords on custom window coverings. The Commission issues this proposed rule under the authority in sections 7 and 9 of the CPSA.

#### C. Small Entities to Which the Rule Will Apply

Under SBA guidelines, a manufacturer of window coverings is categorized as small if the firm has fewer than 1,000 employees, retailers are considered small if they have sales revenue less than \$8.0 million, and importers if the firm has fewer than 100 employees. Based on 2017 data, 1,898 firms were categorized as blinds and shades manufacturers and retailers (Census Bureau, 2020).<sup>37</sup> Of these, about 1,840 firms (302 manufacturers and 1,538 retailers) are small. As the NAICS code for importers is non-specific to window coverings, CPSC staff reviewed Customs and Border Patrol (CBP) data, firm financial reports, and Dun & Bradstreet reports to obtain a more precise estimate of importers. Based on this research, CPSC staff estimates that there are approximately 83 importers

<sup>37</sup> The North American Industry Classification System (NAICS) defines product codes for United States firms. Firms that manufacture window coverings may list their business under the NAICS product code for blinds and shades manufacturers (337920 Blind and Shade Manufacturing) or retailers (442291 Window Treatment Stores). The two product codes 337920 and 442291 encompass most products in the window coverings market. However, some drapery and curtain manufacturers may be listed under 322230, stationary product manufacturing. Importers of window coverings are generally listed in Home Furnishing Merchant Wholesalers (423220), which includes other home furnishing items and is non-specific to window coverings.

<sup>35</sup> The RFA analysis is based on Tab F of Staff’s NPR Briefing Package.

<sup>36</sup> 5 U.S.C. 605 (b) of The Regulatory Flexibility Act of 1980, as amended. Available at <https://www.sba.gov/advocacy/regulatory-flexibility-act>.

that meet the SBA guidelines for a small business (Laciak 2020).

Nearly all of the 302 staff-identified small manufacturers are far below the 1,000 employee SBA threshold. Two hundred thirty-eight (238) of the manufacturers have fewer than 20 employees, and 151 have fewer than 5 employees. CPSC staff estimates that the annual revenue for the firms with fewer than 20 employees to be under \$250,000. Most of the firms with fewer than 5 employees manufacture custom window coverings on a per order basis. The annual revenue for these manufacturers is most likely below \$25,000, based on estimates from the Nonemployer Statistics from the U.S. Bureau of the Census. Staff estimates that the annual revenues for the remaining small manufacturers, those with more than 20 employees, are between \$300,000 to \$2,000,000.

#### *D. Compliance Requirements of the Proposed Rule, Including Reporting and Recordkeeping Requirements*

The proposed rule would establish a performance standard for operating cords on custom window coverings, requiring that they meet the same requirements as operating cords on stock window coverings under section 4.3.1 of ANSI/WCMA–2018. To comply with the performance requirements, all accessible operating cords would need to be removed, made inaccessible, or shortened to 8 inches or less in any use position.

Under section 14 of the CPSA, as codified in 16 CFR part 1110, manufacturers and importers of custom window coverings will be required to certify (General Certificate of Conformity, or GCC), based on a test of each product or upon a reasonable testing program, that their window coverings comply with the requirements in the rule. If the custom window covering is a children's product, the window covering must be third party tested and certified (Children's Product Certificate, or CPC) for compliance with the rule. Each certificate of compliance must identify the manufacturer or importer issuing the certificate and any manufacturer, firm, or third party conformity assessment body on whose testing the certificate depends. The certificate must be legible and in English and include the date and place of manufacture, the date and place where the product was tested, including the full mailing address and telephone number for each party, and the contact information for the person responsible for maintaining records of the test results. The certificates may be in electronic format and must be provided

to each distributor or retailer of the product. Upon request, the certificates must also be provided to the CPSC and Customs and Border Protection (CBP).<sup>38</sup>

#### *E. Costs of Proposed Rule That Would Be Incurred by Small Manufacturers*

Custom window covering manufacturers would most likely adopt cordless lift operation systems to comply with the proposed rule. As discussed in section V of this preamble, and in Tab K of Staff's NPR Briefing Package, the preliminary regulatory analysis estimates the cost to modify window covering lift systems with the proposed rule ranges from \$2.95 to \$9.65 per horizontal blind, \$2.15 to \$34.57 per shade, and no expected cost increase for vertical blinds and curtains/ drapes. CPSC staff does not have estimates of redesign costs but expects that these costs will be small given the already wide availability of product designs with inaccessible cords.<sup>39</sup> CPSC staff expects component costs to be significant, as inaccessible cord operation is expensive.

Estimates of the costs to modify three types of window coverings in Panchal (2016) indicate that, at a minimum, the costs to modify will range from 2 to 11 percent of retail prices. Panchal (2016) used a product archeology approach, supplemented by standard models for calculating only manufacturing and assembly costs, to estimate the incremental cost of implementing standard manual uncorded technology for entry-level stock window coverings—the type of window coverings that are available for purchase off-the-shelf from home improvement stores. Hence his estimates are most applicable to the more basic and inexpensive uncorded products at the low end of the window coverings market. Panchal's analysis does not account for any costs associated with product development and design innovations, testing, licensing of technology, manufacturing restrictions due to existing patents, and training of personnel, which would add further costs to implementing uncorded technologies. Panchal's analysis was also conducted two years before the

<sup>38</sup> The regulations governing the content, form, and availability of the certificates of compliance are codified at 16 CFR part 1110. Additional requirements for testing and certification of children's products are codified at 16 CFR part 1107.

<sup>39</sup> Based on interviews with window covering manufacturers there may be some size and placement limitations related in-accessible cord designs. These limitations can be addressed with motorization of the product but it is prohibitively expensive as many motorized systems can cost more than the window covering product itself.

ANSI standard was revised to require safer operating cords on stock window coverings in December 2018.

Manufacturers would likely incur some additional costs to certify that their window coverings meet the requirements of the proposed rule as required by Section 14 of the CPSA. The certification must be based on a test of each product or a reasonable testing program. WCMA developed a certification program for window covering products, titled "Best for Kids," which includes third party testing of products for accessible cords. CPSC staff believes this testing and certification program would meet the requirements in Section 14 of the CPSA, as long as the test laboratories are CPSC-accepted. Based on quotes from testing laboratory services for consumer products, the cost of the certification testing will range from \$290 to \$540 per window covering model.<sup>40</sup> Note that the requirement to certify compliance with all product safety rules, based on a reasonable testing program, is a requirement of the CPSA and not of the proposed rule.

Based on discussion in the Commission's proposed rule on stock window covering cords (Proposed rule to Amend 16 CFR part 1120, CPSC Docket No. CPSC–2021–0038), which evaluates the requirements in section 4.3.1 of ANSI/WCMA–2018 to be "readily observable," a reasonable testing program for nonchildren's custom window coverings could entail a simple visual inspection of products by the manufacturer, and simple measurements of the length of any accessible cord. Therefore, the cost of a reasonable testing program for compliance with the proposed rule is likely much lower than the cost of conducting a third party certification testing for children's products.

#### *F. Impact on Small Manufacturers*

To comply with the proposed rule, staff expects small manufacturers to incur redesign and incremental component costs, described above, for some product lines which currently are not available with inaccessible cords. Staff does not expect small manufacturers to suffer a disproportionate cost effect from the proposed rule, because the cost calculations and research were completed on a per unit basis; staff expects little if any redesign costs. Staff expects small manufacturers of window

<sup>40</sup> Based on quotes from firms to conduct certification tests to the current WCMA voluntary standard on window covering products currently available at retailers.

coverings to incur, at a bare minimum, a two percent impact to their custom window covering revenue from the proposed rule. This implies that if custom products account for all of a firm's revenue, then the minimum impact of the proposed rule is two percent of revenue.

Generally, staff considers an impact to be potentially significant if it exceeds 1 percent of a firm's revenue. Because even the smallest estimate of cost is 2 percent of retail price, staff believes that the proposed rule could have a significant impact on manufacturers that receive a significant portion of their revenue from the sale of custom window coverings. Staff expects small importers to bear similar costs as small manufacturers, but staff is unclear whether the impact will be significant. The cost effect as a percent of revenue is dependent on the firm's custom window covering imports as a percent of total revenue. Any small importer with revenues of at least 50 percent related to custom window coverings affected by the proposed rule could be significantly impacted. Due to these potential impacts, CPSC staff expects the proposed rule to have a significant effect on a substantial number of small firms.

#### *G. Federal Rules Which May Duplicate, Overlap, or Conflict With the Proposed Rule*

CPSC staff has not identified any other Federal rules that duplicate, overlap, or conflict with the proposed rule.

#### *H. Alternatives for Reducing the Adverse Impact on Small Entities*

Under section 603(c) of the Regulatory Flexibility Act, an initial regulatory flexibility analysis should "contain a description of any significant alternatives to the proposed rule which accomplish the stated objectives of the applicable statutes and which minimize any significant impact of the proposed rule on small entities." CPSC staff examined several alternatives to the proposed rule which could reduce the impact on small entities, as discussed in section V.C of this preamble.

### **VII. Environmental Considerations**

Generally, the Commission's regulations are considered to have little or no potential for affecting the human environment, and environmental assessments and impact statements are not usually required. See 16 CFR

1021.5(a). The proposed rule to require operating cords on custom window coverings to comply with the same requirements for operating cords on stock window coverings, as set forth in section 4.3.1 of ANSI/WCMA-2018, is not expected to have an adverse impact on the environment and is considered to fall within the "categorical exclusion" for the purposes of the National Environmental Policy Act. 16 CFR 1021.5(c).

### **VIII. Paperwork Reduction Act**

This proposed rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501-3521). Under the PRA, an agency must publish the following information:

- A title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that will result from the collection of information; and
- notice that comments may be submitted to OMB.

44 U.S.C. 3507(a)(1)(D). In accordance with this requirement, the Commission provides the following information:

*Title:* Amendment to Third Party Testing of Children's Products, approved previously under OMB Control No. 3041-0159.

*Summary, Need, and Use of Information:* The proposed consumer product safety standard prescribes the safety requirements for operating cords on custom window coverings, and requires that these cords meet the same requirements for operating cords on stock window coverings, as set forth in the voluntary standard, section 4.3.1 of ANSI/WCMA-2018. These requirements are intended to reduce or eliminate an unreasonable risk of death or injury to children 8 years old and younger from strangulation.

Some custom window coverings are considered children's products. A "children's product" is a consumer product that is "designed or intended primarily for children 12 years of age or younger." 15 U.S.C. 2052(a)(2). The

Commission's regulation at 16 CFR part 1200 further interprets the term. Section 14 of the CPSA requires that children's products be tested by a third party conformity assessment body, and that the manufacturer of the product, including an importer, must issue a children's product certificate (CPC). Based on such third party testing, a manufacturer or importer must attest to compliance with the applicable consumer product safety rule by issuing the CPC. The requirement to test and certify children's products fall within the definition of "collection of information," as defined in 44 U.S.C. 3502(3).

The requirements for the CPCs are stated in Section 14 of the CPSA, and in the Commission's regulation at 16 CFR parts 1107 and 1110. Among other requirements, each certificate must identify the manufacturer or private labeler issuing the certificate and any third-party conformity assessment body, on whose testing the certificate depends, the date and place of manufacture, the date and place where the product was tested, each party's name, full mailing address, telephone number, and contact information for the individual responsible for maintaining records of test results. The certificates must be in English. The certificates must be furnished to each distributor or retailer of the product and to the CPSC, if requested.

The Commission already has an OMB control number, 3041-0159, for children's product testing and certification. This rule would amend this collection of information to add window coverings that are children's products.

*Respondents and Frequency:* Respondents include manufacturers and importers of custom window coverings that are children's products. Manufacturers and importers must comply with the information collection requirements when custom window coverings that are children's products are manufactured or imported.

*Estimated Burden:* CPSC has estimated the respondent burden in hours, and the estimated labor costs to the respondent.

*Estimate of Respondent Burden:* The hourly reporting burden imposed on firms that manufacture or import children's product custom window coverings includes the time and cost to maintain records related to third party testing, and to issue a CPC.

TABLE 8—ESTIMATED ANNUAL REPORTING BURDEN

Burden type	Total annual responses	Length of response (hours)	Annual burden (hours)
Third-party recordkeeping, certification .....	60,800	1.0	60,800

Three types of third-party testing of children's products are required: Certification testing, material change testing, and periodic testing. Requirements state that manufacturers conduct sufficient testing to ensure that they have a high degree of assurance that their children's products comply with all applicable children's product safety rules before such products are introduced into commerce. If a manufacturer conducts periodic testing, they are required to keep records that describe how the samples of periodic testing are selected.

CPSC estimates that 0.1 percent of all custom window coverings sold annually, 60,800 window coverings, are children's products and would be subject to third-party testing, for which 1.0 hours of recordkeeping and record maintenance will be required. Thus, the total hourly burden of the recordkeeping associated with certification is 60,800 hours (1.0 × 60,800).

**Labor Cost of Respondent Burden.** According to the U.S. Bureau of Labor Statistics (BLS), Employer Costs for Employee Compensation, the total compensation cost per hour worked for all private industry workers was \$36.64 (March 2021, <https://www.bls.gov/ncs/ect/>). Based on this analysis, CPSC staff estimates that labor cost of respondent burden would impose a cost to industry of approximately \$2,227,712 annually (60,800 hours × \$36.64 per hour).

**Cost to the Federal Government.** The estimated annual cost of the information collection requirements to the federal government is approximately \$4,172, which includes 60 staff hours to examine and evaluate the information as needed for Compliance activities. This is based on a GS-12, step 5 level salaried employee. The average hourly wage rate for a mid-level salaried GS-12 employee in the Washington, DC metropolitan area (effective as of January 2021) is \$47.35 (GS-12, step 5). This represents 68.1 percent of total compensation (U.S. Bureau of Labor Statistics, "Employer Costs for Employee Compensation," March 2021, percentage of wages and salaries for all civilian management, professional, and related employees: <https://www.bls.gov/ncs/ect/>). Adding an additional 31.9 percent for benefits brings average annual compensation for a mid-level

salaried GS-12 employee to \$69.53 per hour. Assuming that approximately 60 hours will be required annually, this results in an annual cost of \$4,172 (\$69.53 per hour × 60 hours = \$4,171.80).

**Comments.** CPSC has submitted the information collection requirements of this rule to OMB for review in accordance with PRA requirements. 44 U.S.C. 3507(d). CPSC requests that interested parties submit comments regarding information collection to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this NPR).

Pursuant to 44 U.S.C. 3506(c)(2)(A), the Commission invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of CPSC's functions, including whether the information will have practical utility;
- the accuracy of CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information the Commission proposes to collect;
- ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology;
- the estimated burden hours associated with labels and hang tags, including any alternative estimates; and
- the estimated respondent cost other than burden hour cost.

## IX. Preemption

Executive Order (E.O.) 12988, *Civil Justice Reform* (Feb. 5, 1996), directs agencies to specify the preemptive effect of a rule in the regulation. 61 FR 4729 (Feb. 7, 1996). The proposed regulation for operating cords on custom window coverings is issued under authority of the CPSA. 15 U.S.C. 2051–2089. Section 26 of the CPSA provides that "whenever a consumer product safety standard under this Act is in effect and applies to a risk of injury associated with a consumer product, no State or political subdivision of a State shall have any authority either to establish or to continue in effect any provision of a safety standard or regulation which

prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging or labeling of such product which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the Federal Standard." 15 U.S.C. 2075(a).

The federal government, or a state or local government, may establish or continue in effect a non-identical requirement for its own use that is designed to protect against the same risk of injury as the CPSC standard if the federal, state, or local requirement provides a higher degree of protection than the CPSA requirement. *Id.* 2075(b). In addition, states or political subdivisions of a state may apply for an exemption from preemption regarding a consumer product safety standard, and the Commission may issue a rule granting the exemption if it finds that the state or local standard: (1) Provides a significantly higher degree of protection from the risk of injury or illness than the CPSA standard, and (2) does not unduly burden interstate commerce. *Id.* 2075(c).

Thus, the proposed rule for operating cords on custom window coverings would, if finalized, preempt non-identical state or local requirements for operating cords on custom window coverings designed to protect against the same risk of injury and prescribing requirements regarding the performance of operating cords on custom window coverings.

## X. Testing, Certification, and Notice of Requirements

Section 14(a) of the CPSA includes requirements for certifying that children's products and non-children's products comply with applicable mandatory standards. 15 U.S.C. 2063(a). Section 14(a)(1) addresses required certifications for non-children's products, and sections 14(a)(2) and (a)(3) address certification requirements specific to children's products.

A "children's product" is a consumer product that is "designed or intended primarily for children 12 years of age or younger." *Id.* 2052(a)(2). The following factors are relevant when determining whether a product is a children's product:

- Manufacturer statements about the intended use of the product, including a label on the product if such statement is reasonable;

- whether the product is represented in its packaging, display, promotion, or advertising as appropriate for use by children 12 years of age or younger;

- whether the product is commonly recognized by consumers as being intended for use by a child 12 years of age or younger; and

- the Age Determination Guidelines issued by CPSC staff in September 2002, and any successor to such guidelines.

*Id.* “For use” by children 12 years and younger generally means that children will interact physically with the product based on reasonably foreseeable use. 16 CFR 1200.2(a)(2). Children’s products may be decorated or embellished with a childish theme, be sized for children, or be marketed to appeal primarily to children. *Id.* § 1200.2(d)(1).

CPSC is aware that some window coverings are specifically designed for children, and based on the factors listed above, fall within the definition of a “children’s product.” If the Commission issues a final rule for operating cords on custom window coverings, such a rule would require custom window coverings that are children’s products to meet the third-party testing and certification requirements in section 14(a) of the CPSA. The Commission’s requirements for certificates of compliance are codified at 16 CFR part 1110.

*Non-Children’s Products.* Section 14(a)(1) of the CPSA requires every manufacturer (which includes importers<sup>41</sup>) of a non-children’s product that is subject to a consumer product safety rule under the CPSA or a similar rule, ban, standard, or regulation under any other law enforced by the Commission to certify that the product complies with all applicable CSPSC-enforced requirements. 15 U.S.C. 2063(a)(1).

*Children’s Products.* Section 14(a)(2) of the CPSA requires the manufacturer or private labeler of a children’s product that is subject to a children’s product safety rule to certify that, based on a third-party conformity assessment body’s testing, the product complies with the applicable children’s product safety rule. *Id.* 2063(a)(2). Section 14(a) also requires the Commission to publish a notice of requirements (NOR) for a third-party conformity assessment body (*i.e.*, testing laboratory) to obtain accreditation to assess conformity with

a children’s product safety rule. *Id.* 2063(a)(3)(A). Because some custom window coverings are children’s products, the proposed rule is a children’s product safety rule, as applied to those products. Accordingly, if the Commission issues a final rule, it must also issue an NOR.

The Commission published a final rule, codified at 16 CFR part 1112, entitled *Requirements Pertaining to Third Party Conformity Assessment Bodies*, which established requirements and criteria concerning testing laboratories. 78 FR 15836 (Mar. 12, 2013). Part 1112 includes procedures for CPSC to accept a testing laboratory’s accreditation and lists the children’s product safety rules for which CPSC has published NORs. When CPSC issues a new NOR, it must amend part 1112 to include that NOR. Accordingly, as part of this NPR for operating cords on custom window coverings, the Commission proposes to amend part 1112 to add the “Safety Standard for Operating Cords on Custom Window Coverings” to the list of children’s product safety rules for which CPSC has issued an NOR.

Testing laboratories that apply for CPSC acceptance to test custom window coverings that are children’s products for compliance with the new rule would have to meet the requirements in part 1112. When a laboratory meets the requirements of a CPSC-accepted third party conformity assessment body, the laboratory can apply to CPSC to include 16 CFR part 1260, *Safety Standard for Operating Cords on Custom Window Coverings*, in the laboratory’s scope of accreditation of CPSC safety rules listed on the CPSC website at: [www.cpsc.gov/labsearch](http://www.cpsc.gov/labsearch).

## XI. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of a final rule. 5 U.S.C. 553(d). Section 9(g)(1) of the CPSA states that a consumer product safety rule shall specify the date such rule is to take effect, and that the effective date must be at least 30 days after promulgation, but cannot exceed 180 days from the date a rule is promulgated, unless the Commission finds, for good cause shown, that a later effective date is in the public interest and publishes its reasons for such finding. If finalized, the Commission proposes an effective date of 180 days after publication of the final rule in the **Federal Register**.

## XII. Incorporation by Reference

The Commission proposes to incorporate by reference certain provisions of ANSI/WCMA A100.1–2018, American National Standard for Safety of Corded Window Covering Products. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 16 CFR part 51. The OFR revised these regulations to require that, for a proposed rule, agencies must discuss in the preamble of the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency worked to make the materials reasonably available. In addition, the preamble of the proposed rule must summarize the material. 16 CFR 51.5(a).

In accordance with the OFR’s requirements, sections I.B.2.(d), II, IV and Table 3 of this preamble summarize the provisions of ANSI/WCMA A100.1–2018 that the Commission proposes to incorporate by reference. ANSI/WCMA A100.1–2018 is copyrighted. You may view a read-only copy of ANSI/WCMA A100.1–2018 free of charge at: [https://wcmamet.com/wp-content/uploads/2021/07/WCMA-A100-2018\\_v2\\_websitePDF.pdf](https://wcmamet.com/wp-content/uploads/2021/07/WCMA-A100-2018_v2_websitePDF.pdf). Alternatively, interested parties may inspect a copy of the standard free of charge by contacting Alberta E. Mills, Division of the Secretariat, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: 301–504–7479; email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). To download or print the standard, interested persons may purchase a copy of ANSI/WCMA A100.1–2018 from WCMA, through its website (<http://wcmamet.com>), or contacting the Window Covering Manufacturers Association, Inc., 355 Lexington Avenue, New York, New York, 10017; telephone: 212.297.2122.

## XIII. Proposed Findings

The CPSA requires the Commission to make certain findings when issuing a consumer product safety standard. Specifically, the CPSA requires the Commission to consider and make findings about the following:

- The degree and nature of the risk of injury the rule is designed to eliminate or reduce;
- the approximate number of consumer products subject to the rule;
- the need of the public for the products subject to the rule and the probable effect the rule will have on the cost, availability, and utility of such products;
- any means to achieve the objective of the rule while minimizing adverse

<sup>41</sup> The CPSA defines a “manufacturer” as “any person who manufactures or imports a consumer product.” 15 U.S.C. 2052(a)(11).

effects on competition, manufacturing, and commercial practices;

- that the rule, including the effective date, is reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product;

- that issuing the rule is in the public interest;

- if a voluntary standard addressing the risk of injury has been adopted and implemented, that either compliance with the voluntary standard is not likely to result in the elimination or adequate reduction of the risk of injury, or it is unlikely to be substantial compliance with the voluntary standard;

- that the benefits expected from the rule bear a reasonable relationship to its costs; and

- that the rule imposes the least burdensome requirement that prevents or adequately reduces the risk of injury.

15 U.S.C. 2058(f)(1), (f)(3). At the NPR stage, the Commission is making these findings on a preliminary basis to allow the public to comment on the findings.

#### *A. Degree and Nature of the Risk of Injury*

Operating cords on custom window coverings present a strangulation hazard, including death and serious injury, to children 8 years old and younger. If children can access a window covering cord, children can wrap the cord around their neck, or insert their head into a loop formed by the cord and strangle. Strangulation can lead to serious injuries with permanent debilitating outcomes or death. If sustained lateral pressure occurs at a level resulting in vascular occlusion, strangulation can occur when a child's head or neck becomes entangled in any position, even in situations where the child's body is fully or partially supported.

Strangulation deaths and injuries on window covering cords are a "hidden hazard" because consumers do not understand or appreciate the hazard, or how quickly and silently strangulation occurs. Because even young children are left unsupervised for a few minutes or more in a room that is considered safe, such as a bedroom or family room, adult supervision is unlikely to be effective to eliminate or reduce the hazard. Children can wrap the cord around their necks, insert their heads into a cord loop and get injured, or die silently in a few minutes in any room, with or without supervision.

Additionally, safety devices such as cord cleats and tension devices are unlikely to be effective because cord cleats need to be attached on the wall and caregivers must wrap the cord

around the cleat each and every time the window covering is raised or lowered.

As incident data show, children can still access and become entangled in cords by climbing on furniture. Tension devices also need to be attached on the wall or windowsill, which may not occur due to increased "cost" of compliance and unwillingness to create holes on the wall (which may not be permitted in rental homes); depending on how taut the cord loop is, it can still allow a child's head to enter the opening as observed in the incident data.

A user research study found a lack of awareness on cord entanglement among caregivers, lack of awareness of the speed and mechanism of the injury; difficulty using and installing safety devices as primary reasons for not using them; and inability to recognize the purpose of the safety devices provided with window coverings. Warning labels are not likely to be effective because research demonstrates that consumers are less likely to look for and read safety information about the products that they use frequently and are familiar with. Most of the incident units had the permanent warning label on the product. Even well-designed warning labels will have limited effectiveness in communicating the hazard on this type of product.

Custom window covering cords have a long product life, and it may take consumers several decades to replace these products. Accordingly, every custom product sold with accessible operating cord presents a "hidden hazard" to young children and can remain a hazard in the household for 20 years. Some consumers may believe that because they either do not have young children living with them or visiting them, inaccessible operating cords on window coverings are not a safety hazard. However, window coverings last a long time, and when homes are sold or new renters move in, the existing window coverings, if they are functional, usually remain installed and could be hazardous to new occupants with young children.

On the other hand, window coverings that comply with the operating cord requirements for stock window covering requirements in section 4.3.1 of ANSI/WCMA-2018 adequately address the strangulation hazard, by not allowing hazardous cords on the product by design, and therefore do not rely on consumer action. One hundred percent of the operating cord incidents involving custom window coverings would have been prevented if the requirements in section 4.3.1 of ANSI/

WCMA-2018 were in effect and covered the incident products.

Based on reviews of CPSC databases, we found that a total of 194 reported fatal and nonfatal strangulations on window coverings occurred among children eight years and younger, from January 2009 through December 2020. Nearly 46 percent were fatal incident reports (89 of 194), while the remaining were near-miss nonfatal incidents. Sixteen of the 194 victims required hospitalization, and six survived a hypoxic-ischemic episode or were pulseless and in full cardiac arrest when found, suffered severe neurological sequelae, ranging from loss of memory to a long-term or permanent vegetative state requiring tracheotomy and gastrointestinal tube feeding. One victim who remained hospitalized for 72 days was released from the hospital with 75 percent permanent brain damage and is confined to a bed.

Based on CPSC's Injury Cost Model, we estimated that approximately 185 medically treated nonfatal injuries have occurred annually from 2009 through 2020 involving children eight years and younger. We also estimated that based on a review of National Center for Health Statistics (NCHS) and a separate study of child strangulations, a minimum of nine fatal strangulations related to window covering cords occurred per year in the United States among children under five years old from 2009-2019.

#### *B. Number of Consumer Products Subject to the Proposed Rule*

We estimate that approximately 512 million custom window coverings are in use in the United States. Only corded custom window coverings would be subject to the rule, which we estimate to be around 65 percent of custom window coverings. This brings the total number of window coverings that are subject to the rule to approximately 39 million units sold per year.

#### *C. The Public Need for Custom Window Coverings and the Effects of the Proposed Rule on Their Utility, Cost, and Availability*

Consumers commonly use window coverings in their homes to control light coming in through windows and for decoration. ANSI/WCMA-2018 segments the market between stock and custom window coverings. Stock and custom window coverings serve the same purpose, and window covering cords on stock and custom products present the same hazards to children. However, custom window coverings allow consumers to choose a wider variety of specific material, color,

operating systems, or sizes, than stock products. Because ANSI/WCMA–2018 effectively addresses operating cords on stock window coverings, and the hazards on custom products are the same, the proposed rule requires custom window coverings to meet the same performance requirements for operating cords as the current operating cord requirements for stock window coverings in ANSI/WCMA–2018.

The Commission does not expect the proposed rule to have a substantial effect on the utility or availability of custom window coverings, and the impact on cost depends on the product type. Custom window coverings that already meet the voluntary standard would continue to serve the purpose of covering windows in consumers' homes. A possible negative effect could occur with regard to the utility of custom window coverings for those consumers with accessibility issues, or window coverings in hard-to-reach locations, because consumers may need to use a tool to operate the window covering. However, this loss of utility would be mitigated by the availability of existing tools that are already available on the market, and by the ubiquity of remote-controlled operating systems.

Retail prices of custom window coverings vary substantially. The least expensive units for an average size window retail for less than \$40, while some more expensive units may retail for several thousand dollars. The lowest cost to comply with the proposed rule determined by CPSC staff was about \$2.15 per unit. This per unit cost was for potential modifications to comply with the proposed rule, in cases where CPSC staff was able to estimate the potential cost. Custom window covering prices may increase to reflect the added cost of modifying or redesigning products to comply with the proposed rule. If the costs associated with redesigning or modifying a custom window covering to comply with the standard results in the manufacturer discontinuing that model, there would be some loss in availability of that type.

Prices for custom window coverings are, on average, higher than those for stock products, which are already required to comply with section 4.3.1 of ANSI/WCMA–2018. Although prices of stock window coverings have increased since the revised voluntary standard went into effect in 2018, sales of stock products remain consistent.<sup>42</sup> For

<sup>42</sup> Staff does not have information on detailed sales data to determine the impact of the ANSI/WCMA–2018 on stock products. CPSC contractor (D+R) aimed to identify the share of custom versus stock sales over time to understand how the window covering market has changed in response

custom products that already have higher prices, consumers may be willing to pay more for a safer window covering without affecting sales, similar to stock window coverings.

#### *D. Other Means To Achieve the Objective of the Proposed Rule, While Minimizing Adverse Effects on Competition and Manufacturing*

The Commission considered alternatives to achieving the objective of the rule of reducing unreasonable risks of injury and death associated with operating cords on custom window coverings. For example, the Commission considered relying on compliance with the voluntary standard, and education campaigns, rather than issuing a mandatory rule for operating cords on custom window coverings. Because this is the approach CPSC has relied on, to date, this alternative would have minimal costs; however, it is unlikely to further reduce the risk of injury from operating cords on custom window coverings.

Similarly, the Commission also considered narrowing the scope of the rule to address only the hazards associated with operating cords on custom vertical blinds, curtains, and drapes, because cords are not critical to the operation of these products. Narrowing the proposed rule to these three product types would lessen the cost impact and make it unlikely that any particular product type and/or size would be eliminated, and costs would be near \$0 because using plastic rods for operation is very similar to cords in cost. However, only 2 of the 35 custom product incidents (both are fatalities) were associated with vertical blinds, and there were no curtain or drape incidents where the stock/custom classification could be determined. This option would not result in an effective reduction in injuries and deaths.

Another alternative the Commission considered was providing a longer effective date. This may reduce the costs of the rule by spreading costs over a longer period, but it would also delay the benefits of the rule, in the form of reduced deaths and injuries.

to the ANSI/WCMA–2018 as the standard primarily impacts stock products. Researchers considered that metal/vinyl blinds, roller shades, vertical blinds, and wood/faux wood blinds are the categories that should be most affected by the standard, given their large share in stock product sales. They assumed that if these categories had an increase in custom sales after 2018, it would indicate that the cordless operation could be one of the factors driving consumers towards purchasing custom products with corded operation, despite the higher price points. However, researchers' projections indicate that there is not a consistent trend towards greater custom sales, and in the case of metal/vinyl blinds, there is an increasing share of stock sales over time.

#### *E. Unreasonable Risk*

Based on CPSC's Injury Cost Model, about 185 medically treated nonfatal injuries have occurred annually from 2009 through 2020, involving children eight years and younger. Based on a review of National Center for Health Statistics (NCHS) and a separate study of child strangulations, a minimum of nine fatal strangulations related to window covering cords occurred per year in the United States among children under five years old from 2009–2019. Based on reviews of CPSC databases, we found that a total of 194 reported fatal and nonfatal strangulations on window coverings occurred among children eight years and younger, from January 2009 through December 2020. Nearly 46 percent were fatal incident reports (89 of 194), while the remaining were near-miss nonfatal incidents.

The Commission estimates that the rule would result in aggregate benefits of about \$49.5 million annually. Of the potential modifications for which staff was able to estimate the potential cost, the lowest costs were about \$2.15 per unit. Effective performance requirements for operating cords on window coverings are well known and already utilized for lower-priced stock window coverings. Technologies to address hazardous window covering cords are also known and utilized on stock products. Moreover, the proposed rule is unlikely to have a large impact on the utility and availability of custom window coverings, but may have an impact on cost, depending on the design of the window covering.

The determination of whether a consumer product safety rule is reasonably necessary to reduce an unreasonable risk of injury involves balancing the degree and nature of the risk of injury addressed by the rule against the probable effect of the rule on the utility, cost, or availability of the product. The Commission does not expect the proposed rule to have a substantial effect on the utility or availability of custom window coverings. The rule may impact the cost of custom window coverings, but consumers already pay more for custom window coverings, and are likely willing to pay more for safer products.

Weighing the possibility of increased costs for custom window coverings with the continuing deaths and injuries to young children, the Commission concludes preliminarily that custom window coverings with hazardous operating cords pose an unreasonable risk of injury and death and finds that the proposed rule is reasonably

necessary to reduce that unreasonable risk of injury and death.

The proposed rule would apply the same requirements to custom window coverings that already apply to stock products. The requirements to address the hazard and the available technologies are widely known and already utilized on the least expensive products. Despite this fact, custom products remain corded, and deaths and injuries to young children on window covering cords continues. As reviewed in XIII.A, consumers do not appreciate the risk of strangulation, or how quickly deaths and injuries occur, even when children are supervised, and custom products can remain in consumer's homes for decades. Due to the ongoing fatal and nonfatal incidents associated with window covering cords, high severity of the outcomes (death and disability to children), proven technical feasibility of cordless products, the implementation of stronger operating cord requirements for stock window coverings already on the market, and the ineffectiveness of warnings and safety devices for this class of products, the Commission proposes to regulate operating cords on custom window coverings.

#### F. Public Interest

This proposed rule is intended to address an unreasonable risk of injury and death posed by hazardous operating cords on custom window coverings. The Commission believes that adherence to the requirements of the proposed rule will significantly reduce or eliminate a hidden hazard, strangulation deaths and injuries to children 8 years old and younger, in the future; thus, the rule is in the public interest.

#### G. Voluntary Standards

The Commission is aware of one national voluntary standard, ANSI/WCMA–2018, and European, Australian, and Canadian standards. Among these, the Commission considers the Canadian standard to be the most stringent because it applies to all window coverings. ANSI/WCMA–2018 contains adequate performance requirements to address the risk of strangulation on for inner cords for both stock and custom window coverings and contains adequate requirements to address the risk of injury on operating cords for stock products. The Commission also believes that custom window coverings substantially comply with the voluntary standard. However, the Commission does not consider the operating cord requirements for custom window coverings in the standard adequate to address the risk of injury,

because the voluntary standard still allows accessible and hazardous operating cords to be present on custom products.

#### H. Relationship of Benefits to Costs

The aggregate benefits of the rule are estimated to be about \$49.5 million annually; and the lowest cost of the rule is estimated to be about \$156.5 million annually. Some recent studies have suggested that the VSL for children could be higher than that for adults. In other words, consumers might be willing to pay more to reduce the risk of premature death of children than to reduce the risk of premature death of adults. A review of the literature conducted for the CPSC suggested that the VSL for children could exceed that of adults by a factor of 1.2 to 3, with a midpoint of around 2 (IEc, 2018). This analysis included other uncertainties, such as cost estimate calculations, the number of corded window coverings in use, and the expected product life for certain blind types. The cost studies from which staff derived all of the cost estimates could be outdated, given the first study was completed in 2016, about 2 years before WCMA revised the voluntary standard for stock products. Economies of scale could have reduced costs related to cordless components since the completion of the first cost study in 2016. Additionally, the assumption used to create the estimate of corded products in the market is based on interviews with manufacturers and retailers, some of whom gave conflicting accounts.<sup>43</sup> Finally, the estimated product life used in the analysis for vinyl and metal horizontal blinds was significantly shorter than for the other products. This analysis was based on work completed by D+R for the Department of Energy (2013). However, this estimate may be skewed because of the dominance of stock window coverings in this category. Custom window coverings have a longer product life. For example, WCMA stated in their response to the ANPR that the expected product life for a custom window covering is 10 years and is 3–5 years for a stock window covering. CPSC staff expects a higher per-unit benefit for custom products because of the longer expected product life.

In this case, the cost of certain custom window coverings may increase if redesigned to meet the requirements in the proposed rule. However, effective

<sup>43</sup> For example, one small retailer CPSC staff contacted provided an account that stated demand and sales of corded products have increased in the past two years, which is in conflict with multiple accounts from manufacturers and other larger retailers.

performance requirements for operating cords on window coverings are well known and already utilized for lower-priced stock window coverings. Moreover, technologies to address hazardous window covering cords are also known and utilized on stock products. Finally, consumers are likely willing to pay more for a custom window covering that eliminates the strangulation risk to children.

Based on this analysis, the Commission preliminarily finds that the benefits expected from the rule bear a reasonable relationship to the anticipated costs of the rule.

#### I. Least Burdensome Requirement That Would Adequately Reduce the Risk of Injury

The Commission considered less-burdensome alternatives to the proposed rule, detailed in section V.C of this preamble, but preliminarily concludes that none of these alternatives would adequately reduce the risk of injury.

The Commission considered relying on voluntary recalls, compliance with the voluntary standard, and education campaigns, rather than issuing a mandatory standard. These alternatives would have minimal costs but would be unlikely to reduce the risk of injury from custom window coverings that contain hazardous cords.

The Commission considered issuing a standard that applies only to a certain type of window covering such as vertical blinds. This would impose lower costs on manufacturers but is unlikely to adequately reduce the risk of injury because it would only address incidents associated with those types. Based on the custom product incident data, only 5.7 percent of the incidents involved vertical blinds and 22.7 percent involved faux wood/wood blinds.

The Commission considered providing a longer effective date for the final rule. This option may reduce the costs of the rule by spreading costs over a longer period, but it would also delay the benefits of the rule, in the form of reducing the effectiveness of the final rule during the period of delay.

#### XIV. Request for Comments

The Commission invites interested persons to submit their comments to the Commission on any aspect of the proposed rule. Additionally, the Commission seeks comment on the following topics:

A. The scope of the standard for custom window coverings, whether certain products should be included or excluded;



B. Whether the ANSI/WCMA–2018 standard is adequate to address the strangulation risk associated with custom window coverings;

C. Whether the rigid cord shroud requirements are adequate;

D. Whether cord or bead chain restraining devices should be allowed for custom products that contains continuous loop operating system;

E. Whether single retractable cord lift systems should be allowed for custom products and whether maximum exposed cord length and a minimum pull force for a single retractable cord lift system can address the strangulation hazard;

F. The effect on component costs for custom products based on the requirement for stock products to comply with the voluntary standard since 2018;

G. Whether button or coin cell battery enclosures in a remote control to operate a custom window covering should be included in the rulemaking, related to the hazards of swallowing small batteries;

H. Whether to include a warning label that alerts consumers that if a hazardous cord becomes present due to broken window covering, they should remove the product from use.

I. The appropriate effective date for the final rule.

Submit comments as provided in the instructions in the **ADDRESSES** section at the beginning of this notice.

## XV. Promulgation of a Final Rule

Section 9(d)(1) of the CPSA requires the Commission to promulgate a final consumer product safety rule within 60 days of publishing a proposed rule. 15 U.S.C. 2058(d)(1). Otherwise, the Commission must withdraw the proposed rule if it determines that the rule is not reasonably necessary to eliminate or reduce an unreasonable risk of injury associated with the product or is not in the public interest. *Id.* However, the Commission can extend the 60-day period, for good cause shown, if it publishes the reasons for doing so in the **Federal Register**. *Id.*

The Commission finds that there is good cause to extend the 60-day period for this rulemaking. Under both the Administrative Procedure Act and the CPSA, the Commission must provide an opportunity for interested parties to submit written comments on a proposed rule. 5 U.S.C. 553; 15 U.S.C. 2058(d)(2). The Commission typically provides 75 days for interested parties to submit written comments. In this case, a shorter comment period may limit the quality and utility of information CPSC receives in comments, particularly for areas where it seeks data and other detailed information that may take time for commenters to compile. Additionally,

the CPSA requires the Commission to provide interested parties with an opportunity to make oral presentations of data, views, or arguments. 15 U.S.C. 2058. This requires time for the Commission to arrange a public meeting for this purpose and provide notice to interested parties in advance of that meeting. After receiving written and oral comments, CPSC staff must have time to review and evaluate those comments.

These factors make it impractical for the Commission to issue a final rule within 60 days of this proposed rule. Moreover, issuing a final rule within 60 days of the NPR may limit commenters' ability to provide useful input on the rule, and CPSC's ability to evaluate and take that information into consideration in developing a final rule. Accordingly, the Commission finds that there is good cause to extend the 60-day period.

### List of Subjects

#### 16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third-party conformity assessment body.

#### 16 CFR Part 1260

Consumer protection, Imports, Incorporation by reference, Administrative practice and procedure, Window Coverings, Cords, Infants and children.

For the reasons discussed in the preamble, the Commission proposes to amend subchapter B of title 16 of the Code of Federal Regulations as follows:

### PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

- 1. The authority citation for part 1112 continues to read as follows:

**Authority:** Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008); 15 U.S.C. 2063.

- 2. Amend § 1112.15 by adding paragraph (b)(53) to read as follows:

#### § 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule or test method?

\* \* \* \* \*

(b) \* \* \*

(53) 16 CFR part 1260, Safety Standard for Operating Cords on Custom Window Coverings.

\* \* \* \* \*

- 3. Add part 1260 to read as follows:

### PART 1260—SAFETY STANDARD FOR OPERATING CORDS ON CUSTOM WINDOW COVERINGS

Sec.

- 1260.1 Scope and definitions.
- 1260.2 Requirements.
- 1260.3 Prohibited stockpiling.
- 1260.4 Findings.
- 1260.5 Standards Incorporated by Reference.

**Authority:** 15 U.S.C. 2056, 15 U.S.C. 2058, and 5 U.S.C. 553.

#### § 1260.1 Scope and definitions.

(a) This part establishes a consumer product safety standard for operating cords on custom window coverings.

(b) This consumer product safety standard relies on the following definitions in section 3 of ANSI/WCMA A100.1—2018 (incorporated by reference, see § 1260.5):

(1) *Custom window covering* (Custom blinds, shades, and shadings) as defined in section 3, definition 5.01, of ANSI/WCMA A100.1—2018.

(2) *Stock window covering* (Stock blinds, shades, and shadings) as defined in section 3, definition 5.02, of ANSI/WCMA A100.1—2018.

(3) *Operating cord* as defined in section 3, definition 2.19, of ANSI/WCMA A100.1—2018.

(4) *Cord shroud* as defined in section 3, definition 2.09, of ANSI/WCMA A100.1—2018.

(c) *Rigid Cord Shroud* is a cord shroud that is constructed of inflexible material to prevent a child from accessing a window covering cord.

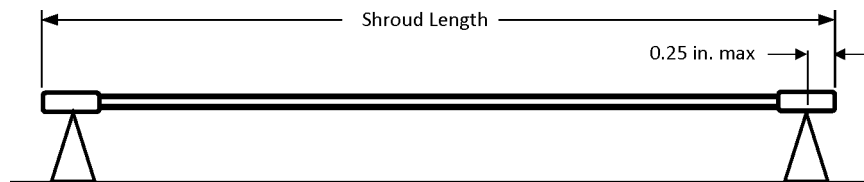
#### § 1260.2 Requirements.

(a) *Requirements for operating cords.* Each operating cord on a custom window covering shall comply with section 4.3.1, instead of section 4.3.2, of ANSI/WCMA A100.1—2018 (incorporated by reference, see § 1260.5).

(b) *Requirements for rigid cord shrouds.* If a custom window covering complies with paragraph (a) of this section by using a rigid cord shroud to make an operating cord inaccessible, the rigid cord shroud shall not have an accessible cord when tested for cord accessibility using the test methods defined in paragraphs (c) and (d).

(c) *Test methods for rigid cord shrouds: Center load test.* (1) Support each end of the rigid cord shroud, but do not restrict the rotation along the axial direction. Supports must be within 0.25 inches from the ends of the shroud as shown in Figure 1.

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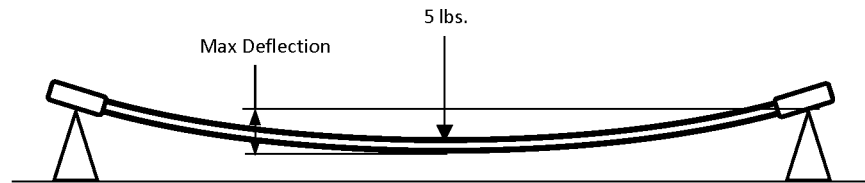
**Figure 1 to Paragraph (c)(1) – Rigid Cord Shroud Test Set-up.**

(2) Apply a 5-pound force at the center of the rigid cord shroud for at least 5 seconds as shown in Figure 2.

(3) Measure the maximum deflection of the shroud, while the 5-pound force is applied.

(4) For rigid cord shrouds that are  $\leq 19$  inches, the deflection shall not exceed

1 inch. For every additional 19 inches in shroud length, the shroud can deflect an additional inch. See Figure 2.

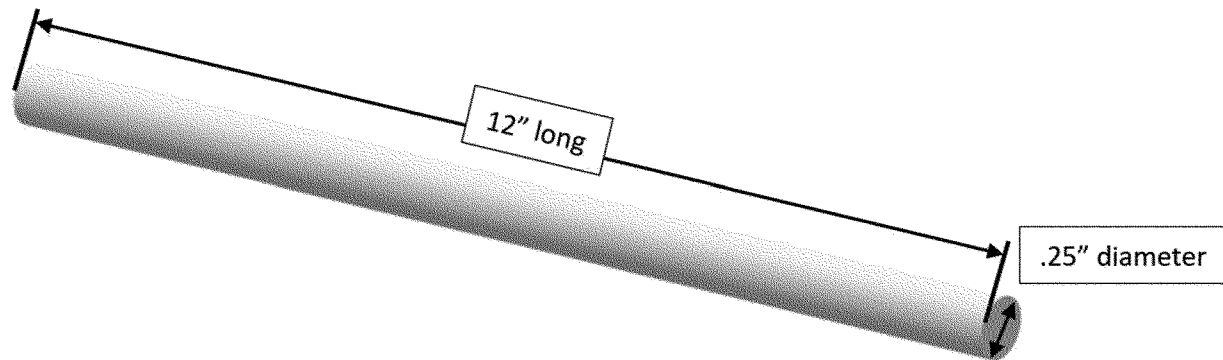


**Figure 2 to Paragraph (c)(4) – Rigid Cord Shroud Center Load Test and Deflection Measurement.**

(5) While continuing to apply the 5-pound force, determine if the cord(s) can be contacted by the cord shroud

accessibility test probe shown in Figure 3. If the cord shroud accessibility test

probe can touch any cord, the cord(s) are considered accessible.



**Figure 3 to Paragraph (c)(5) – Cord Shroud Accessibility Test Probe**

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(d) *Test methods for rigid cord shrouds: Axial torque test.* (1) Mount one end of the rigid cord shroud and restrict the rotation along the axial direction.

(2) Apply a 4.4 in-lb. (0.5Nm) torque along the other end of the rigid cord shroud for 5 seconds.

(3) While continuing to apply the torque, determine if the cord(s) can be contacted by the cord shroud accessibility test probe shown in figure 3. If the cord shroud accessibility test

probe can touch any cord, the cord(s) are considered accessible.

**§ 1260.3 Prohibited stockpiling.**

(a) *Prohibited acts.* Manufacturers and importers of custom window coverings shall not manufacture or import custom window coverings that do not comply with the requirements of this part in any 12-month period between [date of promulgation of the rule] and [effective date of the rule] at a rate that is greater than 120 percent of the rate at which they manufactured or imported custom

window coverings during the *base period* for the manufacturer.

(b) *Base period.* The base period for custom window coverings is any period of 365 consecutive dates, chosen by the manufacturer or importer, in the 5-year period immediately preceding the promulgation of the final rule.

**§ 1260.4 Findings.**

(a) *General.* Section 9(f) of the Consumer Product Safety Act (15 U.S.C. 2058(f)) requires the Commission to make findings concerning the following

topics and to include the findings in the rule.

**Note 1 to paragraph (a):** Because the findings are required to be published in the rule, they reflect the information that was available to the Consumer Product Safety Commission (Commission, CPSC) when the standard was issued on [final rule publication date].

(b) *Degree and nature of the risk of injury.* (1) Operating cords on custom window coverings present a strangulation hazard, including death and serious injury, to children 8 years old and younger. If children can access a window covering cord, children can wrap the cord around their neck, or insert their head into a loop formed by the cord and strangle. Strangulation can lead to serious injuries with permanent debilitating outcomes or death. If sustained lateral pressure occurs at a level resulting in vascular occlusion, strangulation can occur when a child's head or neck becomes entangled in any position, even in situations where the child's body is fully or partially supported.

(2) Strangulation deaths and injuries on window covering cords are a "hidden hazard" because consumers do not understand or appreciate the hazard, or how quickly and silently strangulation occurs. Because even young children are left unsupervised for a few minutes or more in a room that is considered safe, such as a bedroom or family room, parental supervision is unlikely to be effective to eliminate or reduce the hazard. Children can wrap the cord around their necks, insert their heads into a cord loop and get injured, or die silently in a few minutes in any room, with or without supervision.

(3) Additionally, safety devices, such as cord cleats and tension devices, are unlikely to be effective because cord cleats need to be attached on the wall and caregivers must wrap the cord around the cleat each and every time the window covering is raised or lowered. As incident data show, children can still access and become entangled in cords by climbing on furniture. Tension devices also need to be attached on the wall or windowsill, which may not occur due to increased "cost" of compliance and unwillingness to create holes on the wall (or may not be permitted in rental homes); depending on how taut the cord loop is, it can still allow a child's head to enter the opening as observed in the incident data.

(4) A user research study found a lack of awareness on cord entanglement among caregivers, lack of awareness of the speed and mechanism of the injury; difficulty using and installing safety

devices as primary reasons for not using them; and inability to recognize the purpose of the safety devices provided with window coverings. Warning labels are not likely to be effective because research demonstrates that consumers are less likely to look for and read safety information about the products that they use frequently and are familiar with. Most of the incident units had the permanent warning label on the product. Even well-designed warning labels will have limited effectiveness in communicating the hazard on this type of product.

(5) Custom window covering cords have a long product life, and it may take consumers several decades to replace these products. Accordingly, every custom product sold with accessible operating cord presents a "hidden hazard" to young children and can remain a hazard in the household for 20 years. Some consumers may believe that because they either do not have young children living with them or visiting them, inaccessible operating cords on window coverings is not a safety hazard. However, window coverings last a long time, and when homes are sold or new renters move in, the existing window coverings, if they are functional, usually remain installed and could be hazardous to new occupants with young children.

(6) On the other hand, window coverings that comply with the operating cord requirements for stock window covering requirements in section 4.3.1 of ANSI/WCMA-2018 adequately address the strangulation hazard, by not allowing hazardous cords on the product by design, and therefore do not rely on consumer action. One hundred percent of the operating cord incidents involving custom window coverings would have been prevented if the requirements in section 4.3.1 of ANSI/WCMA-2018 were in effect and covered the incident products.

(7) Based on reviews of CPSC databases, we found that a total of 194 reported fatal and nonfatal strangulations on window coverings occurred among children eight years and younger, from January 2009 through December 2020. Nearly 46 percent were fatal incident reports (89 of 194), while the remaining were near-miss nonfatal incidents. Sixteen of the 194 victims required hospitalization, and six survived a hypoxic-ischemic episode or were pulseless and in full cardiac arrest when found, suffered severe neurological sequelae, ranging from loss of memory to a long-term or permanent vegetative state requiring tracheotomy and gastrointestinal tube feeding. One victim who remained hospitalized for

72 days was released from the hospital with 75 percent permanent brain damage and is confined to a bed.

(8) Based on CPSC's Injury Cost Model, we estimated that approximately 185 medically treated nonfatal injuries have occurred annually from 2009 through 2020 involving children eight years and younger. We also estimated that based on a review of National Center for Health Statistics (NCHS) and a separate study of child strangulations, a minimum of nine fatal strangulations related to window covering cords occurred per year in the United States among children under five years old from 2009-2019.

(c) *Number of consumer products subject to the rule.* We estimate that approximately 512 million custom window coverings are in use in the United States. Only corded custom window coverings would be subject to the rule, which we estimate to be around 65 percent of custom window coverings. This brings the total number of window coverings that are subject to the rule to approximately 39 million units per year.

(d) *The public need for custom window coverings and the effects of the rule on their utility, cost, and availability.* (1) Consumers commonly use window coverings in their homes to control light coming in through windows and for decoration. ANSI/WCMA-2018 segments the market between stock and custom window coverings. Stock and custom window coverings serve the same purpose, and window covering cords on stock and custom products present the same hazards to children. However, custom window coverings allow consumers to choose a wider variety of specific material, color, operating systems, or sizes, than stock products. Because ANSI/WCMA-2018 effectively addresses operating cords on stock window coverings, and the hazards on custom products are the same, the rule requires custom window coverings to meet the same performance requirements for operating cords as the current operating cord requirements for stock window coverings in ANSI/WCMA-2018.

(2) [The Commission does not expect the proposed rule to have a substantial effect on the utility or availability of custom window coverings, and the impact on cost depends on the product type. Custom window coverings that already meet the voluntary standard would continue to serve the purpose of covering windows in consumers' homes. A possible negative effect could occur regarding the utility of custom window coverings for those consumers

with accessibility issues, or window coverings in hard-to-reach locations, because consumers may need to use a tool to operate the window covering. However, this loss of utility would be mitigated by the availability of existing tools that are already available on the market, and by the ubiquity of remote-controlled operating systems.]

(3) Retail prices of custom window coverings vary substantially. The least expensive units for an average size window retail for less than \$40, while some more expensive units may retail for several thousand dollars. The lowest cost to comply with the rule determined by CPSC staff was about [\$2.15 per unit]. This per unit cost was for potential modifications to comply with the rule, in cases where CPSC staff was able to estimate the potential cost. Custom window covering prices may increase to reflect the added cost of modifying or redesigning products to comply with the rule. If the costs associated with redesigning or modifying a custom window covering to comply with the standard results in the manufacturer discontinuing that model, there would be some loss in availability of that type.

(4) Prices for custom window coverings are, on average, higher than those for stock products, which are already required to comply with section 4.3.1 of ANSI/WCMA–2018. Although prices of stock window coverings have increased since the revised voluntary standard went into effect in 2018, sales of stock products remain consistent.<sup>1</sup> For custom products that already have higher prices, consumers may be willing to pay more for a safer window covering without affecting sales, similar to stock window coverings.

(e) *Other means to achieve the objective of the rule, while minimizing adverse effects on competition and manufacturing.* (1) The Commission considered alternatives to achieving the objective of the rule of reducing

unreasonable risks of injury and death associated with operating cords on custom window coverings. For example, the Commission considered relying on compliance with the voluntary standard, and education campaigns, rather than issuing a mandatory rule for operating cords on custom window coverings. Because this is the approach CPSC has relied on, to date, this alternative would have minimal costs; however, it is unlikely to further reduce the risk of injury from operating cords on custom window coverings.

(2) Similarly, the Commission also considered narrowing the scope of the rule to address only the hazards associated with operating cords on custom vertical blinds, curtains, and drapes, because cords are not critical to the operation of these products. Narrowing the rule to these three product types would lessen the cost impact and make it unlikely that any particular product type and/or size would be eliminated, and costs would be near \$0 because using plastic rods for operation is very similar to cords in cost. However, only 2 of the 35 custom product incidents (both are fatalities) were associated with vertical blinds, and there were no curtain or drape incidents where the stock/custom classification could be determined. This option would not result in an effective reduction in injuries and deaths.

(3) Another alternative the Commission considered was providing a longer effective date. This may reduce the costs of the rule by spreading costs over a longer period, but it would also delay the benefits of the rule, in the form of reduced deaths and injuries.

(f) *Unreasonable risk.* (1) Based on CPSC's Injury Cost Model, about 185 medically treated nonfatal injuries have occurred annually from 2009 through 2020, involving children eight years and younger. Based on a review of National Center for Health Statistics (NCHS) and a separate study of child strangulations, a minimum of nine fatal strangulations related to window covering cords occurred per year in the United States among children under five years old from 2009–2019. Based on reviews of CPSC databases, we found that a total of 194 reported fatal and nonfatal strangulations on window coverings occurred among children eight years and younger, from January 2009 through December 2020. Nearly 46 percent were fatal incident reports (89 of 194), while the remaining were near-miss nonfatal incidents.

(2) The Commission estimates that the rule would result in aggregate benefits of about \$49.5 million annually. Of the potential modifications for which staff

was able to estimate the potential cost, the lowest costs were about \$2.15 per unit. Effective performance requirements for operating cords on window coverings are well known and already utilized for lower-priced stock window coverings. Technologies to address hazardous window covering cords are also known and utilized on stock products. Moreover, the rule is unlikely to have a large impact on the utility and availability of custom window coverings, but may have an impact on cost, depending on the design of the window covering.

(3) The determination of whether a consumer product safety rule is reasonably necessary to reduce an unreasonable risk of injury involves balancing the degree and nature of the risk of injury addressed by the rule against the probable effect of the rule on the utility, cost, or availability of the product. The Commission does not expect the rule to have a substantial effect on the utility or availability of custom window coverings. The rule may impact the cost of custom window coverings, but consumers already pay more for custom window coverings, and are likely willing to pay more for safer products.

(4) Weighing the possibility of increased costs for custom window coverings with the continuing deaths and injuries to young children, the Commission concludes that custom window coverings with hazardous operating cords pose an unreasonable risk of injury and death and finds that the rule is reasonably necessary to reduce that unreasonable risk of injury and death.

(5) The rule would apply the same requirements to custom window coverings that already apply to stock products. The requirements to address the hazard and the available technologies are widely known and already utilized on the least expensive products. Despite this fact, custom products remain corded, and deaths and injuries to young children on window covering cords continues. Consumers do not appreciate the risk of strangulation, or how quickly deaths and injuries occur, even when children are supervised, and custom products can remain in consumer's homes for decades. Due to the ongoing fatal and nonfatal incidents associated with window covering cords, high severity of the outcomes (death and disability to children), proven technical feasibility of cordless products, the implementation of stronger operating cord requirements for stock window coverings already on the market, and the ineffectiveness of warnings and safety devices for this

<sup>1</sup> Staff does not have information on detailed sales data to determine the impact of the ANSI/WCMA–2018 on stock products. CPSC contractor (D+R) aimed to identify the share of custom versus stock sales over time to understand how the window covering market has changed in response to the ANSI/WCMA–2018 as the standard primarily impacts stock products. Researchers considered that metal/vinyl blinds, roller shades, vertical blinds, and wood/faux wood blinds are the categories that should be most affected by the standard, given their large share in stock product sales. They assumed that if these categories had an increase in custom sales after 2018, it would indicate that the cordless operation could be one of the factors driving consumers towards purchasing custom products with corded operation, despite the higher price points. However, researchers' projections indicate that there is not a consistent trend towards greater custom sales, and in the case of metal/vinyl blinds, there is an increasing share of stock sales over time.

class of products, the Commission will regulate operating cords on custom window coverings.

(g) *Public interest.* This rule is intended to address an unreasonable risk of injury and death posed by hazardous operating cords on custom window coverings. The Commission believes that adherence to the requirements of the rule will significantly reduce or eliminate a hidden hazard, strangulation deaths and injuries to children 8 years old and younger, in the future; thus, the rule is in the public interest.

(h) *Voluntary standards.* The Commission is aware of one national voluntary standard, ANSI/WCMA–2018 (incorporated by reference in § 1260.5), and European, Australian, and Canadian standards. Among these, the Commission considers the Canadian standard to be the most stringent because it applies to all window coverings. ANSI/WCMA–2018 contains adequate performance requirements to address the risk of strangulation on for inner cords for both stock and custom window coverings and contains adequate requirements to address the risk of injury on operating cords for stock products. The Commission also believes that custom window coverings substantially comply with the voluntary standard. However, the Commission does not consider the operating cord requirements for custom window coverings in the standard adequate to address the risk of injury, because the voluntary standard still allows accessible and hazardous operating cords to be present on custom products.

(i) *Relationship of benefits to costs.* (1) The aggregate benefits of the rule are estimated to be about \$49.5 million annually; and the lowest cost of the rule is estimated to be about \$156.5 million annually. Some recent studies have suggested that the VSL for children could be higher than that for adults. In other words, consumers might be willing to pay more to reduce the risk of premature death of children than to reduce the risk of premature death of adults. A review of the literature conducted for the CPSC suggested that the VSL for children could exceed that of adults by a factor of 1.2 to 3, with a midpoint of around 2 (IEc, 2018). This analysis included other uncertainties, such as cost estimate calculations, the number of corded window coverings in

use, and the expected product life for certain blind types.

(2) The cost studies from which staff derived all of the cost estimates could be outdated, given the first study was completed in 2016, about 2 years before WCMA revised the voluntary standard for stock products. Economies of scale could have reduced costs related to cordless components since the completion of the first cost study in 2016. Additionally, the assumption used to create the estimate of corded products in the market is based on interviews with manufacturers and retailers, some of whom gave conflicting accounts.<sup>2</sup>

(3) Finally, the estimated product life used in the analysis for vinyl and metal horizontal blinds was significantly shorter than for the other products. This analysis was based on work completed by D+R for the Department of Energy (2013). However, this estimate may be skewed because of the dominance of stock window coverings in this category. Custom window coverings have a longer product life. For example, WCMA stated in their response to this rulemaking that the expected product life for a custom window covering is 10 years and is 3–5 years for a stock window covering. CPSC staff expects a higher per-unit benefit for custom products because of the longer expected product life.

(4) In this case, the cost of certain custom window coverings may increase if redesigned to meet the requirements in the rule. However, effective performance requirements for operating cords on window coverings are well known and already utilized for lower-priced stock window coverings. Moreover, technologies to address hazardous window covering cords are also known and utilized on stock products. Finally, consumers are likely willing to pay more for a custom window covering that eliminates the strangulation risk to children.

(5) Based on this analysis, the Commission finds that the benefits expected from the rule bear a reasonable relationship to the anticipated costs of the rule.

(j) *Least burdensome requirement that would adequately reduce the risk of*

<sup>2</sup> For example, one small retailer CPSC staff contacted provided an account that stated demand and sales of corded products have increased in the past two years, which is in conflict with multiple accounts from manufacturers and other larger retailers.

*injury.* (1) The Commission considered less-burdensome alternatives to the rule but concludes that none of the considered alternatives would adequately reduce the risk of injury.

(2) The Commission considered relying on voluntary recalls, compliance with the voluntary standard, and education campaigns, rather than issuing a mandatory standard. These alternatives would have minimal costs but would be unlikely to reduce the risk of injury from custom window coverings that contain hazardous cords.

(3) The Commission considered issuing a standard that applies only to a certain type of window covering such as vertical blinds. This would impose lower costs on manufacturers but is unlikely to adequately reduce the risk of injury because it would only address incidents associated with those types. Based on the custom product incident data, only 5.7 percent of the incidents involved vertical blinds and 22.7 percent involved faux wood/wood blinds.

(4) The Commission considered providing a longer effective date for the final rule. This option may reduce the costs of the rule by spreading costs over a longer period, but it would also delay the benefits of the rule, in the form of reducing the effectiveness of the final rule during the period of delay.

**Note 2 to § 1260.4:** The content in brackets is currently unknown or specific to this proposed rule and will be updated with publication of an associated final rule.

#### **§ 1260.5 Standards incorporated by reference.**

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at Division of the Secretariat, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone (301) 504–7479, email: [cpssc-os@cpssc.gov](mailto:cpssc-os@cpssc.gov), and is available from the sources listed below. You may also inspect a copy at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov), or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).

(b) Window Covering Manufacturers Association, Inc., 355 Lexington Avenue, New York, New York, 10017, telephone: 212.297.2122, <https://wcmamet.com>.

(1) ANSI/WCMA A100.1—2018, American National Standard for Safety of Corded Window Covering Products,

approved January 8, 2018; IBR approved for §§ 1260.1 and 1260.2.

(i) *Read-only copy.* [https://www.wcmamet.com/pdf/WCMA-A100.1-2018\\_view-only\\_v2.pdf](https://www.wcmamet.com/pdf/WCMA-A100.1-2018_view-only_v2.pdf).

(ii) *Purchase.* <https://webstore.ansi.org/Standards/WCMA/ANSIWCMAA1002018>.

(2) [Reserved]

**Alberta E. Mills,**  
*Secretary, Consumer Product Safety Commission.*

[FR Doc. 2021-27896 Filed 1-6-22; 8:45 am]

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