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Presidential Documents

Title 3—

The President

Proclamation 10334 of January 14, 2022

Religious Freedom Day, 2022

By the President of the United States of America

A Proclamation

From the earliest days of our Nation, courageous people from every part of the world have come to the United States in search of religious liberty, risking everything to flee oppression, persecution, and discrimination because of their beliefs. Our Founders enshrined the principle of religious freedom in the First Amendment to our Constitution, establishing it as a cornerstone of who we are as a Nation. Today, America remains a religiously diverse Nation—a land uniquely strengthened by the routine and extraordinary commingling of faiths and belief systems. On Religious Freedom Day, we recommit ourselves to the protection and advancement of this vital aspect of our American character—and to protecting the freedom of people of all faiths and none, both across our Nation and around the world.

Our country's greatest strength is and always has been our diversity, including the multitude of faiths and beliefs practiced across our Nation. My Administration is committed to strengthening the Federal workforce by ensuring that it resembles the full breadth of our people by promoting diversity, equity, inclusion, and accessibility, including on the basis of religion. That is why I reestablished the White House Office of Faith-Based and Neighborhood Partnerships to serve people in need by partnering with both religious and secular organizations. These public-private partnerships embody the American system of religious freedom and are effective—whether by working together to get people vaccinated against COVID–19, providing nutritious meals to children, or welcoming and resettling refugees to the United States.

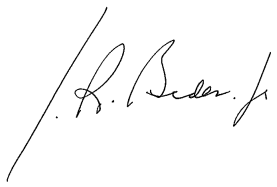
Everyone should feel safe when attending a religious service, school, a community center event, or while walking down the street wearing the symbols of their faith. To help ensure that everyone can practice their faith without fear, my Administration has implemented increased funding for the Department of Homeland Security's Nonprofit Security Grant Program, which makes funding available to threatened nonprofits—including houses of worship and other religious affiliated entities—to improve their safety and security. I also signed the COVID–19 Hate Crimes Act, which included the Jabara-Heyer NO HATE Act to provide tools that we know are effective in preventing and prosecuting hate crimes. We must constantly affirm that hate has no safe harbor in America. My Administration remains steadfast in our efforts to lead and advance human rights including the freedom of religion around the globe at a time when many people are subject to horrifying persecution for their faith and beliefs.

In my life, faith has always been a beacon of hope and a calling to purpose, as it is for so many Americans, and I believe that protecting religious freedom is as important now as it has ever been. We must continue our work to ensure that people of all faiths—or none—are treated as full participants in society, equal in rights and dignity. We can only fully realize the freedom we wish for ourselves by helping to ensure liberty for all. On Religious Freedom Day, let us rededicate ourselves to these fundamental principles.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution

and laws of the United States, do hereby proclaim January 16, 2022, as Religious Freedom Day.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of January, in the year of our Lord two thousand twenty-two, and of the Independence of the United States of America the two hundred and forty-sixth.



[FR Doc. 2022–01162
Filed 1–19–22; 8:45 am]
Billing code 3395–F2–P

Presidential Documents

Proclamation 10335 of January 14, 2022

Martin Luther King, Jr., Federal Holiday, 2022

By the President of the United States of America

A Proclamation

On a late summer day in 1963, Reverend Dr. Martin Luther King, Jr., stood on the National Mall before hundreds of thousands of demonstrators who had gathered to march for freedom, justice, and equality. On that day, Dr. King shared a dream that has continued to inspire a Nation: To bring justice where there is injustice, freedom where there is oppression, peace where there is violence, and opportunity where there is poverty. Today, people of all backgrounds continue that march—raising their voices to confront abuses of power, challenge hate and discrimination, protect the right to vote, and access quality jobs, health care, housing, and education. On this day, we reflect on the legacy of a man who issued a call to the conscience of our Nation and our world.

Dr. King pushed us to see ourselves in one another, recognizing that we are ''caught in an inescapable network of mutuality, tied in a single garment of destiny.'' He reminded us that we have a duty to uphold our founding ideals and work to perfect our Union. Through bus boycotts, restaurant sit-ins, freedom rides, and marches, the movement that Dr. King helped lead used non-violent protest and civil disobedience to advance the call for justice. He was jailed dozens of times for his efforts, but Dr. King's commitment to justice never wavered. From a Birmingham jail, he reminded us that ''human progress never rolls in on wheels of inevitability . . . injustice must be rooted out by strong, persistent, and determined action.''

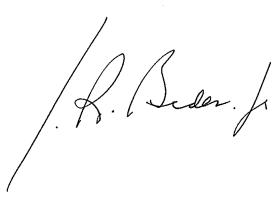
Living up to his legacy, and what Dr. King believed our Nation could become requires more than just reflection—it requires action. We must protect the hard-fought gains he helped achieve and continue his unfinished struggle. That is why the Congress must pass Federal legislation to protect the right to vote—a right that is under attack by a sinister combination of voter suppression and election subversion. We must confront the scourge of racism and white supremacy—a stain on our Nation—and give hate no safe harbor in America. We must strive to achieve not just political equality but also economic justice so that workers can earn a decent living, students can learn safely, the sick can access health care, the poor can climb out of poverty, the elderly can age with dignity, and everyone in America can live without discrimination or fear.

Just as in Dr. King's time, there are those who now say that change would be too disruptive and that these urgent needs can wait. But we must resist complacency, summon new resolve to advance the cause of freedom and opportunity, and do our part to bend the arc of the moral universe toward justice. This is the cause of our time. We are at an inflection point in our history—in the midst of a battle for the very soul of our Nation. We all must find the courage to keep pushing forward in our struggle to realize Dr. King's dream for a freer, fairer, and more just society. We must keep the faith in that righteous cause—and in each other.

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Monday, January 17, 2022, as the Martin Luther King, Jr., Federal Holiday. I encourage all

Americans to observe this day with appropriate civic, community, and service projects in honor of Dr. King and to visit www.MLKDay.gov to find Martin Luther King, Jr., Day of Service projects across our country.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of January, in the year of our Lord two thousand twenty-two, and of the Independence of the United States of America the two hundred and forty-sixth.



[FR Doc. 2022–01163
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Rules and Regulations

Federal Register
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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Parts 1006 and 1022

Bulletin 2022–01: Medical Debt Collection and Consumer Reporting Requirements in Connection With the No Surprises Act

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Compliance bulletin and policy guidance.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing this compliance bulletin and policy guidance (Bulletin) to remind debt collectors of their obligation to comply with the Fair Debt Collection Practices Act's prohibition on false, deceptive, or misleading representations or means in connection with the collection of any debt and unfair or unconscionable means to collect or attempt to collect any debt, and to remind consumer reporting agencies and information furnishers to comply with the Fair Credit Reporting Act's accuracy and dispute resolution requirements, including when collecting, furnishing information about, and reporting medical debts covered by the No Surprises Act.

DATES: This Bulletin is applicable as of January 20, 2022.

FOR FURTHER INFORMATION CONTACT: Seth Caffrey, Courtney Jean, Kristin McPartland, or Alexandra Reimelt, Senior Counsels, Office of Regulations, at 202–435–7700. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Bulletin

The Bureau is issuing this Bulletin to emphasize the obligation of debt collectors to comply with the Fair Debt Collection Practices Act's (FDCPA) [1] prohibitions on false, deceptive, or misleading representations or means in connection with the collection of any debt and unfair or unconscionable means to collect or attempt to collect any debt, and the obligation of consumer reporting agencies and information furnishers to comply with the Fair Credit Reporting Act's (FCRA) [2] accuracy and dispute resolution requirements, including when collecting, furnishing information about, and reporting medical debts covered by the No Surprises Act. This Bulletin describes certain acts or practices related to the collection of medical debts that may violate the FDCPA or the FCRA. The examples described in this bulletin are not exhaustive of all potential violations of the FDCPA and FCRA that could arise from the collection of such debts.

Effective generally for plan years beginning on or after January 1, 2022, the No Surprises Act [3] protects participants, beneficiaries, and enrollees in group health plans and group and individual health insurance coverage from surprise medical bills when they receive, under certain circumstances, emergency services, non-emergency services from nonparticipating providers at participating health care facilities, and air ambulance services from nonparticipating providers of air ambulance services.[4] In addition, the No Surprises Act, among other things, requires certain health care facilities and providers to disclose Federal and State patient protections against balance billing and sets forth complaint processes with respect to potential violations of the protections against balance billing and out-of-network cost sharing.[5] The No Surprises Act also includes certain protections for uninsured (or self-pay) individuals from surprise medical bills.[6] Several Federal agencies have published rules implementing the No Surprises Act.[7]

Several characteristics of medical debt pose special risks to consumers and distinguish it from other types of debt.[8] Medical debt often results from an unanticipated event, such as an accident or sudden illness, rather than from a voluntary, planned transaction. Consumers are rarely informed of the costs of medical treatment in advance (although provisions in the No Surprises Act will help to remedy this), and because of price opacity, provider availability, and the emergency nature of some medical care, consumers may have only a limited ability to ''shop around.'' In addition, medical bills can be rife with errors, and the unique complexity of the medical billing and third-party reimbursement process exacerbates consumer confusion. A consumer faced with a bill for medical services is generally ill suited to the task of identifying billing errors, including, for example, identifying whether the billed services were actually received and whether the correct amount was billed. A consumer also may have difficulty determining whether the amount is covered by insurance (if applicable) and, if so, whether and to what extent the amount was already paid.

If a medical bill remains unpaid after a certain amount of time, a medical provider may engage a third party to collect the debt.[9] To the extent the third party qualifies as a ''debt collector'' under the FDCPA and its implementing Regulation F, the third party is subject to the FDCPA and Regulation F.[10] The FDCPA and Regulation F prohibit the use of ''any false, deceptive, or misleading representation or means in connection with the collection of any

[1] 15 U.S.C. 1692 *et seq.*

[2] 15 U.S.C. 1681 *et seq.*

[3] Public Law 116–260, div. BB, tit. I, 134 Stat. 2758 (2020).

[4] *See* Requirements Related to Surprise Billing; Part I, 86 FR 36872 (July 13, 2021). The protections against surprise billing also apply to health benefits plans offered by carriers under the Federal Employees Health Benefits (FEHB) Act. *See* 5 U.S.C. 8901(p).

[5] *See* Requirements Related to Surprise Billing; Part I, 86 FR 36872 (July 13, 2021).

[6] *See* Requirements Related to Surprise Billing; Part II, 86 FR 55980 (Oct. 7, 2021).

[7] *See, e.g., id.* (interim final rule issued by Office of Personnel Management; Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare and Medicaid Services, Department of Health and Human Services); Requirements Related to Surprise Billing; Part I, 86 FR 36872 (July 13, 2021) (same).

[8] *See generally* Bureau of Consumer Fin. Prot., *Consumer credit reports: A study of medical and non-medical collections* (Dec. 2014), at 15–16, 38–42, *https://files.consumerfinance.gov/f/201412_cfpb_reports_consumer-credit-medical-and-non-medical-collections.pdf.*

[9] *See generally* Debt Collection Practices (Regulation F), 85 FR 76734, 76735–36 (Nov. 30, 2020).

[10] 15 U.S.C. 1692a(6) (defining ''debt collector''); 12 CFR 1006.2(i) (same).

debt,'' [11] including, for example, any false representation of ''the character, amount, or legal status of any debt.'' [12] The FDCPA and Regulation F also prohibit the use of ''unfair or unconscionable means to collect or attempt to collect any debt,'' [13] including, for example, the ''collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law.'' [14]

The Bureau reminds debt collectors about these FDCPA prohibitions. The prohibition on misrepresentations includes misrepresenting that a consumer must pay a debt stemming from a charge that exceeds the amount permitted by the No Surprises Act. Thus, for example, a debt collector who represents that a consumer owes a debt arising from out-of-network charges for emergency services may violate the prohibition on misrepresentations if those charges exceed the amount permitted by the No Surprises Act. Courts have also emphasized that collecting an amount that exceeds what is owed would violate the prohibition on unfair or unconscionable debt collection practices.

Many debt collectors furnish information about unpaid medical debts to consumer reporting agencies (CRAs).[15] Debt collectors who furnish information and the CRAs to which they furnish that information are subject to the FCRA and its implementing Regulation V.[16] The FCRA and Regulation V impose obligations on CRAs and furnishers relating to the accuracy of information in consumer reports. Among these is the requirement that, when preparing a consumer report, CRAs ''shall follow reasonable procedures to assure maximum possible accuracy of the information concerning the individual about whom the report relates,'' [17] and the requirement that furnishers ''establish and implement reasonable written policies and procedures regarding the accuracy and integrity of the information relating to consumers that it furnishes to a consumer reporting agency.'' [18] The FCRA and Regulation V also require CRAs and furnishers to conduct reasonable and timely investigations of consumer disputes to verify the accuracy of furnished information.[19]

The Bureau reminds furnishers and CRAs that the accuracy and dispute obligations imposed by the FCRA and Regulation V apply with respect to debts stemming from charges that exceed the amount permitted by the No Surprises Act. Thus, for example, a debt collector who furnishes information indicating that a consumer owes a debt arising from out-of-network charges for emergency services (or a CRA that includes such information in a consumer report) may violate the FCRA and Regulation V if those charges exceed the amount permitted by the No Surprises Act or if the furnisher (or CRA) fails to meet its dispute obligations.

The Bureau will closely review the practices of those engaged in the collection or reporting of medical debt. The Bureau will hold debt collectors accountable for failing to comply with the FDCPA and Regulation F, and it will hold CRAs and furnishers accountable for failing to comply with the FCRA and Regulation V. The Bureau will use all appropriate tools to assess whether supervisory, enforcement, or other action may be necessary.

II. Regulatory Matters

This Bulletin constitutes a general statement of policy exempt from the notice and comment rulemaking requirements of the Administrative Procedure Act.[20] It summarizes existing legal requirements. It does not impose any legal requirements on external parties, nor does it create or confer any substantive rights on external parties that could be enforceable in any administrative or civil proceeding. Because no notice of proposed rulemaking is required in issuing this Bulletin, the Regulatory Flexibility Act also does not require an initial or final regulatory flexibility analysis.[21] The Bureau has also determined that the issuance of this Bulletin does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.[22]

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2022–01012 Filed 1–19–22; 8:45 am]

BILLING CODE 4810–AM–P

[11] 15 U.S.C. 1692e; 12 CFR 1006.18(a).

[12] 15 U.S.C. 1692e(2)(A); 12 CFR 1006.18(b)(2)(i).

[13] 15 U.S.C. 1692f; 12 CFR 1006.22(a).

[14] 15 U.S.C. 1692f(1); 12 CFR 1006.22(b). *See also, e.g., Tuttle* v. *Equifax Check,* 190 F.3d 9, 13 (2nd Cir. 1999) (noting that, if state law expressly prohibits service charges, a service charge cannot be imposed even if the contract allows it).

[15] *See* Bureau of Consumer Fin. Prot., *Market Snapshot: Third-Party Debt Collections Tradeline Reporting,* at 5, 12–14 (July 2019), *https://files.consumerfinance.gov/f/documents/201907_cfpb_third-party-debt-collections_report.pdf* (finding that, in the second quarter of 2018, medical debt accounted for approximately two-thirds of total third-party collections tradelines). *See also* Bureau of Consumer Fin. Prot., *Consumer credit reports: A study of medical and non-medical collections,* at 4–5 (Dec. 2014), *https://files.consumerfinance.gov/f/201412_cfpb_reports_consumer-credit-medical-and-non-medical-collections.pdf* (finding that, based on data from 2012 through 2014, medical debt collections tradelines affected the credit reports of nearly one-fifth of all consumers with credit reports); *id.* at 5 (finding that, based on data from 2012 through 2014, medical debt collection tradelines accounted for over half of all debt collection tradelines with an identifiable creditor or provider).

[16] 15 U.S.C. 1681 through 1681x; 12 CFR part 1022.

[17] 15 U.S.C. 1681e(b).

[18] 12 CFR 1022.42(a).

[19] 15 U.S.C. 1681i, 1681s–2; 12 CFR 1022.43.

[20] 5 U.S.C. 553(b).

[21] 5 U.S.C. 603(a), 604(a).

[22] 44 U.S.C. 3501 *et seq.*

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–1077; Special Conditions No. 25–609A–SC]

Special Conditions: Dassault Aviation Model Falcon 6X Airplane; Design Roll Maneuver

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; amendment.

SUMMARY: These amended special conditions are issued for the Dassault Aviation (Dassault) Model Falcon 6X airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is electronic flight controls that affect maneuvering. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Dassault on January 20, 2022.

FOR FURTHER INFORMATION CONTACT: Todd Martin, AIR–621, Materials and Structural Properties Section, Technical Innovation Policy Branch, Policy and Innovation Division, Federal Aviation Administration, 2200 S 216th Street,

Des Moines, Washington 98198–6547; telephone and fax 206–231–3210.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2012, Dassault Aviation applied for a type certificate for their new Model Falcon 5X airplane. Those special conditions were issued on February 17, 2016 (81 FR 7965). However, Dassault has decided not to release an airplane under the model designation Falcon 5X, instead choosing to change that model designation to Falcon 6X.

In February of 2018, due to engine supplier issues, Dassault extended the type certificate application date for their Model Falcon 5X airplane under new Model Falcon 6X. This amendment to the original special conditions reflects the model-name change. This airplane is a twin-engine business jet with seating for 19 passengers and a maximum takeoff weight of 77,460 pounds. The Dassault Model Falcon 6X airplane design remains unchanged from the Model Falcon 5X in all material respects other than different engines.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Dassault must show that the Model Falcon 6X airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–146.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Dassault Model Falcon 6X airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Dassault Model Falcon 6X airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Dassault Model Falcon 6X airplane will incorporate the following novel or unusual design feature:

An electronic flight-control system that provides control through pilot inputs to the flight computer, thereby affecting maneuverability of the airplane as compared to conventional control systems.

Discussion

Current part 25 airworthiness regulations account for control laws for which aileron deflection is proportional to control-stick deflection. They do not address nonlinearities or other effects on aileron actuation that may be caused by electronic flight controls. Because this type of system may affect flight loads, and therefore the structural capability of the airplane, specific regulations are needed to address these effects.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

The FAA issued *Final special conditions, request for comment* Special Conditions No. 25–609–SC for the Dassault Model Falcon 5X airplane, which was published in the **Federal Register** on February 17, 2016 (81 FR 7965). No comments were received, and the special conditions are adopted as proposed, with amendments.

Applicability

As discussed above, these special conditions are applicable to the Dassault Model Falcon 6X airplane. Should Dassault apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Dassault Model Falcon 6X airplanes.

In lieu of compliance to § 25.349(a), the following conditions, speeds, and cockpit roll-control motions (except as the motions may be limited by pilot effort) must be considered in combination with an airplane load factor of zero, and of two-thirds of the positive maneuvering factor used in design. In determining the resulting control-surface deflections, the torsional flexibility of the wing must be considered in accordance with § 25.301(b).

1. Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time-history investigation of the maneuver.

2. At V_A, sudden movement of the cockpit roll control up to the limit is assumed. The position of the cockpit roll control must be maintained until a steady roll rate is achieved, and then must be returned suddenly to the neutral position.

3. At V_C, the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than that obtained in special condition 2, above.

4. At V_D, the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than one-third of that obtained in special condition 2, above.

Issued in Kansas City, Missouri, on January 13, 2022.

Patrick R. Mullen,

Manager, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2022–00975 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0881; Project Identifier AD–2020–01062–T; Amendment 39–21912; AD 2022–02–15]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–12–06 for all Gulfstream Aerospace Corporation (Gulfstream) Model G–IV airplanes. AD 2020–12–06 required replacing the nose wheel steering servo valve manifold, incorporating revised operating procedures into the airplane flight manual (AFM), doing a records inspection for any incidents of un-commanded nose wheel steering turns, and reporting the results to the FAA. Since the FAA issued AD 2020–12–16, the FAA determined that a typographical error was made in citing one of the AFM documents. This AD retains the actions of AD 2020–12–06 and corrects the citation to the AFM. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 24, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 20, 2020 (85 FR 36143, June 15, 2020).

ADDRESSES: For service information identified in this final rule, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, GA 31402; phone: (800) 810–4853; email: *pubs@gulfstream.com;* website: *https://www.gulfstream.com/en/customer-support/.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, FAA, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0881.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0881; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Samuel Belete, Aviation Safety Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5580; fax: (404) 474–5606; email: *samuel.belete@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–12–06, Amendment 39–21141 (85 FR 36143, June 15, 2020) (AD 2020–12–06). AD 2020–12–06 applied to all Gulfstream Model G–IV airplanes and required replacing the nose wheel steering servo valve manifold, incorporating revised operating procedures into the AFM, doing a records inspection for any incidents of un-commanded nose wheel steering turns, and reporting the results to the FAA. The FAA issued AD 2020–12–06 to prevent moisture from entering the nose steering wheel servo valve, which could freeze and cause an un-commanded nose wheel steering position during touchdown.

The NPRM published in the **Federal Register** on October 26, 2021 (86 FR 59062). The NPRM was prompted by a determination that a typographical error was made in citing the title of the AFM required by paragraph (g)(3) of AD 2020–12–06. The paragraph incorrectly references the document number as ''FAC–AC–G400–OPS–0001'' instead of ''GAC–AC–G400–OPS–0001.'' In the NPRM, the FAA proposed to retain the actions of AD 2020–12–06 and to correct the citation to the AFM. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

The FAA determined that air safety requires adoption of the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

This AD requires Gulfstream IV Customer Bulletin Number 244, dated March 12, 2018; Gulfstream G300 Customer Bulletin 244, dated March 12, 2018; Gulfstream G400 Customer Bulletin 244, dated March 12, 2018; Gulfstream IV Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–GIV–OPS–0001, Revision 52, dated October 30, 2017; Gulfstream G300 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G300–OPS–0001, Revision 20, dated October 30, 2017; and Gulfstream G400 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G400–OPS–0001, Revision 20, dated October 30, 2017; which the Director of the Federal Register approved for incorporation by reference as of July 20, 2020 (85 FR 36143, June 15, 2020). This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the Service Information

The Gulfstream customer bulletins require reporting compliance with the bulletins to Gulfstream. This AD does not contain that requirement; however, this AD requires reporting any known occurrences of un-commanded nose wheel steering turns to the FAA.

The Gulfstream customer bulletins include a compliance time of 48 months beginning on March 12, 2018. The compliance time for this AD is 36 months after July 20, 2020 (the effective date of AD 2020–12–06).

Costs of Compliance

The FAA estimates that this AD affects 425 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per airplane	Cost on U.S. operators
Incorporate AFM revision	1 work-hour × $85 per hour = $85	$0	$85	$36,125
Replace nose wheel steering servo valve.	7 work-hours × $85 per hour = $595	63,624	64,219	27,293,075
Review records	1 work-hour × $85 per hour = $85	0	85	36,125
Report results	1 work hour × $85 per hour = $85	0	85	36,125

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA has determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have 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.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 2020–12–06, Amendment 39–21141 (85 FR 36143, June 15, 2020); and

■ b. Adding the following new airworthiness directive:

2022–02–15 Gulfstream Aerospace Corporation: Amendment 39–21912; Docket No. FAA–2021–0881; Project Identifier AD–2020–01062–T.

(a) Effective Date

This airworthiness directive (AD) is effective February 24, 2022.

(b) Affected ADs

This AD replaces AD 2020–12–06, Amendment 39–21141 (85 FR 36143, June 15, 2020) (AD 2020–12–06).

(c) Applicability

This AD applies to all Gulfstream Aerospace Corporation Model G–IV airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3200, Landing Gear System.

(e) Unsafe Condition

This AD was prompted by reports of uncommanded nose wheel steering turns. The FAA is issuing this AD to prevent moisture from entering the nose steering wheel servo valve, which could freeze and cause an uncommanded nose wheel steering position during touchdown. The unsafe condition, if not addressed, could result in a lateral runway departure.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Airplane Flight Manual Revisions for Certain Airplanes

This paragraph restates the requirements of paragraphs (g)(1) and (2) of AD 2020–12–06. Within 30 days after July 20, 2020 (the effective date of AD 2020–12–06), revise your airplane flight manual (AFM) by incorporating the revision applicable to your airplane configuration as listed in paragraphs (g)(1) and (2) of this AD:

(1) Gulfstream IV Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–GIV–OPS–0001, Revision 52, dated October 30, 2017; or

(2) Gulfstream G300 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G300–OPS–0001, Revision 20, dated October 30, 2017.

(h) Correction to AFM Revision for Certain Airplanes

Within 30 days after the effective date of this AD, revise your AFM by incorporating Gulfstream G400 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G400–OPS–0001, Revision 20, dated October 30, 2017, if applicable to your airplane configuration.

(i) Retained Replacement of Nose Wheel Steering Servo Valve Manifold With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2020–12–06 with no changes. Within 36 months after July 20, 2020 (the effective date of AD 2020–12–06), replace the nose wheel steering servo valve manifold with nose wheel steering servo valve manifold part number 5100–11 or 5105–5 in accordance with the Accomplishment Instructions of the customer bulletin that applies to your airplane configuration as listed in paragraphs (i)(1) through (3) of this AD, except you are not required to comply with step H:

(1) Gulfstream IV Customer Bulletin Number 244, dated March 12, 2018;

(2) Gulfstream G300 Customer Bulletin 244, dated March 12, 2018; or

(3) Gulfstream G400 Customer Bulletin 244, dated March 12, 2018.

(j) Retained Records Inspection and Report of Results With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2020–12–06 with no changes.

(1) Between 12 months and 24 months after the replacement of the nose wheel steering valve manifold assembly required in paragraph (i) of this AD, inspect all aircraft records for entries of an un-commanded nose wheel steering turn.

(2) Within 10 days after the records inspection required in paragraph (j)(1) of this AD, report the results of the inspection, regardless of whether the inspection found any entries, to the FAA by either email: *9-ASO-ATLCOS-Reporting@faa.gov;* or by mail: Attn: Continued Operational Safety, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, GA 30337. The report must include as much of the information listed in paragraphs (j)(2)(i) through (vii) of this AD as is known about the event:

(i) Date of records inspection;

(ii) Date and time of all un-commanded occurrences (if any);

(iii) Airplane serial number;

(iv) Weather and runway conditions at the time of each occurrence;

(v) Copy of the pilot's report of the occurrence (if available);

(vi) Maintenance entry of the root cause of the un-commanded deflection (if available); and

(vii) Any other information pertinent to the occurrence.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (l) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Related Information

For more information about this AD, contact Samuel Belete, Aviation Safety Engineer, Systems and Equipment Section, FAA, Atlanta ACO Branch, 1701 Columbia Avenue, College Park, GA 30337; phone: (404) 474–5580; fax: (404) 474–5606; email: *samuel.belete@faa.gov.*

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(3) The following service information was approved for IBR on July 20, 2020 (85 FR 36143, June 15, 2020).

(i) Gulfstream IV Customer Bulletin Number 244, dated March 12, 2018.

(ii) Gulfstream G300 Customer Bulletin 244, dated March 12, 2018.

(iii) Gulfstream G400 Customer Bulletin 244, dated March 12, 2018.

(iv) Gulfstream IV Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–GIV–OPS–0001, Revision 52, dated October 30, 2017.

(v) Gulfstream G300 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G300–OPS–0001, Revision 20, dated October 30, 2017.

(vi) Gulfstream G400 Airplane Flight Manual, Gulfstream Aerospace Document Number GAC–AC–G400–OPS–0001, Revision 20, dated October 30, 2017.

(4) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, GA 31402; phone: (800) 810–4853; email: *pubs@gulfstream.com;* website: *https://www.gulfstream.com/en/customer-support/.*

(5) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, FAA, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on January 13, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00972 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0842; Project Identifier 2019–CE–032–AD; Amendment 39–21871; AD 2021–26–12]

RIN 2120–AA64

Airworthiness Directives; Stemme AG Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Stemme AG Model Stemme S 12 gliders. This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the incorrect installation of an axle connecting the main landing gear (MLG) to the center steel frame. This AD requires inspecting the MLG installation and repairing if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 24, 2022.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 24, 2022.

ADDRESSES: For service information identified in this final rule, contact STEMME AG, Flugplatzstrasse F2, Nr. 6–7, D–15344 Strausberg, Germany; phone: +49 (0) 3341 3612–0; fax: +49 (0) 3341 3612–30; email: *airworthiness@stemme.de;* website: *https://www.stemme.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0842.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0842; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The

address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain serial-numbered Stemme AG Model Stemme S 12 gliders. The NPRM published in the **Federal Register** on October 8, 2021 (86 FR 56225). The NPRM was prompted by MCAI originated by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD 2019–0130–E, dated June 7, 2019 (referred to after this as ''the MCAI''), to address an unsafe condition on Stemme AG Model Stemme S 12 gliders. The MCAI states:

> Following a production acceptance flight, the pilot noticed that the aeroplane was in a banked position on the ground. Further examination determined that an axle, connecting the main landing gear (MLG) leg to the centre steel frame of the aeroplane, had been installed incorrectly. Other S12 aeroplanes may also be affected by this installation error.
>
> This condition, if not detected and corrected, could lead to damage to the aeroplane, possibly resulting in injury to occupants.
>
> To address this unsafe condition, Stemme issued the SB [service bulletin] to provide inspection instructions.
>
> For the reason described above, this [EASA] AD requires a one-time inspection of the MLG installation and, depending on findings, the accomplishment of applicable corrective action(s).

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0842.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Stemme Service Bulletin No. P062–980037, Revision 00, dated June 5, 2019 (SB P062–980037). The service information specifies inspecting and repairing, if necessary, the MLG leg connection to the center steel frame. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in **ADDRESSES**.

Differences Between This AD and the Service Information

SB P062–980037 allows the pilot/owner to perform the initial inspection for correct installation, and this AD does not. SB P062–980037 specifies contacting Stemme AG for certain repair instructions, while this AD requires repair using a method approved by the FAA or EASA.

Costs of Compliance

The FAA estimates that this AD affects 11 gliders of U.S. registry. The FAA estimates that it would take 0.5 work hour per glider to inspect the MLG installation. The average labor rate is $85 per work hour. Based on these figures, the FAA estimates the cost to inspect the MLG installation on U.S. operators to be $467.50 or $42.50 per glider.

In addition, the FAA estimates that further inspection for damage of an improperly installed MLG would take about 4 work-hours costing $340 per glider. If any damage is found during this MLG inspection, it may vary considerably from glider to glider, and the FAA has no way of estimating a repair cost.

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have 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. For the reasons discussed above, I certify that this AD. For the reasons discussed above, I certify this AD.

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2021–26–12 Stemme AG: Amendment 39–21871; Docket No. FAA–2021–0842; Project Identifier 2019–CE–032–AD.

(a) Effective Date

This airworthiness directive (AD) is effective February 24, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Stemme AG Model Stemme S 12 gliders, serial numbers 12–002 through 12–026, inclusive, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 3200, Landing Gear System.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as incorrect installation of an axle connecting the main landing gear (MLG) to the center steel frame of the glider. The FAA is issuing this AD to prevent failure of the MLG. The unsafe condition, if not addressed, could result in damage to the glider and possible injury to occupants.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Required Actions

(1) Before further flight after the effective date of this AD, visually inspect the MLG left-hand and right-hand legs for proper installation as depicted in Figure 3 of Stemme Service Bulletin No. P062–980037, Revision 00, dated June 5, 2019 (SB P062–980037).

(2) If the MLG installation is not as depicted in Figure 3 of SB P062–980037, before further flight, inspect the MLG installation for damage in accordance with the Actions section, Action 2, in SB P062–980037, except you are not required to contact Stemme if there is damage. Instead, repair any damage using a method approved by the FAA or the European Union Aviation Safety Agency (EASA).

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (i)(1) of this AD and email to: *9-AVS-AIR-730-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

(2) Refer to EASA AD 2019–0130–E, dated June 7, 2019, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0842.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Stemme Service Bulletin No. P062–980037, Revision 00, dated June 5, 2019.

Note 1 to paragraph (j)(2)(i): This service information has Feb-29 and July 14, 2017, in the footer of the document. Feb-29 refers to the form number and July 14, 2017, is the revision date of the form used to write the service information. For enforceability purposes, the FAA will cite the Stemme AG service information using the release date of June 5, 2019, that is located in the footer on the bottom of page 1 and used in EASA AD 2019–0130–E, dated June 7, 2019.

Note 2 to paragraph (j)(2)(i): This service information contains German to English translation. EASA used the English translation in referencing the document from Stemme AG. For enforceability purposes, the FAA will cite the Stemme AG service information in English as it appears on the document.

(ii) [Reserved]

(3) For service information identified in this AD, contact STEMME AG, Flugplatzstrasse F2, Nr. 6–7, D–15344 Strausberg, Germany; phone: +49 (0) 3341 3612–0; fax: +49 (0) 3341 3612–30; email: *airworthiness@stemme.de;* website: *https://www.stemme.com.*

(4) You may view this service information at FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on December 9, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00968 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2021–0878; Project Identifier MCAI–2020–01460–G; Amendment 39–21884; AD 2021–26–25]

RIN 2120–AA64

Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Schempp-Hirth Flugzeugbau GmbH Model Duo Discus and Duo Discus T gliders. This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as jerky extension of the air brakes at very high air speeds, including cases where the air brake blades interlock. This AD requires replacing certain air brake end stop bushings, inspecting certain other air brake end stops, and repairing if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 24, 2022.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 24, 2022.

ADDRESSES: For service information identified in this final rule, contact Schempp-Hirth Flugzeugbau GmbH, Krebenstrasse 25, 73230 Kirchheim/Teck, Germany; phone: +49 7021 7298–0; fax: +49 7021 7298–199; email: *info@schempp-hirth.com;* website: *https://www.schempp-hirth.com.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0878.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0878; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the MCAI, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain serial-numbered (S/N) Schempp-Hirth Flugzeugbau GmbH Model Duo Discus and Duo Discus T gliders. The NPRM published in the **Federal Register** on October 21, 2021 (86 FR 58228). The NPRM was prompted by MCAI originated by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD 2020–0233, dated October 27, 2020 (referred to after this as ''the MCAI''), to address the unsafe condition on certain S/N Schempp-Hirth Flugzeugbau GmbH Model Duo Discus, Duo Discus C, and Duo Discus T gliders. The MCAI states:

> Occurrences were reported of experiencing jerky extension of the airbrakes at very high air speeds, in some cases of which the airbrake blades interlocked. An increasing number of age-related damage was observed on a specific version (22 mm plastic bushes) of the airbrake end-stops.
>
> This condition, if not corrected, could lead to blockage of the airbrakes, possibly resulting in reduced control of the (powered) sailplane.
>
> To address this potential unsafe condition, Schempp-Hirth issued the applicable [technical note] TN (original issue) to provide instructions to replace the affected parts with a new version bushing, made of better material.
>
> Since [EASA planned AD] PAD 20–119 was issued, it was discovered that early s/n sailplanes were equipped with a single metal end stop per airbrake. The applicable TN was revised accordingly. The PAD was revised to include those metal end stops in the definition of 'affected part' to ensure these are inspected.
>
> For the reasons described above, this [EASA] AD requires replacement of certain affected parts with serviceable parts. For other affected parts, this [EASA] AD requires a one-time inspection for sufficient overlap and, depending on findings, accomplishment of applicable corrective action(s). This [EASA] AD also prohibits (re)installation of affected parts.

You may examine the MCAI in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0878.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note 890–16 rev1 and Technical Note 396–20 rev1 action 1, dated September 18, 2020. The service information contains procedures for replacing each air brake end stop plastic bushing (22 mm) with an air brake end stop plastic bushing (32 mm). The FAA also reviewed Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note 396–20 rev1 action 2, dated September 18, 2020. The service information contains procedures for inspecting each single air brake metal end stop for overlap. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Differences Between This AD and the MCAI

The MCAI applies to Schempp-Hirth Flugzeugbau GmbH Model Duo Discus C gliders, and this AD does not because this model does not have an FAA type certificate.

The MCAI allows credit for modifications done prior to the effective date of the EASA AD in accordance with the original issue of Schempp-Hirth TN 396–20/TN 890–16, but this AD does not provide such credit.

The MCAI prohibits installation of air brake end stop plastic bushings (22 mm) after a glider has been modified with an air brake end stop plastic bushing (32 mm). This AD prohibits installation of air brake end stop plastic bushings (22 mm) as of the effective date of this AD.

Costs of Compliance

The FAA estimates that this AD affects 27 gliders of U.S. registry.

The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per glider	Cost on U.S. operators
Replace plastic end stop bushings.	4 work-hours × $85 per hour = $340.	$150	$490	Up to $13,230 (depending on number of gliders with plastic end stop bushings)
Inspect metal end stops	1 work-hour × $85 per hour = $85.	$0	$85	Up to $2,295 (depending on number of gliders with metal end stops)

The FAA estimates the following costs to do any necessary repairs that would be required based on the results of the inspection. The FAA has no way of determining the number of gliders that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per glider
Repair metal end stops	4 work-hours × $85 per hour = $340	$150	$490

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have 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.

For the reasons discussed above, I certify this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2021–26–25 Schempp-Hirth Flugzeugbau GmbH: Amendment 39–21884; Docket No. FAA–2021–0878; Project Identifier MCAI–2020–01460–G.

(a) Effective Date

This airworthiness directive (AD) is effective February 24, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Schempp-Hirth Flugzeugbau GmbH gliders identified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model Duo Discus gliders, serial number (S/N) 1 through 541 inclusive, except S/N 534.

(2) Model Duo Discus T gliders, S/N 1 through 174 inclusive.

(d) Subject

Joint Aircraft System Component (JASC) Code 2760, Drag Control System.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as jerky extension of the air brakes at very high air speeds, including cases where the air brake blades interlock. The FAA is issuing this AD to prevent and correct damage of the airbrake end-stops. The unsafe condition, if not addressed, could result in blockage of the air brakes and reduced control of the glider.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Required Actions

(1) For gliders with air brake end stop plastic bushings (22 mm) installed: Within 3 months after the effective date of this AD, replace each air brake end stop plastic bushing (22 mm) with an air brake end stop plastic bushing (32 mm) in accordance with Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note 890–16 rev1 and Technical Note 396–20 rev1 action 1, dated September 18, 2020.

(2) For gliders with single air brake metal end stops installed: Within 3 months after the effective date of this AD, inspect each single air brake metal end stop for overlap in accordance with Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note 396–20 rev1 action 2, dated September 18, 2020. If there is insufficient overlap, before further flight, repair using a method approved by the FAA or the European Union Aviation Safety Agency (EASA).

(h) Parts Installation Provision

As of the effective date of this AD, do not install an air brake end stop plastic bushing (22 mm) on any glider.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD and email to: *9-AVS-AIR-730-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

(1) For more information about this AD, contact Jim Rutherford, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 901 Locust, Room 301, Kansas City, MO 64106; phone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

(2) Refer to EASA 2020–0233, dated October 27, 2020, for more information. You may examine the EASA AD in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2021–0878.

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note 396–20 rev1 action 2, dated September 18, 2020.

Note 1 to paragraph (k)(2)(i): The service information listed in paragraphs (k)(2)(i) of

this AD contains German to English translation. EASA used the English translation in referencing the document from Schempp-Hirth Flugzeugbau GmbH. For enforceability purposes, the FAA will cite the service information in English as it appears on the document

(ii) Schempp-Hirth Flugzeugbau GmbH Working Instructions for Technical Note 890–16 rev1 and Technical Note 396–20 rev1 action 1, dated September 18, 2020.

(3) For service information identified in this AD, contact Schempp-Hirth Flugzeugbau GmbH, Krebenstrasse 25, 73230 Kirchheim/Teck, Germany; phone: +49 7021 7298–0; fax: +49 7021 7298–199; email: *info@schempp-hirth.com;* website: *https://www.schempp-hirth.com.*

(4) You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email: *fr.inspection@nara.gov,* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued on December 16, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00973 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2021–0863]

Special Local Regulations; Recurring Marine Events, Sector St. Petersburg

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: On January 29, 2022, the Coast Guard will enforce a special local regulation for the Gasparilla Invasion and Parade to provide for the safety of life on navigable waterways during this event. Our regulation for recurring marine events within Sector St. Petersburg identifies the regulated area for this event in Tampa, FL. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any designated representative.

DATES: The regulations in 33 CFR 100.703, Table 1 to § 100.703, Line No. 1, will be enforced from 11:30 a.m. through 2 p.m., on January 29, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Marine Science Technician First Class Michael Shackleford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228–2191, email: *Michael.d.shackleford@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in 33 CFR 100.703, Table 1 to § 100.703, Line No. 1, for the Gasparilla Invasion and Parade on January 29, 2022 from 11:30 a.m. until 2 p.m. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for recurring marine events, Sector St. Petersburg, § 100.703, Table 1 to § 100.703, Line No. 1, specifies the location of the regulated area for the Gasparilla Invasion and Parade which encompasses portions of Hillsborough Bay, Seddon Channel, Sparkman Channel and Hillsborough River near Tampa, FL. During the enforcement periods, as reflected in § 100.703(c), if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any designated representative.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners and/or marine information broadcasts.

Dated: January 10, 2022.

Matthew A. Thompson,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2022–01003 Filed 1–19–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2021–0139]

RIN 1625–AA00

Safety Zone; Atlantic Ocean, Cape Canaveral, FL

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within the points defined below during a series of rocket launches out of Cape Canaveral, FL. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by space vehicles being launched in a direction resulting in a southerly or polar orbit trajectory. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Jacksonville.

DATES: This rule is effective without actual notice from January 20, 2022, through January 31, 2022. For purposes of enforcement, actual notice will be used from January 10, 2022, until January 20, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0139 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LTJG Griffin Terpstra, Sector Jacksonville, Waterways Management Division, U.S. Coast Guard; telephone 904–714–7616, email *Griffin.D.Terpstra@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 Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard was notified of this series of missions on December 20, 2021, and the first launch, scheduled for January 13, 2022, leaves insufficient time to initiate a full rulemaking before the need for the safety zone beginnings on January 13, 2022. Publishing an NPRM would be impracticable and contrary to the public interest since the mission

would begin before completion of the rulemaking process, thereby inhibiting the Coast Guard's ability to protect against the hazards associated with space vehicle launches.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because the safety zone is needed by January 13, 2022, to mitigate safety concerns during the space vehicle launches.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port Jacksonville (COTP) has determined that potential hazards associated with space vehicle launches occurring from January 13 through January 31, 2022, will be a safety concern for anyone within navigable waters near Cape Canaveral, FL. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during launch.

IV. Discussion of the Rule

This rule establishes a safety zone from January 13 through January 31, 2022, when space vehicles are being launched in a southerly or polar orbit trajectory. The safety zone will cover all navigable waters in the path of the space vehicles being launched near Cape Canaveral, FL. The duration of the zone is intended to protect personnel, vessels, and the marine environment in the surrounding navigable waters while the launch occurs. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this 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 rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the limited duration of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which would impact the offshore area around Cape Canaveral, FL, for less than six hours. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone and the rule would allow vessels to seek permission to enter the zone.

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 rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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 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.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will 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 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 rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined 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 rule involves creating a safety zone in an area where four other safety zones already exist. This safety zone will only be activated for approximately six hours on that there is a launch in a direction resulting in a southerly or polar orbit trajectory.

This safety zone will prohibit entry into certain navigable waters in the path of these launches near Cape Canaveral, FL. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A 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.

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.

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 amends 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. Add § 165.T07–0450 to read as follows:

§ 165.T07–0450 Safety Zone; Atlantic Ocean, Cape Canaveral, FL.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean, from surface to bottom, encompassed by a line connecting the following points beginning at Point 1: 28°36′51.88″ N 80°35′57.33″ W, thence to Point 2: 28°34′0.00″ 80°25′0.00″ W, thence to Point 3: 28°14′0.00″ 80°13′0.00″ W, thence to Point 4: 28°12′0.00″ N 80°23′0.00″ W, thence to Point 5: 28°16′0.00″ N, 80°26′00.00″ W, thence to point 6: 28°26′31.81″ N, 80°33′8.02″ W. These coordinates are based on WGS 84.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel, and U.S. Air Force range safety personnel, and a Federal, State, and local officer designated by or assisting the Captain of the Port Jacksonville (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, transit through, anchor in, or remain within the safety zone contact the COTP Jacksonville by telephone at (904) 714–7557 or the COTP's representative via VHF–FM radio on channel 16. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from January 13, 2022, through January 31, 2022, during times when a Broadcast Notice to Mariners informs mariners that space vehicles are being launched in a direction resulting in a southerly or polar orbit trajectory.

Dated: January 12, 2022.

J.D. Rose,

Commander, U.S. Coast Guard,Acting, Captain of the Port.

[FR Doc. 2022–01004 Filed 1–19–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2003–0118; FRL–9445–01–OAR]

RIN 2060–AG12

Protection of Stratospheric Ozone: Determination 37 for Significant New Alternatives Policy Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Determination of acceptability.

SUMMARY: This determination of acceptability expands the list of acceptable substitutes pursuant to the U.S. Environmental Protection Agency's Significant New Alternatives Policy program. This action lists as acceptable additional substitutes for use in the refrigeration and air conditioning; foam blowing; aerosols; cleaning solvents; and adhesives, coatings, and inks sectors.

DATES: This determination is applicable on January 20, 2022.

ADDRESSES: EPA established a docket for this action under Docket ID No. EPA–HQ–OAR–2003–0118 (continuation of Air Docket A–91–42). All electronic documents in the docket are listed in the index at *www.regulations.gov.* Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available either electronically at *www.regulations.gov* or in hard copy at the EPA Air Docket (Nos. A–91–42 and EPA–HQ–OAR–2003–0118), EPA Docket Center (EPA/DC), William J. Clinton West, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20460. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to public visitors, 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. 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: Gerald Wozniak by telephone at (202) 343–9624, by email at *Wozniak.gerald@epa.gov,* or by mail at U.S. Environmental Protection Agency, Mail Code 6205T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 1201 Constitution Avenue NW, Washington, DC 20004.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Listing of New Acceptable Substitutes

This action is listing as acceptable additional substitutes for use in the refrigeration and air conditioning; foam blowing; aerosols; cleaning solvents; and adhesives, coatings and inks sectors. This action presents EPA's most recent decision under the Significant New Alternatives Policy (SNAP) program to list as acceptable several substitutes in different end-uses. New substitutes are:

• Hydrochlorofluoroolefin (HCFO)–1233zd(E) in cold storage warehouses,

ice skating rinks and industrial process air conditioning (new equipment only);

- Blends of 10 to 90 percent hydrofluoroolefin (HFO)–1234ze(E) by weight and the remainder HCFO–1233zd(E) in polystyrene: Extruded boardstock and billet (XPS);
- Blends of 10 to 90 percent HFO–1234ze(E) by weight and the remainder hydrofluorocarbon (HFC)–152a in XPS;
- Blends of zero to 100 percent HFO–1234ze(E), zero to 70 percent methyl formate, zero to 60 percent HFC–152a, zero to 60 percent carbon dioxide (CO_2), and zero to 60 percent water in XPS; and
- HCFO–1233yd(Z) in electronics cleaning, metals cleaning, precision cleaning, aerosol solvents, and coatings.

EPA's review of certain substitutes listed in this document is pending for other end-uses. Listing decisions in the end-uses in this document do not prejudge EPA's listings of these substitutes for other end-uses. While certain substitutes being added through this action to the acceptable lists for specific end-uses may have a higher risk in one or more SNAP criteria than certain other substitutes already listed as acceptable or acceptable subject to restrictions, they have a similar or lower overall risk than other acceptable substitutes in those end-uses.

For additional information on SNAP, visit the SNAP portion of EPA's Ozone Layer Protection website at: *www.epa.gov/snap.* Copies of the full lists of acceptable substitutes for ozone-depleting substances (ODS) in the industrial sectors covered by the SNAP program are available at *www.epa.gov/snap/substitutes-sector.* For more information on the Agency's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the initial SNAP rulemaking published March 18, 1994 (59 FR 13044), and the regulations codified at 40 CFR part 82, subpart G. SNAP decisions and the appropriate **Federal Register** citations are found at: *www.epa.gov/snap/snap-regulations.* Substitutes listed as unacceptable; acceptable, subject to narrowed use limits; or acceptable, subject to use conditions are also listed in the appendices to 40 CFR part 82, subpart G.

The sections below discuss each substitute listing in detail. Appendix A contains tables summarizing each listing decision in this action. The statements in the ''Further Information'' column in the tables provide additional information but these are not legally binding under section 612 of the Clean Air Act (CAA). Although you are not required to follow recommendations in the ''Further Information'' column of the table under section 612 of the CAA, some of these statements may refer to obligations that are enforceable or binding under federal or state programs other than the SNAP program. The identification of other enforceable or binding requirements should not be construed as a comprehensive list of such obligations. In many instances, the information simply refers to standard operating practices in existing industry standards and/or building codes. When using these substitutes in the identified end-use, EPA strongly encourages you to apply the information in the ''Further Information'' column. Many of these recommendations, if adopted, would not require significant changes to existing operating practices.

You can find submissions to EPA for the substitutes listed in this document, as well as other materials supporting the decisions in this action, in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov.*

A. Refrigeration and Air Conditioning

1. HCFO–1233zd(E)

EPA's decision: EPA finds HCFO–1233zd(E) acceptable as a substitute for use in:

- Cold storage warehouses (new equipment only)
- Ice skating rinks (new equipment only)
- Industrial process air conditioning (new equipment only)

HCFO–1233zd(E), marketed under the trade name Solstice®zd, is also known as *trans*-1-chloro-3,3,3-trifluoroprop-1-ene (Chemical Abstracts Service Registry Number [CAS Reg. No.] 102687–65–0).

You may find a copy of the applicant's submission, with CBI redacted, providing the required health and environmental information for this substitute in this end-use in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Supporting Materials for Notice 37 Listing of HCFO–1233zd(E) in Refrigeration and Air Conditioning. SNAP Submission Received October 7, 2019.'' EPA performed an assessment to examine the health and environmental risks of this substitute. These assessments are available in Docket EPA–HQ–OAR–2003–0118:

- ''Risk Screen on Substitutes in Cold Storage Warehouses and Industrial Process Air Conditioning. Substitute: HCFO–1233zd(E).''
- ''Risk Screen on Substitutes in Ice Skating Rinks. Substitute: HCFO–1233zd(E).''

EPA previously listed HCFO–1233zd(E) as acceptable for use in several refrigeration and air conditioning and foam blowing end-uses (December 11, 2020, 85 FR 79863; August 10, 2012, 77 FR 47768; October 21, 2014, 79 FR 62863).

Environmental information: HCFO–1233zd(E) has an ozone depletion potential (ODP) of less than 0.0004 and a global warming potential (GWP) of 3.7.[1] HCFO–1233zd(E) is excluded from the definition of volatile organic compounds (VOC) under CAA regulations (see 40 CFR 51.100(s)) addressing the development of state implementation plans (SIPs) to attain and maintain the National Ambient Air Quality Standards (NAAQS). Knowingly venting or releasing this refrigerant blend is limited by the venting prohibition under section 608(c)(2) of the CAA, codified in EPA's regulations at 40 CFR 82.154(a).

Flammability information: HCFO–1233zd(E) is not flammable.

Toxicity and exposure data: Potential health effects of exposure to this substitute include drowsiness or dizziness. The substitute may also irritate the skin or eyes or cause frostbite. The substitute could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many refrigerants.

The Workplace Environmental Exposure Limit (WEEL) Committee of the Occupational Alliance for Risk Science (OARS) has established a WEEL of 800 ppm on an eight-hour time-weighted average (8-hr TWA) for HCFO–1233zd(E). EPA anticipates that users will be able to meet the WEEL and address potential health risks by following requirements and recommendations in the manufacturer's safety data sheet (SDS), American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 15, and other safety precautions common to the refrigeration and air conditioning industry.

Comparison to other substitutes in these end-uses: HCFO–1233zd(E) has an ODP of less than 0.0004, comparable to or less than other listed substitutes in these end-uses with ODPs ranging from zero to 0.098.

For cold storage warehouses, HCFO–1233zd(E)'s GWP of about 3.7 is comparable to or lower than that of

[1] WMO (World Meteorological Organization), *Scientific Assessment of Ozone Depletion: 2018,* Global Ozone Research and Monitoring Project—Report No. 58, 588 pp., Geneva, Switzerland, 2018. Available at: *https://ozone.unep.org/sites/default/files/2019-05/SAP-2018-Assessment-report.pdf.* In this action, the 100-year GWP values are used.

other acceptable substitutes for new equipment such as ammonia absorption, CO_2, R-450A, R-513A, and R-407C, with GWPs [2] ranging from zero to 1,770.

For ice skating rinks and industrial process air conditioning, HCFO–1233zd(E)'s GWP of about 3.7 is comparable to or lower than that of other acceptable substitutes for new equipment such as ammonia absorption, CO_2, R-450A, R-513A, and R-507A, with GWPs ranging from zero to 3,990.

Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-uses. Toxicity risks can be minimized by use consistent with the OARS WEEL, ASHRAE 15, and other industry standards, recommendations in the manufacturer's SDS, and other safety precautions common in the refrigeration and air conditioning industry.

EPA finds HCFO–1233zd(E) acceptable in the cold storage warehouses (new equipment only), ice skating rinks (new equipment only) and industrial process air conditioning (new equipment only) end-uses because it does not pose greater overall environmental and human health risk than other available substitutes in the same end-uses.

B. Foam Blowing

1. Blends of 10 to 90 Percent HFO–1234ze(E) by Weight and the Remainder HCFO–1233zd(E)

E*PA's decision: EPA finds blends of 10 to 90 percent HFO–1234ze(E) by weight and the remainder HCFO–1233zd(E) acceptable as a substitute for use as a blowing agent in:*

- *Polystyrene:* Extruded boardstock and billet

These blends range in composition from 10 percent HFO–1234ze(E) and 90 percent HCFO–1233zd(E) to 90 percent HFO–1234ze(E) and 10 percent HCFO–1233zd(E). Accordingly, these blends are referred to as blends of 10 to 90 percent by weight HFO–1234ze(E) and the remainder HCFO–1233zd(E), or hereafter in this action as ''HFO–1234ze(E)/HCFO–1233zd(E) co-blowing blends''; they also go by the trade name of Solstice® XBA–1. HFO–1234ze(E) is also called 1,3,3,3-tetrafluoropropene (E), or *trans*-1,3,3,3-tetrafluoropropene (CAS Reg. No. 29118–24–9). HCFO–1233zd(E) is also called *trans*-1-chloro-3,3,3-trifluoro-prop-1-ene (CAS Reg. No. 102687–65–0).

You may find a copy of the applicant's submission, with CBI redacted, providing the required health and environmental information for this substitute in this end-use in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Supporting Materials for Notice 37 Listing Blends of 10 to 90 Percent HFO–1234ze(E) by Weight and the Remainder HCFO–1233zd(E) as a Foam Blowing Agent. SNAP Submission Received November 4, 2019.'' EPA has performed an assessment to examine the health and environmental risks of this substitute. This assessment is available in docket EPA–HQ–OAR–2003–0118 under the name ''Risk Screen on Substitutes in Extruded Polystyrene Boardstock and Billet Foam Substitute: Blends of 10 to 90 Percent HFO–1234ze(E) by Weight and the Remainder HCFO–1233zd(E) (Solstice® XBA–1).''

Environmental information: HFO–1234ze(E) has an ODP of zero and HCFO–1233zd(E) has an ODP of less than 0.0004.[3] If these values are weighted by mass percentage, then these HFO–1234ze(E)/HCFO–1233zd(E) co-blowing blends have an ODP ranging from less than 0.0004 to less than 0.00004. Their components, HFO–1234ze(E) and HCFO–1233zd(E), have GWPs of less than one [4] and 3.7, respectively. If these values are weighted by mass percentage, then the blends range in GWP from about 1.3 to about 3.4. Both components of the blends are excluded from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS.

Flammability information: The component HCFO–1233zd(E) is non-flammable. HFO–1234ze(E) is not flammable at standard temperature and pressure using the standard test method American Society for Testing and Materials (ASTM) E681. However, at higher temperatures, such as the temperatures typical for extruding XPS, HFO–1234ze(E) may also be flammable, particularly at higher humidity levels.[5]

Toxicity and exposure data: Potential health effects of these substitutes at lower concentrations include drowsiness and dizziness. Potential health effects also include skin or eye irritation or frostbite. The components of HFO–1234ze(E)/HCFO–1233zd(E) co-blowing blends can cause symptoms of asphyxiation when present at sufficiently high concentrations. Excessive inhalation of the substitute may also result in an irregular heartbeat, due to cardiac effects. These potential health effects are common to many foam blowing agents.

The American Industrial Hygiene Association (AIHA) has established a WEEL of 800 ppm as an 8-hr TWA for HFO–1234ze(E), and OARS's WEEL committee has established a WEEL of 800 ppm for HCFO–1233zd(E). EPA anticipates that users will be able to meet the AIHA and OARS WEELs and address potential health risks by following requirements and recommendations in the manufacturer's SDSs and other safety precautions common to the foam blowing industry.

Comparison to other substitutes in this end-use: These HFO–1234ze(E)/HCFO–1233zd(E) co-blowing blends have an ODP ranging from less than 0.0004 to less than 0.00004, comparable to all other acceptable substitutes in this end-use, such as blends of 10 to 99 percent by weight HFO–1336mzz(Z) and the remainder HFC–152a (hereafter in this action ''HFO–1336mzz(Z)/HFC–152a blends''), HFO–1234ze(E), methyl formate, and CO_2. These HFO–1234ze(E)/HCFO–1233zd(E) blends' GWPs from about 1.3 to 3.4 are lower than or comparable to those of other acceptable substitutes in the same end-use for which we are finding it acceptable, such as HFO–1336mzz(Z)/HFC–152a blends, HFO–1234ze(E), light saturated hydrocarbons C3–C6 [6] and methyl formate, with respective GWPs

[2] Unless otherwise stated, all GWPs in this document for individual chemicals are 100-year values from: IPCC, 2007: *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Solomon, S., Qin, D., Manning, M., Chen, Z., Marquis, M., Averyt, K.B., Tignor M., and Miller, H.L. (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. This document is accessible at *www.ipcc.ch/publications_and_data/ar4/wg1/en/contents.html.* For blends of chemicals, such as R-507A, this document weights the GWPs of each component of the blend by their mass percentage in the blend, based upon the 100-year GWPs in IPCC, 2007, if available in that document.

[3] WMO (World Meteorological Organization), *Scientific Assessment of Ozone Depletion: 2018,* Global Ozone Research and Monitoring Project—Report No. 58, 588 pp., Geneva, Switzerland, 2018. Available at: *https://ozone.unep.org/sites/default/files/2019-05/SAP-2018-Assessment-report.pdf.* (WMO, 2018)

[4] WMO, 2018.

[5] Bellair and Hood, 2019. Comprehensive evaluation of the flammability and ignitability of HFO–1234ze, R.J. Bellair and L. Hood, *Process Safety and Environmental Protection* 132 (2019) 273–284. Available online at *doi.org/10.1016/j.psep.2019.09.033.*

[6] That is, alkanes with three to six carbons such as butane, n-pentane, isopentane, and cyclopentane.

of approximately three to 110,[7] 124, one,[8] less than one,[9] and 11.[10]

Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Some acceptable substitutes in this end-use are flammable, like HFC–152a, light saturated hydrocarbons C3–C6, and methyl formate, while others are non-flammable. Toxicity risks can be minimized by use consistent with the AIHA's and OARS's WEELs, recommendations in the SDS, and other safety precautions common in the foam blowing industry.

EPA finds blends of 10 to 90 percent by weight HFO–1234ze(E) and the remainder HCFO–1233zd(E) acceptable in the XPS end-use because they do not pose greater overall environmental and human health risk than other available substitutes in the same end-use.

2. Blends of 10 to 90 Percent HFO–1234ze(E) by Weight and the Remainder HFC–152a

EPA's decision: EPA finds blends of 10 to 90 percent HFO–1234ze(E) by weight and the remainder HFC–152a acceptable as a substitute for use as a blowing agent in:

- *Polystyrene:* Extruded boardstock and billet

These blends range in composition from 10 percent HFO–1234ze(E) and 90 percent HFC–152a to 90 percent HFO–1234ze(E) and 10 percent HFC–152a. Accordingly, these blends are also referred to as blends of 10 to 90 percent by weight HFO–1234ze(E) and the remainder HFC–152a, or hereafter in this action as ''HFO–1234ze(E)/HFC–152a co-blowing blends''; they also go by the trade name of Solstice® XBA–2. HFO–1234ze(E) is also called 1,3,3,3-tetrafluoropropene (E), or *trans*-1,3,3,3-tetrafluoropropene (CAS Reg. No. 29118–24–9). HFC–152a is also called 1,1-difluoroethane (CAS Reg. No. 75–37–6).

You may find a copy of the applicant's submission, with CBI redacted, providing the required health and environmental information for this substitute in this end-use in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Supporting Materials for Notice 37 Listing Blends of 10 to 90 Percent HFO–1234ze(E) by Weight and the Remainder HFC–152a as a Foam Blowing Agent. SNAP Submission Received November 4, 2019.'' EPA has performed an assessment to examine the health and environmental risks of this substitute. This assessment is available in docket EPA–HQ–OAR–2003–0118 under the name ''Risk Screen on Substitutes in Extruded Polystyrene Boardstock and Billet Foam Substitute: Blends of 10 to 90 Percent HFO–1234ze(E) by Weight and the Remainder HFC–152a (Solstice® XBA–2).''

Environmental information: These HFO–1234ze(E)/HFC–152a co-blowing blends and their components have an ODP of zero. Their components, HFO–1234ze(E) and HFC–152a, have GWPs of less than one [11] and 124, respectively. If these values are weighted by mass percentage, then the blends range in GWP from about 13 to about 112. Both components of the blends are excluded from the definition of VOC under CAA regulations (see 40 CFR 51.100(s)) addressing the development of SIPs to attain and maintain the NAAQS.

Flammability information: The component HFC–152a is flammable while the component HFO–1234ze(E) is not flammable at standard temperature and pressure using the standard test method ASTM E681. However, at higher temperatures, such as the temperatures typical for extruding XPS, HFO–1234ze(E) may also be flammable, particularly at higher humidity levels.[12]

Toxicity and exposure data: Potential health effects of these substitutes at lower concentrations include drowsiness and dizziness. Potential health effects also include skin or eye irritation or frostbite. The components of HFO–1234ze(E)/HFC–152a blends can cause symptoms of asphyxiation when present at sufficiently high concentrations. Excessive inhalation of the substitute may also result in an irregular heartbeat, due to cardiac effects. These potential health effects are common to many foam blowing agents.

The AIHA has established WEELs of 1,000 ppm for HFC–152a, and of 800 ppm for HFO–1234ze(E), both as an 8-hr TWA. EPA anticipates that users will be able to meet the AIHA WEELs and address potential health risks by following requirements and recommendations in the manufacturer's SDSs and other safety precautions common to the foam blowing industry.

Comparison to other substitutes in this end-use: These HFO–1234ze(E)/HFC–152a co-blowing blends have an ODP of zero, comparable to all other acceptable substitutes in this end-use, such as HFO–1336mzz(Z)/HFC–152a blends, HFC–152a, HFO–1234ze(E), methyl formate, and CO_2. These HFO–1234ze(E)/HFC–152a co-blowing blends' GWPs from about 13 to 112 are lower than or comparable to those of other acceptable substitutes in the same end-use for which we are finding them acceptable, such as HFO–1336mzz(Z)/HFC–152a blends and HFC–152a with respective GWPs of approximately three to 110 [13] and 124. The GWPs of the HFO–1234ze(E)/HFC–152a co-blowing blends of about 13 to 112 are higher than those for acceptable alternatives such as HFO–1234ze(E), light saturated hydrocarbons C3–C6 and methyl formate, with respective GWPs of one,[14] less than one,[15] and 11.[16] Based on current information, EPA anticipates that HFO–1234ze(E), light saturated hydrocarbons C3–C6 and methyl formate are not currently being used as the sole blowing agent by any U.S. manufacturers in this end-use because the individual chemicals have drawbacks such as insufficient vapor pressure, insufficient solubility in the polystyrene matrix, or high permeability resulting in low thermal resistance (''R-value''); blends such as these HFO–1234ze(E)/HFC–152a co-blowing blends are expected to result in a feasible balance of blowing agent properties for adequate or better performance.

Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Some acceptable substitutes in this end-use are flammable, like HFC–152a, light saturated hydrocarbons C3–C6, and methyl formate, while others are non-flammable. Toxicity risks can be minimized by use consistent with the

[7] HFO–1336mzz(Z) and HFC–152a have GWPs of about two (WMO, 2018) and 124 (IPCC, 2007), respectively. If these values are weighted by mass percentage, then the blends range in GWP from about three to about 110.

[8] WMO (World Meteorological Organization), *Scientific Assessment of Ozone Depletion: 2018,* Global Ozone Research and Monitoring Project—Report No. 58, 588 pp., Geneva, Switzerland, 2018. Available at: *https://ozone.unep.org/sites/default/files/2019-05/SAP-2018-Assessment-report.pdf.*

[9] Ibid.

[10] Ibid.

[11] WMO (World Meteorological Organization), *Scientific Assessment of Ozone Depletion: 2018,* Global Ozone Research and Monitoring Project—Report No. 58, 588 pp., Geneva, Switzerland, 2018. Available at: *https://ozone.unep.org/sites/default/files/2019-05/SAP-2018-Assessment-report.pdf.*

[12] Bellair and Hood, 2019. Comprehensive evaluation of the flammability and ignitability of HFO–1234ze, R.J. Bellair and L. Hood, *Process Safety and Environmental Protection* 132 (2019) 273–284. Available online at *doi.org/10.1016/j.psep.2019.09.033.*

[13] HFO–1336mzz(Z) and HFC–152a have GWPs of about two (WMO, 2018) and 124 (IPCC, 2007), respectively. If these values are weighted by mass percentage, then the blends range in GWP from about three to about 110.

[14] WMO (World Meteorological Organization), *Scientific Assessment of Ozone Depletion: 2018,* Global Ozone Research and Monitoring Project—Report No. 58, 588 pp., Geneva, Switzerland, 2018. Available at: *https://ozone.unep.org/sites/default/files/2019-05/SAP-2018-Assessment-report.pdf.*

[15] Ibid.

[16] Ibid.

AIHA's WEELs, recommendations in the SDS, and other safety precautions common in the foam blowing industry.

EPA finds blends of 10 to 90 percent by weight HFO–1234ze(E) and the remainder HFC–152a acceptable in the XPS end-use because they do not pose greater overall environmental and human health risk than other available substitutes in the same end-use.

3. Blends of Zero to 100 Percent HFO–1234ze(E), Zero to 70 Percent Methyl Formate, Zero to 60 Percent HFC–152a, Zero to 60 Percent CO_2 and Zero to 60 Percent Water

EPA's decision: EPA finds blends of zero to 100 percent HFO–1234ze(E), zero to 70 percent methyl formate, zero to 60 percent HFC–152a, zero to 60 percent CO_2 and zero to 60 percent water acceptable as a substitute for use as a blowing agent in:

- *Polystyrene:* Extruded boardstock and billet

These blends are hereafter referred to as ''HFO–1234ze(E)/methyl formate/HFC–152a/CO_2/water co-blowing blends.'' The components of the blends are co-blown and component percentages are by weight.

HFO–1234ze(E) is also known as HFC–1234ze, HFO–1234ze or *trans*-1,3,3,3-tetrafluoroprop-1-ene (CAS Reg. No. 29118–24–9). Methyl formate is also known as methyl methanoate or formic acid, methyl ester (CAS Reg. No. 107–31–3). HFC–152a, also known as 1,1-difluoroethane, has CAS Reg. No. 75–37–6. CO_2 has CAS Reg. No. 124–38–9, and water has CAS Reg. No. 7732–18–5.

You may find a copy of the applicant's submission, with CBI redacted, providing the required health and environmental information for this substitute in this end-use in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Supporting Materials for Notice 37 Listing Blends of 0–100% HFO–1234ze(E), 0–70% Methyl Formate, 0–60% HFC–152a, 0–60% CO_2 and 0–60% Water as a Foam Blowing Agent. SNAP Submission Received January 26, 2021.'' EPA has performed an assessment to examine the health and environmental risks of this substitute. This assessment is available in docket EPA–HQ–OAR–2003–0118 under the name ''Risk Screen on Substitutes in Extruded Polystyrene Boardstock and Billet Foam Substitute: HFO–1234ze(E)/Methyl Formate/HFC–152a/CO_2/Water Co-blowing Blends for Extruded Polystyrene Foam Insulation (HFO–1234ze(E)/Methyl Formate/HFC–152a/CO_2/Water Co-blowing Blends).''

Environmental information: The blends have an ODP of zero. Their components, HFO–1234ze(E), methyl formate, HFC–152a, CO_2, and water have GWPs of one,[17] 11,[18] 124,[19] one,[20] and less than one,[21] respectively. If these values are weighted by mass percentage, then the blends could have a GWP ranging from one to 80. HFO–1234ze(E), methyl formate, HFC–152a, CO_2, and water—components of the blends—are excluded from EPA's regulatory definition of VOC under CAA regulations that address the development of SIPs to attain and maintain the NAAQS. *See* 40 CFR 51.100(s).

Flammability information: The components HFC–152a and methyl formate are flammable while the other components of the blends are non-flammable at standard temperature and pressure using the standard test method ASTM E681. However, at higher temperatures, such as the temperatures typical for extruding XPS, HFO–1234ze(E) may also be flammable, particularly at higher humidity levels.[22]

Toxicity and exposure data: Potential health effects of these substitutes at lower concentrations include headache, nausea, drowsiness, and dizziness. The substitutes may also irritate the skin or eyes or cause frostbite. Excessive inhalation of the substitutes may also result in an irregular heartbeat, due to cardiac effects. At sufficiently high concentrations, they may cause central nervous system depression and affect respiration. The substitutes could cause asphyxiation if air is displaced by vapors in a confined space. These health effects are common to many foam blowing agents.

The AIHA has established WEELs of 1,000 ppm as an eight-hour time-weighted average for HFC–152a and 800 ppm for HFO–1234ze(E). Methyl formate has an Occupational Safety and Health Administration (OSHA) permissible exposure limits (PEL) of 100 ppm on an 8-hr TWA. CO_2 has an OSHA PEL of 5,000 ppm on an 8-hr TWA, and a 15-minute recommended short-term exposure limit (STEL) of 30,000 ppm established by the National Institute for Occupational Safety and Health (NIOSH). EPA anticipates that users will be able to meet the AIHA WEELs, OSHA PELs, and NIOSH STEL and address potential health risks by following requirements and recommendations in the manufacturer's SDSs and other safety precautions common to the foam blowing industry.

Comparison to other substitutes in this end-use: HFO–1234ze(E)/methyl formate/HFC–152a/CO_2/water co-blowing blends have ODPs of zero, comparable to all other acceptable substitutes in this end-use, such as HFO–1336mzz(Z)/HFC–152a blends, HFC–152a, HFO–1234ze(E), methyl formate, and CO_2.

The GWPs of the HFO–1234ze(E)/methyl formate/HFC–152a/CO_2/water co-blowing blends, ranging from approximately one to 80, are lower than HFC–152a's GWP of 124 and are comparable to or lower than those for HFO–1336mzz(Z)/HFC–152a blends (three to 110[23]). The worst-case GWPs of the HFO–1234ze(E)/methyl formate/HFC–152a/CO_2/water co-blowing blends are higher than those for acceptable alternatives such as HFO–1234ze(E), light saturated hydrocarbons C3–C6 and methyl formate, with respective GWPs of less than one,[24] less than one,[25] and 11,[26] while the GWP at the low end of the range of approximately one is comparable to those acceptable alternatives. Based on current information, EPA anticipates that HFO–1234ze(E), light saturated hydrocarbons C3–C6 and methyl formate are not currently being used as the sole blowing agent by any U.S. manufacturers in this end-use because the individual chemicals have drawbacks such as insufficient vapor pressure, insufficient solubility in the polystyrene matrix, or high permeability resulting in low thermal resistance (''R-value''); blends such as these HFO–1234ze(E)/methyl formate/HFC–152a/CO_2/water co-blowing blends are expected to result in a feasible balance of blowing agent

[17] WMO (World Meteorological Organization), *Scientific Assessment of Ozone Depletion: 2018,* Global Ozone Research and Monitoring Project—Report No. 58, 588 pp., Geneva, Switzerland, 2018. Available at: *https://ozone.unep.org/sites/default/files/2019-05/SAP-2018-Assessment-report.pdf.* In this action, the 100-year GWP values are used.

[18] WMO, 2018.

[19] IPCC, 2007.

[20] IPCC, 2007.

[21] Sherwood et al. 2018. This paper estimated that water vapor emitted near Earth's surface due to anthropogenic sources (*e.g.,* irrigation) would have a GWP of -10^{-3} to $5 \times 10-4$. ''The global warming potential of near-surface emitted water vapour,'' Steven C. Sherwood, Vishal Dixit and Chryséis Salomez. *Environ. Res. Lett.* 13 (2018) 104006.

[22] Bellair and Hood, 2019. Comprehensive evaluation of the flammability and ignitability of HFO–1234ze, R.J. Bellair and L. Hood, *Process Safety and Environmental Protection* 132 (2019) 273–284. Available online at *doi.org/10.1016/j.psep.2019.09.033.*

[23] HFO–1336mzz(Z) and HFC–152a have GWPs of about two (WMO, 2018) and 124 (IPCC, 2007), respectively. If these values are weighted by mass percentage, then the blends range in GWP from about three to about 110.

[24] WMO, 2018.

[25] WMO, 2018.

[26] WMO, 2018.

properties for adequate or better performance.

Flammability and toxicity risks of the HFO–1234ze(E)/methyl formate/HFC–152a/CO_2/water co-blowing blends are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Some acceptable substitutes in this end-use are flammable, like HFC–152a, light saturated hydrocarbons C3–C6, and methyl formate, while others are non-flammable. Toxicity risks can be minimized by use consistent with the AIHA WEELs, OSHA PELs, NIOSH STEL, recommendations in the manufacturer's SDSs, and other safety precautions common in the foam-blowing industry.

EPA finds HFO–1234ze(E)/methyl formate/HFC–152a/CO_2/water co-blowing blends acceptable in the XPS end-use because they do not pose greater overall environmental and human health risk than other available substitutes in the same end-use.

C. Aerosols

1. HCFO–1233yd(Z)

EPA's decision: EPA finds HCFO–1233yd(Z) acceptable as a substitute for use in:

- Aerosol solvents

HCFO–1233yd(Z) is also known as *(Z)*-1-Chloro-2,3,3-trifluoropropene (CAS Reg. No. 1263679–68–0).

You may find a copy of the applicant's submission, with CBI redacted, providing the required health and environmental information for this substitute in this end-use in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Supporting Materials for Notice 37 Listing of HCFO–1233yd(Z) in Cleaning Solvents, Aerosol Solvents, and Coatings. SNAP Submission Received March 12, 2019.'' EPA performed an assessment to examine the health and environmental risks of this substitute. This assessment is available in Docket EPA–HQ–OAR–2003–0118:

- ''Risk Screen on Substitutes in Aerosol Solvents. Substitute: HCFO–1233yd(Z).''

Environmental information: HCFO–1233yd(Z) has an ODP of 0.00003 and a GWP of less than 1.[27] Under CAA regulations (see 40 CFR 51.100(s)) defining VOC for the purpose of addressing the development of SIPs to attain and maintain the NAAQS, HCFO–1233yd(Z) would be considered a VOC. That definition provides that ''any compound of carbon'' which ''participates in atmospheric photochemical reactions'' is considered a VOC unless expressly excluded in that provision based on a determination of ''negligible photochemical reactivity.'' The manufacturer has petitioned EPA to exclude HCFO–1233yd(Z) from the definition of VOC under those regulations. EPA has not yet taken action on that petition. This substitute is subject to a Toxic Substance Control Act (TSCA) section 5(a)(2) Significant New Use Rule (SNUR).

Flammability information: HCFO–1233yd(Z) is not flammable.

Toxicity and exposure data: Potential health effects of exposure to this substitute include drowsiness or dizziness. The substitute may also irritate the skin or eyes. The substitute could cause asphyxiation if air is displaced by vapors in a confined space. These potential health effects are common to many aerosol solvents.

The manufacturer recommends an acceptable exposure limit (AEL) for the workplace of 250 ppm on an 8-hr TWA for HCFO–1233yd(Z). EPA anticipates that users will be able to meet the manufacturer's AEL and address potential health risks by following requirements and recommendations in the manufacturer's SDS, and other safety precautions common to the aerosol industry.

Comparison to other substitutes in this end-use: HCFO–1233yd(Z) has an ODP of less than 0.00003, comparable to or less than other listed substitutes in this end-use with ODPs ranging from zero to 0.033.

HCFO–1233yd(Z)'s GWP of less than one is lower than that of other acceptable substitutes such as HFE–7200, HFE–347mcc3, HFC–365mfc and HFC–4310mee with GWPs ranging from 59 to 1,640. HCFO–1233yd(Z)'s GWP is lower than or comparable to the GWPs of other acceptable substitutes for aerosol solvents, including acetone, methoxytridecafluoroheptene isomers (MPHE), and *trans*-1-chloro-3,3,3-trifluoroprop-1-ene with GWPs ranging from less than one to seven.

Some acceptable substitutes in this end-use are VOC, like HCFO–1233yd(Z), while others are excluded from the definition of VOC.

Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Toxicity risks can be minimized by use consistent with the manufacturer's AEL, industry standards, recommendations in the manufacturer's SDS, and other safety precautions common in the aerosol industry.

EPA finds HCFO–1233yd(Z) acceptable in the aerosol solvent end-use because it does not pose greater overall environmental and human health risk than other available substitutes in the same end-use.

D. Cleaning Solvents

1. HCFO–1233yd(Z)

EPA's decision: EPA finds HCFO–1233yd(Z) acceptable as a substitute for use in:

- Electronics cleaning
- Metals cleaning
- Precision cleaning

HCFO–1233yd(Z) is also known as *(Z)*-1-chloro-2,3,3-trifluoropropene (CAS Reg. No. 1263679–68–0).

You may find a copy of the applicant's submission, with CBI redacted, providing the required health and environmental information for this substitute in this end-use in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Supporting Materials for Notice 37 Listing of HCFO–1233yd(Z) in Cleaning Solvents, Aerosol Solvents, and Coatings. SNAP Submission Received March 12, 2019.'' EPA performed an assessment to examine the health and environmental risks of this substitute. This assessment is available in Docket EPA–HQ–OAR–2003–0118:

- ''Risk Screen on Substitutes in Electronics Cleaning, Metals Cleaning, and Precision Cleaning. Substitute: HCFO–1233yd(Z).''

Environmental information: The environmental information for this substitute is set forth in the ''Environmental information'' section in listing in I.C.1. above.

Flammability information: HCFO–1233yd(Z) is not flammable.

Toxicity and exposure data: The toxicity information for this substitute is set forth in the ''Toxicity and exposure data'' section in listing I.C.1. above.

Comparison to other substitutes in these end-uses: HCFO–1233yd(Z) has an ODP of less than 0.00003, comparable to or less than other listed substitutes in the metals cleaning, electronics cleaning, and precision cleaning end-uses with ODPs ranging from zero to 0.033.

HCFO–1233yd(Z)'s GWP of less than 1 is lower than that of other acceptable substitutes such as HFE–7200, HFE–7100, HFC–365mfc and HFC–4310mee with GWPs ranging from 59 to 1,640. HCFO–1233yd(Z)'s GWP is lower than or comparable to the GWPs of other acceptable substitutes for cleaning solvents, including acetone, MPHE, and

[27] Kazuaki Tokuhashi, Tadafumi Uchimaru, Kenji Takizawa, and Shigeo Kondo, 2018. Rate Constants for the Reactions of OH Radical with the (E)/(Z) Isomers of $CF_3CF{=}CHCl$ and $CHF_2CF{=}CHCl$ (*J.Phys. Chem. A* 2018, 122, 3120–3127) (Tokuhashi et al., 2018).

trans-1-chloro-3,3,3-trifluoroprop-1-ene with GWPs ranging from less than one to seven.

Some acceptable substitutes in these end-uses are VOC, like HCFO–1233yd(Z), while others are excluded from the definition of VOC.

Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Toxicity risks can be minimized by use consistent with the manufacturer's AEL, recommendations in the manufacturer's SDS, and other safety precautions common in the cleaning solvents industry.

EPA finds HCFO–1233yd(Z) acceptable in the end-uses listed above because it does not pose greater overall environmental and human health risk than other available substitutes in the same end-uses.

E. Adhesives, Coatings, and Inks

1. HCFO–1233yd(Z)

EPA's decision: EPA finds HCFO–1233yd(Z) acceptable as a substitute for use as a carrier solvent in:

- Coatings

HCFO–1233yd(Z) is also known as *(Z)*-1-chloro-2,3,3-trifluoropropene (CAS Reg. No. 1263679–68–0).

You may find a copy of the applicant's submission, with CBI redacted, providing the required health and environmental information for this substitute in this end-use in Docket EPA–HQ–OAR–2003–0118 at *www.regulations.gov* under the name, ''Supporting Materials for Notice 37 Listing of HCFO–1233yd(Z) in Cleaning Solvents, Aerosol Solvents, and Coatings. SNAP Submission Received March 12, 2019.'' EPA performed an assessment to examine the health and environmental risks of this substitute. This assessment is available in Docket EPA–HQ–OAR–2003–0118:

- ''Risk Screen on Substitutes in Coatings. Substitute: HCFO–1233yd(Z).''

Environmental information: The environmental information for this substitute is set forth in the ''Environmental information'' section in listing I.C.1., above.

Flammability information: HCFO–1233yd(Z) is not flammable.

Toxicity and exposure data: The toxicity information for this substitute is set forth in the ''Toxicity and exposure data'' section in listing I.C.1., above.

Comparison to other substitutes in these end-uses: HCFO–1233yd(Z) has an ODP of less than 0.00003, comparable to or less than other listed substitutes in this end-use with ODPs ranging from zero to 0.00034.

For coatings, HCFO–1233yd(Z)'s GWP of less than one is lower than that of other acceptable substitutes such as HFE–7200 and HFE–7100 with GWPs ranging from 59 to 297. HCFO–1233yd(Z)'s GWP is lower than or comparable to the GWPs of other acceptable substitutes for coatings, including acetone, MPHE, and *trans*-1-chloro-3,3,3-trifluoroprop-1-ene with GWPs ranging from less than one to seven. Some acceptable substitutes in this end-use are VOC, like HCFO–1233yd(Z), while others are excluded from the definition of VOC.

Flammability and toxicity risks are comparable to or lower than flammability and toxicity risks of other available substitutes in the same end-use. Toxicity risks can be minimized by use consistent with the manufacturer's AEL, recommendations in the manufacturer's SDS, and other safety precautions common in the coatings industry.

EPA finds HCFO–1233yd(Z) acceptable in the coatings end-use because it does not pose greater overall environmental and human health risk than other available substitutes in the same end-use.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Hans Christopher Grundler,

Director, Office of Atmospheric Programs.

Appendix A: Summary of Decisions for New Acceptable Substitutes

REFRIGERATION AND AIR CONDITIONING

End-use	Substitute	Decision	Further information [1]
Cold Storage Warehouses (*new equipment only*).	HCFO–1233zd(E)	Acceptable	HCFO–1233zd(E) is also known as *trans*-1-chloro-3,3,3-trifluoroprop-1-ene (Chemical Abstracts Service Registry Number [CAS Reg. No.] 102687–65–0). HCFO–1233zd(E) has an ozone depletion potential (ODP) of less than 0.0004 and a 100-year integrated global warming potential (GWP) of about 3.7. HCFO–1233zd(E) is nonflammable. The Workplace Environmental Exposure Limits (WEEL) committee of the Occupational Alliance for Risk Science (OARS) has established a WEEL of 800 ppm as an eight-hour time-weighted average (8-hr TWA) for HCFO–1233zd(E).
Ice Skating Rinks (*new equipment only*).	HCFO–1233zd(E)	Acceptable	HCFO–1233zd(E) is also known as *trans*-1-chloro-3,3,3-trifluoroprop-1-ene (CAS Reg. No. 102687–65–0). HCFO–1233zd(E) has an ODP of less than 0.0004 and a GWP of about 3.7. HCFO–1233zd(E) is nonflammable. OARS has established a WEEL of 800 ppm on an 8-hr TWA for HCFO–1233zd(E).
Industrial Process Air Conditioning (*new equipment only*).	HCFO–1233zd(E)	Acceptable	HCFO–1233zd(E) is also known as *trans*-1-chloro-3,3,3-trifluoroprop-1-ene (CAS Reg. No. 102687–65–0). HCFO–1233zd(E) has an ODP of less than 0.0004 and a GWP of about 3.7. HCFO–1233zd(E) is nonflammable. OARS has established a WEEL of 800 ppm on an 8-hr TWA for HCFO–1233zd(E).

[1] See recommendations in the manufacturer's SDS and guidance for all listed refrigerants.

FOAM BLOWING AGENTS

End-use	Substitute	Decision	Further information [1]
Extruded Polystyrene: Boardstock and Billet.	Blends of 10 to 90 percent HFO–1234ze(E) by weight and the remainder HCFO–1233zd(E).	Acceptable	This substitute is blends of 10 to 90 percent HFO–1234ze(E) by weight and the remainder HCFO–1233zd(E). HFO–1234ze(E) is also called 1,3,3,3-tetrafluoropropene(E), or *trans*-1,3,3,3-tetrafluoropropene (Chemical Abstracts Service Registry Number [CAS Reg. No.] 29118–24–9). HCFO–1233zd(E) is also called *trans*-1-chloro-3,3,3-trifluoro-prop-1-ene (CAS Reg. No. 102687–65–0).

FOAM BLOWING AGENTS—Continued

End-use	Substitute	Decision	Further information [1]
			HFO–1234ze(E) has a 100-year integrated global warming potential (GWP) of less than one. HCFO–1233zd(E) has an ozone depletion potential (ODP) of less than 0.0004 and a GWP of 3.7. The blends have an ODP ranging from less than 0.0004 to less than 0.00004 and range in GWP from about 1.3 to about 3.4. HFO–1234ze(E) is not flammable at standard temperature and pressure, however, however, at higher temperatures, such as the temperatures typical for extruding extruded polystyrene: boardstock and billet (XPS), HFO–1234ze(E) may be flammable, particularly at higher humidity levels. HCFO–1233zd(E) is non-flammable. The American Industrial Hygiene Association (AIHA) has established a Workplace Environmental Exposure Limit (WEEL) of 800 ppm as an eight-hour time-weighted average (8-hr TWA) for HFO–1234ze(E), and the Occupational Alliance for Risk Sciences (OARS) has established a WEEL of 800 ppm as an 8-hr TWA for HCFO–1233zd(E).
Extruded Polystyrene: Boardstock and Billet.	Blends of 10 to 90 percent HFO–1234ze(E) by weight and the remainder HFC–152a.	Acceptable	This substitute is blends of 10 to 90 Percent HFO–1234ze(E) by weight and the remainder HFC–152a. HFO–1234ze(E) is also called 1,3,3,3-tetrafluoropropene (E), or *trans*-1,3,3,3-tetrafluoropropene (CAS Reg. No. 29118–24–9). HFC–152a is also called 1,1-difluoroethane (CAS Reg. No. 75–37–6). The blend and its components have an ODP of zero. HFO–1234ze(E) has a GWP of less than one and HFC–152a has a GWP of 124. The blends range in GWP from about 13 to about 112. HFO–1234ze(E) is not flammable at standard temperature and pressure, however, at higher temperatures, such as the temperatures typical for extruding XPS, HFO–1234ze(E) may be flammable, particularly at higher humidity levels. HFC–152a is flammable at standard temperature and pressure. The AIHA has established a WEEL of 1,000 ppm for HFC–152a and a WEEL of 800 ppm for HFO–1234ze(E), both as an 8-hr TWA.
Extruded Polystyrene: Boardstock and Billet.	Blends of 0–100% HFO–1234ze(E), 0–70% Methyl Formate, 0–60% HFC–152a, 0–60% CO_2 and 0–60% Water.	Acceptable	This substitute is blends of 0–100% HFO–1234ze(E), 0–70% methyl formate, 0–60% HFC–152a, 0–60% CO_2 and 0–60% water. HFO–1234ze(E) is also called 1,3,3,3-tetrafluoropropene (E), or *trans*-1,3,3,3-tetrafluoropropene (CAS Reg. No. 29118–24–9). Methyl formate is also called methyl methanoate or formic acid, methyl ester (CAS Reg. No. 107–31–3). HFC–152a is also called 1,1-difluoroethane, has CAS Reg. No. 75–37–6. CO_2 has CAS Reg. No. 124–38–9, and water has CAS Reg. No. 7732–18–5. HFO–1234ze(E) and water have GWPs of less than one, CO_2 has a GWP of one, methyl formate has a GWP of 11, and HFC–152a has a GWP of 124. The blends range in GWP from approximately one to 80. HFO–1234ze(E) is not flammable at standard temperature and pressure; however, at higher temperatures, such as the temperatures typical for extruding XPS, HFO–1234ze(E) may be flammable, particularly at higher humidity levels. HFC–152a and methyl formate are flammable at standard temperature and pressure. The AIHA has established a WEEL of 1,000 ppm for HFC–152a and a WEEL of 800 ppm for HFO–1234ze(E), both as an 8-hr TWA.

[1] See recommendations in the manufacturer's SDS and guidance for all listed foam blowing agents.

CLEANING SOLVENTS

End-use	Substitute	Decision	Further information [1]
Electronics cleaning, metals cleaning, precision cleaning.	HCFO–1233yd(Z)	Acceptable	HCFO–1233yd(Z) is also known as (Z)-1-chloro-2,3,3-trifluoropropene (CAS Reg. No. 1263679–68–0). HCFO–1233yd(Z) has an ozone depletion potential (ODP) of 0.00003 and a global warming potential (GWP) of less than 1. This compound is nonflammable. The manufacturer recommends an acceptable exposure limit (AEL) for the workplace for HCFO–1233yd(Z) of 250 ppm on an eight-hour time-weighted average (8-hr TWA). This substitute is subject to a Toxic Substances Control Act (TSCA) section 5(a)(2) Significant New Use Rule (SNUR).

[1] See recommendations in the manufacturer's SDS and guidance for all listed cleaning solvents.

AEROSOLS

End-use	Substitute	Decision	Further information [1]
Aerosol solvents	HCFO–1233yd(Z)	Acceptable	HCFO–1233yd(Z) is also known as (Z)-1-chloro-2,3,3-trifluoropropene (CAS Reg. No. 1263679–68–0). HCFO–1233yd(Z) has an ozone depleting potential (ODP) of 0.00003 and a global warming potential (GWP) of less than 1. This compound is nonflammable. The manufacturer recommends an acceptable exposure limit (AEL) for the workplace for HCFO–1233yd(Z) of 250 ppm on an eight-hour time-weighted average (8-hr TWA). This substitute is subject to a Toxic Substances Control Act (TSCA) section 5(a)(2) Significant New Use Rule (SNUR).

[1] See recommendations in the manufacturer's SDS and guidance for all listed aerosols.

ADHESIVES, COATINGS, AND INKS

End-use	Substitute	Decision	Further information [1]
Coatings	HCFO–1233yd(Z)	Acceptable	HCFO–1233yd(Z) is also known as (Z)-1-chloro-2,3,3-trifluoropropene (CAS Reg. No. 1263679–68–0). HCFO–1233yd(Z) has an ozone depleting potential (ODP) of 0.00003 and a global warming potential (GWP) of less than 1. This compound is nonflammable. The manufacturer recommends an acceptable exposure limit (AEL) for the workplace for HCFO–1233yd(Z) of 250 ppm on an eight-hour time-weighted average (8-hr TWA). This substitute is subject to a Toxic Substance Control Act (TSCA) section 5(a)(2) Significant New Use Rule (SNUR).

[1] See recommendations in the manufacturer's SDS and guidance for all listed carrier solvents for adhesives, coatings, and inks.

[FR Doc. 2022–00998 Filed 1–19–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 21–126; RM–11893; DA 22–25; FR ID 67334]

Television Broadcasting Services Monroe, Louisiana

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On September 22, 2021, the Media Bureau, Video Division (Bureau) issued a *Notice of Proposed Rulemaking* (*NPRM*) in response to a petition for rulemaking filed by Gray Television Licensee, LLC (Petitioner), the licensee of KNOE–TV, channel 8, Monroe, Louisiana, requesting the substitution of channel 24 for channel 8 at Monroe in the Table of Allotments. For the reasons set forth in the *Report and Order* referenced below, the Bureau amends FCC regulations to substitute channel 24 for channel 8 at Monroe.

DATES: Effective January 20, 2022.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, Media Bureau, at (202) 418–1647 or *Joyce.Bernstein@fcc.gov.*

SUPPLEMENTARY INFORMATION: The proposed rule was published at 86 FR 54417 on October 1, 2021. The Petitioner filed comments in support of the petition reaffirming its commitment to apply for channel 24. The Petitioner states that the Commission has recognized the deleterious effects of manmade noise from nearby electrical devices including on the reception of digital VHF signals and that the propagation characteristics of VHF channels allow undesired signals and noise to be receivable at relatively farther distances compared to UHF channels. In addition, no existing viewers will lose service and an additional 12,868 persons would gain service if the channel substitution is granted.

This is a synopsis of the Commission's *Report and Order,* MB Docket No. 21–126; RM–11893; DA 22–25, adopted January 11, 2022, and released January 11, 2022. The full text of this document is available for download at *https://www.fcc.gov/edocs.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

Final Rule

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

■ 2. In § 73.622(j), amend the Table of Allotments, under Louisiana, by revising the entry for Monroe to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(j) * * *

Community	Channel No.
* * * * *	
LOUISIANA	
* * * * *	
Monroe	*13, 24
* * * * *	

[FR Doc. 2022–01001 Filed 1–19–22; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 220113–0014]

RIN 0648- BK72

Pacific Island Fisheries; Annual Catch Limit and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish for Fishing Years 2021–2024

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

ACTION: Final rule.

SUMMARY: In this final rule, NMFS implements an annual catch limit (ACL) of 492,000 lb (223,167 kg) for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for each of the three fishing years 2021–22, 2022–23, and 2023–24. As an in-season accountability measure (AM), if NMFS projects that the

fishery will reach the ACL in any given fishing year, we would close the commercial and non-commercial fisheries in Federal waters for the remainder of the fishing year. As a post-season AM, if NMFS determines that the catch exceeded the ACL in a fishing year, we would reduce the ACL for the following fishing year by the amount of the overage. This rule supports the long-term sustainability of Deep 7 bottomfish.

DATES: The final rule is effective February 22, 2022.

ADDRESSES: Copies of the Fishery Ecosystem Plan for the Hawaii Archipelago (FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel. 808–522–8220, fax 808–522–8226, or *www.wpcouncil.org.*

Copies of the environmental analyses and other supporting documents for this action are available from *https://www.regulations.gov/docket/NOAA-NMFS-2021-0077,* or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Regional Office (PIRO), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

FOR FURTHER INFORMATION CONTACT: Brett Schumacher, NMFS PIRO Sustainable Fisheries, 808–725–5185.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage the Deep 7 bottomfish fishery in Federal waters around Hawaii under the FEP, as authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Deep 7 bottomfish are lehi (*Aphareus rutilans*), ehu (*Etelis carbunculus*), onaga (*E. coruscans*), opakapaka (*Pristipomoides filamentosus*), kalekale (*P. sieboldii*), gindai (*P. zonatus*), and hapuupuu (*Hyporthodus quernus*). The FEP contains a process for the Council and NMFS to specify ACLs and AMs; that process is codified at 50 CFR 665.4 and requires NMFS to specify an ACL for MHI Deep 7 bottomfish each fishing year, based on a recommendation from the Council.

The Council recommended that NMFS implement the ACL of 492,000 lb (223,167 kg) and AMs for MHI Deep 7 bottomfish in fishing years 2021–22, 2022–23, and 2023–24. Each fishing year begins on September 1 and ends on August 31 of the following year. As an in-season AM, if NMFS projects that the fishery will reach the ACL, we would close commercial and non-commercial fishing for MHI Deep 7 bottomfish in Federal waters for the remainder of the fishing year. As a post-season AM, in the event that NMFS determines that the final MHI Deep 7 bottomfish catch exceeds the ACL in any given year, NMFS would reduce the ACL for the subsequent fishing year by the amount of the overage with a subsequent rulemaking. The Council recommended the ACL and AMs based on an updated 2021 bottomfish stock assessment, and in consideration of the risk of overfishing, past fishery performance, and the acceptable biological catch recommendation from its Scientific and Statistical Committee, with opportunity for input from the public.

You may find additional background information on this action in the preamble to the proposed rule published on November 1, 2021 (86 FR 60194).

Comments and Response

On November 1, 2021, NMFS published a proposed rule, Supplemental Environmental Assessment (SEA), and Regulatory Impact Review for public comment (86 FR 60194). The comment period ended November 16, 2021. NMFS received comments from 26 sources, primarily from students from a policy class, and the interested public. NMFS did not receive any comments from fishermen, fishery management agencies, or non-governmental organizations. We summarized the comments that relate directly to this action, and respond below.

Comment 1: This regulation is necessary and important for preventing overfishing in Hawaii and for protecting fish populations. With effective quotas and AMs, we will be able to protect our fish and continue to harvest them sustainably.

Response: NMFS agrees and will continue to regulate Federal fisheries to ensure they are sustainable, consistent with the Magnuson-Stevens Act, the FEP and implementing regulations.

Comment 2: NMFS should provide additional clarity on the purpose of this action because it mentions that it probably will not affect fishing behavior, and only extends for a few years into the future.

Response: The Magnuson-Stevens Act requires NMFS to implement ACLs for all federally managed fisheries with certain exceptions not applicable here. This rule implements ACLs for three years because that timeframe is consistent with available scientific information and management goals of the Council. It provides a science-based upper limit for what can be caught sustainably, does not unnecessarily burden a healthy and productive fishery with regulatory constraints, and is consistent with regulatory requirements to set an ACL for federally-managed fisheries.

Comment 3: The assumption that catch will be identical over three years may be flawed, so NMFS should reassess the quota each year based on new stock assessments and adjust the quota if the new assessment indicates the need.

Response: The assumption that catch does not change annually is used as a basis for determining the acceptable risk of overfishing within the timeframe of catch projections from the most recent stock assessment. This provides an upper limit of the expected annual catch, and the in-season AM ensures that overfishing will not occur. It is unnecessary to conduct a new stock assessment and change the ACL each year because the post-season AM allows NMFS to decrease the ACL for the following fishing year to prevent effects on the stock, if needed.

Comment 4: The bottomfish catch fell from an average of 274,000 lb (124,284 kg) in 2014–15, 2015–16, and 2016–17 to 161,437 lb (73,227 kg) in 2019–20, so the population must be decreasing.

Response: Total catch does not correlate to the size of the population. Total catch is driven by several factors (such as market demand, which dropped sharply in 2020 during the coronavirus pandemic). The key metric used in stock assessments to evaluate relative population size is ''catch per unit effort,'' which has been stable or increasing in recent years; this underscores that the stock is healthy and the fishery is sustainable.

Comment 5: Population sampling methodologies are flawed because the effect they are having on the overall environment goes unacknowledged, so the stock assessment is not accurate.

Response: This action is based on a 2021 updated stock assessment that included both fishery dependent data from commercial reports, and fishery independent data from scientific surveys. The assessment was reviewed by an independent panel of experts in fishery stock assessments and by the Council's Scientific and Statistical Committee. These reviews and our own internal review determined that the stock assessment provides the best available scientific information for management, and demonstrates the stock is not overfished or experiencing overfishing. The 2019 Environmental Assessment (EA) and 2021 SEA provide comprehensive analyses of the action's potential environmental effects, which NMFS determined would not be significant.

Comment 6: Fishermen may not report their catch accurately if the

fishery approaches the catch limit, so there should be measures in place to make sure that data are reported accurately and ensure that catch does not pass the quota.

Response: While an impending catch limit could present a disincentive to report accurately, we work with our management partners at the Council and the State of Hawaii to educate fisherman about the importance of timely and accurate reporting. In past years when catch limits were lower, the fishery did reach the catch limits and NMFS closed the fishery using the same reporting and monitoring mechanisms, which indicates that underreporting is not a significant problem. The State of Hawaii also collects catch data from commercial fishermen and from vendors who buy and sell the fish. These programs allow for cross-verification of catch reports, if necessary, to ensure that management is based on consistent, timely, and accurate information.

Comment 7: NMFS should conduct an independent review to account for underreporting and adjust the ACL accordingly.

Response: We addressed this issue in a 2011 evaluation of unreported catch in the fishery. The information was included in the 2021 stock assessment to account for the effects of total fishery removals on the stock complex, and catch projections for the ACL are scaled based on reported catch.

Comment 8: NMFS should consider creating different ACLs for small or local fisheries versus commercial fisheries to promote equity.

Response: Catches in the fishery have been considerably less than the ACL, so the regulations do not create access, equity, or allocation issues. ACLs for multiple sectors are not necessary because this fishery does not have distinct small, local, or large, non-local commercial sectors. All participants are small boat fishermen and are considered small operations from an economic standpoint.

Comment 9: Accounting for cultural, nutritional, and economic importance of Deep 7 bottomfish to indigenous Hawaiians is important because they are a marginalized population within Hawaii.

Response: NMFS and the Council address these concerns during the development of the ACL recommendation and the analysis in the EA and SEA. Social and cultural impacts are discussed and evaluated during the ''Social, Economic, Ecological, and Management'' analysis used to develop the ACL. Effects on fishing-dependent communities are further analyzed in the EA and SEA, and NMFS also considers effects on Native Hawaiian and other underserved communities pursuant to Executive Order 12898 on Environmental Justice. These analyses show that this management action will not limit fishing opportunities for Native Hawaiians, minorities, or low-income populations, or otherwise have adverse effects.

Comment 10: NMFS should provide exceptions to the ACL for the native groups that have sustainably caught and used these fish for generations.

Response: Because the ACL is not restricting access to the fishery by any user group, the Council has not identified a need to allocate a portion of the ACL to any sector, including indigenous fishery participants.

Comment 11: NMFS should provide data that show what proportion these fish contribute to an individual's total annual income.

Response: NMFS included additional available information in the final SEA. There is a relatively small proportion of ''highliners,'' about 10 percent of the commercial fisherman who catch over 1,000 lb (454 kg) of bottomfish per year. Within this group, participants earn approximately 30 percent of their personal income from bottomfish fishing, on average. Most other commercial fishermen report that they earn ''very little'' personal income from bottomfish.

Comment 12: The action seems overly focused on economic prosperity rather than the long-term sustainability of the ecosystem.

Response: The foundation of the ACL designation process is stock sustainability. NMFS first conducts a stock assessment to evaluate if the stock is being fished sustainably, and the overfishing risk across a range of catch levels. We then evaluate several sustainable catch levels for ecosystem effects (*e.g.,* on target and non-target stocks, endangered species and marine mammals, habitat), and effects on the human community (*e.g.,* economic, social, cultural effects). Economic factors are one of several important considerations, but our analyses address a comprehensive suite of concerns and perspectives.

Changes From the Proposed Rule

This final rule contains a minor housekeeping correction to the proposed rule. In the proposed rule published November 1, 2021 (86 FR 60194), we intended to insert a new provision at 50 CFR 665.211(e) and change the current 665.211(e) to 665.211(f). The current 665.211(e) addresses bottomfish fishing in areas outside the MHI. The new 665.211(e) addresses overage adjustments in the MHI Deep 7 bottomfish fishery. The amendatory instructions to change the CFR in the proposed rule would have added the new 665.211(e), but inadvertently omitted the new 665.211(f), and the language in this final rule corrects this. The technical change has no material effect on management of the MHI Deep 7 bottomfish fishery.

Classification

Pursuant to section 304(b)(3) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this final rule is consistent with the FEP, other provisions of the Magnuson-Stevens Act, and other applicable law.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. NMFS received no comments regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 665

Accountability measures, Annual catch limits, Bottomfish, Fishing, Hawaii, Pacific Islands.

Dated: January 13, 2022.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

■ 2. In § 665.211, revise paragraphs (a) and (e), and add paragraph (f) to read as follows:

§ 665.211 Annual Catch Limit (ACL).

(a) In accordance with § 665.4, the ACLs for MHI bottomfish fisheries for each fishing year are as follows:

Fishery	2021–22 ACL (lb)	2022–23 ACL (lb)	2023–24 ACL (lb)
Deep 7 bottomfish	492,000	492,000	492,000

Fishery	2019 ACL (lb)	2020 ACL (lb)	2021 ACL (lb)
Uku	127,205	127,205	127,205

* * * * *

(e) If landings of MHI Deep 7 bottomfish exceed the specified ACL in a fishing year, the Regional Administrator will reduce the ACL for the subsequent year by the amount of the overage in a separate rulemaking.

(f) Fishing for, and the resultant possession or sale of, any bottomfish MUS by vessels legally registered to Mau Zone, Ho'omalu Zone, or PRIA bottomfish fishing permits and conducted in compliance with all other laws and regulations, is exempted from this section.

[FR Doc. 2022–00995 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210210–0018]

RTID 0648–XB726

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2022 total allowable catch of pollock for Statistical Area 610 in the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 20, 2022 through 1200 hrs, A.l.t., May 31, 2022.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907–581–2062.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2022 total allowable catch (TAC) of pollock in Statistical Area 610 of the GOA is 1,132 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021) and inseason adjustment (86 FR 74384, December 30, 2021).

In accordance with § 679.20(d)(1)(i) and § 679.20(d)(1)(ii)(B), the Regional Administrator has determined that the A season allowance of the 2022 TAC of pollock in Statistical Area 610 of the GOA is necessary to account for the incidental catch in other anticipated fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt and is setting aside the remaining 1,132 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the GOA.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

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, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in Statistical Area 610 in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 13, 2022.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: January 14, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–01070 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210217–0022; RTID 0648–XB721]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by American Fisheries Act (AFA) trawl catcher/processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the A season apportionment of the 2022 Pacific cod total allowable catch (TAC) allocated to AFA trawl catcher/processors in the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), January 20, 2022, through 1200 hours, A.l.t., April 1, 2022.

FOR FURTHER INFORMATION CONTACT: Krista Milani, 907–581–2062.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season apportionment of the 2022 Pacific cod TAC allocated to AFA trawl catcher/processors in the BSAI is 2,315 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the BSAI (86 FR 11449, February 25, 2021) and inseason adjustment (86 FR 74389, December 30, 2021).

In accordance with §§ 679.20(d)(1)(i) and 679.20(d)(1)(ii)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the A season apportionment of the 2022 Pacific cod TAC allocated to AFA trawl catcher/processors in the BSAI is necessary to account for the incidental catch in other anticipated fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt and is setting aside the remaining 2,315 mt as incidental catch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by AFA trawl catcher/processors in the BSAI.

While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

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, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by AFA trawl catcher/processors in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 10, 2022.

The Assistant Administrator for Fisheries, NOAA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

Dated: January 12, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–00984 Filed 1–14–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 13
Thursday, January 20, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2021–0775; Notice No. 25–21–03–SC]

Special Conditions: FedEx Express, Airbus Model A321–200 Airplanes; Installation of an Infrared Laser Countermeasure System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions; withdrawal.

SUMMARY: The FAA is withdrawing the Notice of Proposed Special Conditions that published in the **Federal Register** on January 18, 2022.

DATES: As of January 20, 2022, the notice of proposed special conditions published on January 18, 2022, at 87 FR 2561 is withdrawn.

FOR FURTHER INFORMATION CONTACT: Eric Peterson, Safety Risk Management Section, AIR–633, Policy and Innovation Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, Washington 98198; telephone and fax 206–231–3413; email *Eric.M.Peterson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On January 18, 2022, the FAA published in the **Federal Register**, 87 FR 2561, a Notice of Proposed Special Conditions No. 25–21–03–SC, Docket No. FAA–2021–0775. The published proposed special conditions pertain to design features for the Airbus Model A321–200 airplane.

Reason for Withdrawal

The FAA has determined that further internal study is necessary with respect to the proposed conditions referenced above. Therefore, to avoid confusion to the public and a comment period on a proposal that the agency is not moving forward at this time, the FAA is withdrawing the notice.

Conclusion

The Notice of Proposed Special Conditions No. 25–21–03–SC, Docket No. FAA–2021–0775, published at 87 FR 2561, is therefore withdrawn.

Brandon Roberts,

Executive Director, Office of Rulemaking.

[FR Doc. 2022–01123 Filed 1–18–22; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0005; Project Identifier MCAI–2021–01062–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Model EC130T2 helicopters. This proposed AD was prompted by the determination of a certain part needing a life limit and re-identification. This proposed AD would require re-identifying a certain part-numbered engine-to-main gearbox (engine-MGB) coupling shaft, and creating a log card or equivalent record, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by March 7, 2022.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For EASA material that is proposed for IBR in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find the EASA material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material is also available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0005.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0005; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0005; Project Identifier MCAI–2021–01062–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing

date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021–0216, dated September 23, 2021 (EASA AD 2021–0216), to correct an unsafe condition for Airbus Helicopters (AH), formerly Eurocopter, Model EC 130 T2 helicopters, all serial numbers.

This proposed AD was prompted by the determination from recent analysis related to service life, for the need to introduce a service life limit (life limit) in torque cycles for engine-MGB coupling shaft part number (P/N) 350A35–1100–21. The FAA is proposing this AD to address the unsafe condition, which if not corrected could lead to fatigue failure of the affected part, and loss of control of the helicopter. See EASA AD 2021–0216 for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0216 requires re-identifying each affected engine-MGB coupling shaft, by crossing out the old P/N and marking the new P/N and serial number (S/N), and creating a log card indicating the new P/N, S/N, and the initial value of accumulated torque cycles. EASA AD 2021–0216 also prohibits installing an affected engine-MGB coupling shaft on any helicopter.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

The FAA reviewed Airbus Helicopters Alert Service Bulletin No. EC130–04A010, dated July 15, 2021 (ASB EC130–04A010). This service information specifies procedures for re-identifying the engine-MGB coupling shaft by crossing out the old P/N and marking the new P/N and a new S/N using a vibration scriber. ASB EC130–04A010 also specifies instructions for creating a log card for the engine-MGB coupling shaft indicating the new P/N, the new S/N, and the number of torque cycles. Finally, ASB EC130–04A010 specifies instructions for calculating the number of torque cycles that are required to be indicated on the log card.

FAA's Determination

These helicopters have been approved by EASA and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with the European Union, EASA has notified the FAA about the unsafe condition described in its AD. The FAA is proposing this AD after evaluating all known relevant information and determining that the unsafe condition described previously is likely to exist or develop on other helicopters of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2021–0216, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and EASA AD 2021–0216.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021–0216 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0216 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021–0216 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2021–0216. Service information referenced in EASA AD 2021–0216 for compliance will be available at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0005 after the FAA final rule is published.

Differences Between This Proposed AD and EASA AD 2021–0216

Service information referenced in EASA AD 2021–0216 specifies sending certain information to the manufacturer; this proposed AD would not. Paragraph (1) of EASA AD 2021–0216 specifies a compliance time of before exceeding 660 flight hours or 24 months after the effective date of this AD, whichever occurs first. However, this proposed AD would require compliance before exceeding 660 hours time-in-service or 24 months after the effective date of this proposed AD, whichever occurs first.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 264 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Re-identifying the engine-MGB coupling shaft would take about 4 work-hours for an estimated cost of $340 per helicopter and up to $89,760 for the U.S. fleet.

Creating a log card or equivalent record would take about 1 work-hour for

an estimated cost of $85 per log card and up to $22,440 for the U.S. fleet.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have 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.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA–2022–0005; Project Identifier MCAI–2021–01062–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 7, 2022.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Helicopters Model EC130T2 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 6300, Main Rotor Drive System.

(e) Unsafe Condition

This AD was prompted by the determination of a certain part needing a life limit and re-identification. The FAA is issuing this AD to prevent fatigue failure of the engine-to-main gearbox (engine-MGB) coupling shaft, which if not corrected, could result in loss of control of the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0216, dated September 23, 2021 (EASA AD 2021–0216).

(h) Exceptions to EASA AD 2021–0216

(1) Where EASA AD 2021–0216 requires compliance in terms of flight hours, this AD requires using hours time-in-service.

(2) Where EASA AD 2021–0216 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2021–0216 specifies ''in accordance with the instructions of section 3.B of the ASB,'' for this AD replace ''in accordance with the instructions of section 3.B of the ASB'' with ''in accordance with the Accomplishment Instructions, paragraphs 3.B.2. through 3.B.2.b. of the of the ASB.''

(4) Where Note 1 of the service information referenced in EASA AD 2021–0216 specifies to contact Airbus Helicopters if you have more than one non-installed engine-MGB coupling shaft, this AD does not require contacting Airbus Helicopters.

(5) Where the service information referenced in EASA AD 2021–0216 specifies to use a vibration scriber to re-identify the engine-MGB coupling shaft, this AD allows the use of equivalent tooling.

(6) Where the service information referenced in EASA AD 2021–0216 specifies creating a log card for the engine-MGB coupling shaft, this AD requires creating a log card or equivalent record.

(7) This AD does not mandate compliance with the ''Remarks'' section of EASA AD 2021–0216.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0216 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided no passengers are onboard.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l)(2) of this AD. Information may be emailed to: *9-AVS-AIR-730-AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Related Information

(1) For EASA AD 2021–0216, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* internet *www.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0005.

(2) For more information about this AD, contact Andrea Jimenez, Aerospace Engineer, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 1600 Stewart Ave., Suite 410, Westbury, NY 11590; telephone (516) 228–7330; email *andrea.jimenez@faa.gov.*

Issued on January 10, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–00884 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R10–RCRA–2018–0661; FRL–9414–01–R10]

Hazardous Waste Management System; Proposed Exclusion for Identifying and Listing Hazardous Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) (also, ''the Agency'' or ''we'' in this preamble) is proposing to grant a petition submitted by Emerald Kalama Chemical, LLC, in Kalama, Washington to exclude (or ''delist'') up to 3,500 cubic yards of U019 (benzene) and U220 (toluene) industrial wastewater biological solids (IWBS) per year from the list of federal hazardous wastes under the Resource Conservation and Recovery Act.

DATES: Comments must be received on or before February 22, 2022. Requests for an informal hearing must reach the EPA by February 4, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2018–0661 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Mail:* To Dr. David Bartus, Land, Chemicals and Redevelopment Division, EPA, Region 10, 1200 6th Avenue, Suite 155, M/S 15–H04, Seattle, Washington 98101.
- *Hand Delivery:* To Dr. David Bartus, Land, Chemicals and Redevelopment Division, EPA, Region 10, 1200 6th Avenue, Suite 155, M/S 15–H04, Seattle, Washington 98101. Such deliveries are only accepted during normal hours of operation. Please contact Dr. David Bartus at (206) 553–2804.

Instructions: Direct your comments to Docket ID No. EPA–R10–RCRA–2018–0661. 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 *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *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. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any physical media you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Any person may request an informal hearing on this proposed decision by filing a request with Timothy Hamlin, Director, Land, Chemicals and Redevelopment Division, EPA, Region 10, 1200 6th Ave., Suite 155, M/S 15–H04, Seattle, Washington 98101. The request must contain the information prescribed in 40 Code of Federal Regulations (CFR) 260.20(d).

Docket: All documents in the docket are listed in the *www.regulations.gov* index.[1] Although listed in the index, some information may not be publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the RCRA Records Center, 16th floor, U.S. EPA, Region 10, 1200 6th Avenue, Suite 155, M/S 16–C09, Seattle, Washington 98101. This facility is open from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. We recommend you telephone David Bartus at (206) 553–2804 before visiting the Region 10 office. The public may copy material from the regulatory docket at 15 cents per page.

[1] The input files for the Delisting Risk Assessment Software (DRAS 4.0) used in support of this proposed rulemaking are in a file format not supported by EPA's electronic docket management system. EPA has provided ''screen shot'' images of the input data in Portable Document Format (.pdf) files. Commentors interested in the actual DRAS 4.0 input files may request them through the EPA contacts listed above.

FOR FURTHER INFORMATION CONTACT: Dr. David Bartus, EPA, Region 10, 1200 6th Avenue, Suite 155, M/S 15–H04, Seattle, Washington 98101; telephone number: (206) 553–2804; fax number (206) 553–8509; email address: *bartus.dave@epa.gov.*

As discussed in Section V of this preamble, the Washington State Department of Ecology is evaluating the Petitioner's petition under state authority. Information on Ecology's action may be found at *https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Industrial-facilities-permits/Emerald-Kalama-Chemical.*

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

I. Overview Information

The EPA is proposing to grant the petition submitted by Emerald Kalama Chemical, LLC located in Kalama, Washington to exclude (or ''delist'') an annual volume of up to 3,500 cubic yards of U019 (benzene) and U220 (toluene) industrial wastewater biological solids (IWBS) hazardous waste per year from the list of hazardous waste set forth in 40 CFR 261.33. The Petitioner claims that the petitioned waste does not meet the criteria for

which the EPA listed it, and that there are no additional constituents or factors which could cause the waste to be hazardous.

Based on our review described in Section III of this preamble, we propose to make a determination that the petitioned waste is non-hazardous with respect to the listed waste codes that originally applied. As part of our supporting analysis, we reviewed the description of the process which generates the waste and the analytical data submitted by the Petitioner. We believe that the petitioned waste does not meet the criteria for which the waste was originally listed, that they do not exhibit any hazardous waste characteristic, and that there are no other factors which might cause the waste to be hazardous. Accordingly, the EPA is proposing to find the petitioned waste may be safely managed as non-listed hazardous waste. The EPA notes that while the burden of demonstrating that a delisted waste does not also exhibit a hazardous characteristic remains with the facility, data provided by the Petitioner demonstrate that the candidate waste does not exhibit a hazardous characteristic.

II. Background

A. What is the listed waste associated with this petition?

The EPA published an amended list of discarded commercial chemical products, off-specification species, container residues and spill residues thereof on November 25, 1980 (45 FR 78532), as part of its final and interim final regulations implementing section 3001 of Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6921. The EPA has amended this list several times and published it in 40 CFR 261.33.

We list these wastes as hazardous because: (1) They typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in 40 CFR part 261 subpart C (that is, ignitability, corrosivity, reactivity, and toxicity) or (2) they meet the criteria for listing contained in 261.11(a)(2) or (3).

B. What is a delisting petition?

Individual waste streams may vary depending on raw materials, industrial processes, and other factors. Thus, while a waste from a source listed in the regulations as ''hazardous'' is by definition hazardous, a specific waste from an individual generating facility and from a source meeting the listing description may produce wastes that vary significantly from the wastes the EPA considered in establishing the waste listing.

A procedure to exclude or delist a waste is provided in 40 CFR 260.20 and 260.22 which allows a person or a facility to submit a petition to the EPA or to an authorized state demonstrating that a specific waste from a particular generating facility should not be regulated as hazardous.[2]

In a delisting petition, the Petitioner must show that a waste does not meet any of the criteria for listed wastes in 40 CFR 261.11 and that the waste does not exhibit any of the hazardous waste characteristics of ignitability, reactivity, corrosivity, or toxicity. The Petitioner must present sufficient information for the EPA to decide whether any factors in addition to those for which the waste was listed warrant retaining it as a hazardous waste. (See 40 CFR 260.22 and 42 U.S.C. 6921(f).) The EPA's basis for originally listing the wastes associated with this petition may be found at 45 FR 78532.

If a delisting petition is granted, the specific waste identified in the delisting will be excluded from the associated lists of hazardous waste in 40 CFR part 261 subpart D so long as conditions in the delisting are met. A waste which is so excluded, however, may still exhibit a characteristic and thus be a hazardous waste by operation of 40 CFR part 261 subpart C. The EPA notes that while the burden of demonstrating that a delisted waste does not also exhibit a hazardous characteristic remains with the facility, the data provided by the Petitioner demonstrate that the candidate wastes do not exhibit a hazardous characteristic.

C. What factors must the EPA consider in deciding whether to grant a delisting petition?

In reviewing this petition, we considered the original listing criteria and the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA). See section 222 of HSWA, 42 U.S.C. 6921(f), and 40 CFR 260.22(d)(2) through (4). We evaluated the petitioned waste against the listing criteria and factors cited in 40 CFR 261.11(a)(2) and (3).

In addition to the criteria in 40 CFR 260.22(a), 261.11(a)(2) and (3), 42 U.S.C. 6921(f), and in the background documents for the listed wastes, the EPA also considered any factors (including additional constituents) other than those for which we listed the waste if these additional factors could cause the waste to be hazardous.

Our proposed decision to grant the petition to delist the waste from the Petitioner's Kalama, Washington facility is based on our evaluation of the waste for factors or criteria which could cause the waste to be hazardous. These factors included: (1) Whether the waste is considered acutely toxic; (2) the toxicity of the constituents; (3) the concentration of the constituents in the waste; (4) the tendency of the constituents to migrate and to bioaccumulate; (5) the persistence in the environment of any constituents once released from the waste; (6) plausible and specific types of management of the petitioned waste; (7) the quantity of waste produced; and (8) waste variability.

The EPA must also consider as hazardous wastes mixtures containing listed hazardous wastes and wastes derived from treating, storing, or disposing of listed hazardous waste. See 40 CFR 261.3(a)(2)(iv) and (c)(2)(i), called the ''mixture'' and ''derived-from'' rules, respectively. Mixture and derived-from wastes are also eligible for exclusion but remain hazardous until excluded.

III. EPA's Evaluation of the Waste Information and Data

A. What waste did the Petitioner petition the EPA to delist?

The Petitioner manufactures various organic chemicals used as artificial flavors and fragrances, food preservatives, plasticizers, and intermediates at their facility in Kalama, Washington. Most of the chemicals produced are derived from toluene or from the oxidation products of toluene, including benzoic acid and benzaldehyde. Additional products are produced as derivatives of benzoic acid and benzaldehyde. Products are typically purified by continuous or batch distillation. In conjunction with its manufacturing processes, the Petitioner operates an industrial wastewater treatment system, consisting of an anaerobic digestion process and an aerobic oxidation system, both of which are biological treatment systems very similar to municipal wastewater treatment systems. This treatment system produces industrial wastewater treatment plant biological solids (IWBS). As documented in the Petitioner's delisting petition, the IWBS designates as U019 (benzene) and U220 (toluene). The Petitioner has requested that up to

[2] Washington State's promulgated regulations at WAC 173–303–910(3) correspond to the Federal regulation. However, Washington State has not received final authorization to implement these regulations in lieu of the Federal program. As such, they are effective concurrent with 40 CFR 260.20 and 260.22 on a state-only basis.

3,500 cubic yards of IWBS be excluded from the list of hazardous wastes.[3]

B. How does the Petitioner generate the waste?

The Petitioner's petition documents that its industrial wastewater treatment system from which IWBS are derived manages wastewaters from multiple sources within the facility. The first source consists of contaminated groundwater from an extensive groundwater recovery system to prevent contaminated water from leaving the plant site. Water pumped from the North Impact Area (NIA), West Impact Area (WIA), and Intermediate Sand Recovery Wells (ISRW) contains commercial product toluene from historical releases and therefore the IWBS carry the listed dangerous waste code U220 (toluene). Historical data from May 2013 through April 2021 indicates that an average of 31.5 million gallons per year with a maximum of 38.6 million gallons per year of contaminated groundwater was treated in the wastewater treatment unit (WWTU) that generates IWBS. See Docket Entries starting with suffixes ''–DRAFT–0056'' through ''–DRAFT–0063.'' The second source consists of stormwater that falls on the manufacturing process areas of the facility, which may become contaminated by spills or releases of the various raw materials, intermediates, products, or byproducts of its manufacturing operations. The third source consists of process wastewater from manufacturing processes. These second and third sources may be impacted by trace amounts of pure product benzene from *de minimus* spills that are captured by the treatment system; therefore, the IWBS from the second and third source categories carry the listed dangerous waste code U019 (benzene).

The Petitioner provided the EPA with a detailed process flow diagram (Docket Entry 0–017–050–Model–BIOX Plant Process Flow Diagram–DRAFT–0029) of the overall wastewater management system that documents the source of all wastewaters from which the candidate IWBS are generated and the various management processes that are applied to the wastewaters. Generally, process wastewater expected to have higher quantities of organic constituents from process units is routed to either the anaerobic digesters (ANTS) or to the aerobic digesters (BIOX), depending upon the types and concentrations of chemicals present. The effluent from the ANTS is routed to the BIOX for final treatment. Groundwater and stormwater[4] with a low chemical oxygen demand (COD) are routed to the aerobic digesters (BIOX). This process flow arrangement, including flexibility to re-route wastewaters depending on their chemical makeup, ensures that concentrated free product from manufacturing process wastes or from spills is not introduced into the balance of the wastewater treatment system, and that the concentration of waste constituents entering the treatment system is maintained in a range that fosters microbial degradation. Wastewaters from the American Petroleum Institute (API) phase separator are then routed to the aerobic digester system. The use of the API separator for wastewaters expected to have higher levels of organic constituents helps ensure that significant excursions (variations) in waste composition do not adversely affect performance of the wastewater treatment system. The effluent of the ANTS system is then routed to the aerobic digester and sludge filtration systems. Groundwater and stormwater expected to have lower COD levels bypass the API separator and are fed directly to the aerobic digester treatment system. This arrangement of the overall wastewater management system from which IWBS is generated is expected to operate consistently and effectively, such that characterization data of the influent wastewater and the resulting IWBS provided by the Petitioner are representative of on-going operation of the system.

C. How does the Petitioner sample and analyze the waste?

The Petitioner regularly collected and analyzed samples of the IWBS for various constituents on a monthly, quarterly, or annual basis from January 1998 through April 2015, when the delisting petition was submitted.[5] These data are summarized in Table A–1 in Appendix A of the petition. See Docket Entry EPA–R10–RCRA–2018–0661–DRAFT–0034. Hazardous constituents for which routine analytical data are presented in the Petitioner's petition include benzene and toluene, and a suite of metals including copper, nickel, zinc, cobalt, lead, cadmium, arsenic, selenium, chromium, molybdenum, mercury and barium. Metals values were generally consistent over the measurement period, with copper values showing over an order of magnitude difference between the highest and lowest values.

Toluene was detected in one sample of IWBS between 1998 and 2014 at a concentration of 69 micrograms per kilogram (ppb) reported on a dry weight basis, with thirteen non-detect values reported with detection limits ranging from 44 to 3,800 parts per billion. Benzene was not detected during this period, with fifteen samples reported as non-detect with detection limits ranging from 44 to 3,800 parts per billion.

The Petitioner had two Toxicity Characteristic Leaching Procedure (TCLP) analyses performed on the IWBS in 2000 and in 2014. The results were consistent and demonstrated that the IWBS do not exhibit the toxicity characteristic. The data are presented in Table A–2 in Appendix A of the petition. See Docket Entry EPA–R10–RCRA–2018–0661–DRAFT–0034.

The EPA developed preliminary delisting levels for the IWBS using the EPA's Hazardous Waste Delisting Risk Assessment Software (DRAS) Version 3.0 and provided them to the Petitioner. The procedure for doing so is described in Enclosure 1 to Docket Entry EPA–R10–RCRA–2018–0661–DRAFT–0044, with the results provided in Docket Entry EPA–R10–RCRA–2018–0661–DRAFT–0046. These preliminary delisting levels were based on initial estimates of the project waste generation volume. These data were used by the Petitioner and the EPA as an initial indication of the required level of data quality, particularly the sensitivity required for laboratory analytical methods, for waste characterization sampling data.

Subsequent to submission of its delisting petition, the EPA requested certain additional data from the Petitioner. First, to ensure data on the petitioned waste annual generation volume could be converted from a mass to a volume basis necessary for input to

[3] The delisting petition submitted by the Petitioner requested exclusion of a waste volume different than those cited in this proposed rulemaking. The EPA notes that the requested quantity of waste in the delisting petition itself was expressed on a mass (ton) basis rather than the volume basis in this proposed rulemaking. See further discussion of this point in Section C of this preamble.

[4] The Petitioner also provide the EPA with a map of the facility indicating areas where stormwater is collected from various areas of the facility. See Docket Entry 3–002–000 Storm Water Collection Map. DRAFT–0030.

[5] The EPA notes that these data were gathered well before the Petitioner's submission of their delisting petition, and for technical and regulatory purposes other than delisting. Therefore, these data do not exactly match the information needs of the delisting process, although they do provide substantial and valuable characterization of the IWBS waste stream. As noted in the balance of this preamble, the Petitioner submitted supplemental characterization data as necessary to fully characterize the IWBS waste stream for purposes of delisting.

the DRAS model, the Petitioner provided data documenting the density of the IWBS as 0.67 tons/cubic yard, based on the average of six samples of IWBS (Docket Entries IWBS Delisting email 030302020–DRAFT–0035 and EPA–R10–RCRA–2018–0661–DRAFT–0045).

Second, based on its evaluation of its initial DRAS model runs, the EPA identified that cobalt could not be shown to satisfy the calculated delisting levels based solely on the total data documented in the petition and a bounding assumption that all constituents would leach from the waste in the absence of an analysis of a TCLP extract of the waste. See Docket Entries DRAS–3–COCs–12202018–DRAFT–0052, DRAS–3–COCs–12272018–DRAFT–0053, DRAS–3–inputs–12202018–DRAFT–0054 and DRAS–3–inputs–12272018–DRAFT–0055. The EPA requested that the Petitioner provide supplemental data for cobalt that documented paired data for both total and TCLP extract analysis. (See Docket Entries IWBS Supplemental Information–DRAFT–0037, Biosolids Analytical Data 031919–DRAFT–0036 and IWBS Supplemental Information email 04172019–DRAFT–0038). The Petitioner submitted supplemental data for both total and TCLP extract analysis for copper, nickel, zinc, cobalt, and barium, and total data for benzene via email 3/3/2020 (See Docket Entries IWBS Delisting email 030302020 DRAFT–0035, RE_IWBS Supplemental Information email 04242019DRAFT–0041, K1901520–DRAFT–0040, RE_ IWBS Supplemental Information email 04242019–DRAFT–0041 and K1903215–DRAFT–0042).

The data results showed that copper, nickel, zinc, and barium met the initial DRAS model run limits for the TCLP extract of the waste; and cobalt, copper, nickel, zinc, and barium met the initial DRAS model run for the total concentration of the waste.

D. What were the results of the EPA's analysis of the Petitioner's waste?

The first step in the EPA's analysis of the petitioned waste was to establish a list of potential constituents of concern (COCs) to guide further analysis of the waste and to establish initial delisting exclusion criteria. The EPA applied four criteria for identifying potential constituents of concern: (1) Whether the constituent is used as an input to, or created as an intermediate, byproduct or finished product from the Petitioner's production processes; (2) whether the IWBS designates as hazardous for a particular constituent; (3) the expected frequency of occurrence in the IWBS; and (4) the toxicity of the constituent of concern.

The EPA first considered organic COCs. Based on the hazardous waste codes associated with wastewater that ultimately results in generation of IWBS (D018, U019, U220, U154, and U001), the EPA determined that benzene, toluene, methanol and acetaldehyde are COCs.[6] The EPA notes that benzene is generally regarded as difficult to treat and is an excellent indicator of overall performance of the WWTU processes, and the ability of the WWTU to effectively treat other organic constituents other than benzene. Based on principle products of the Petitioner's production processes, the EPA determined that five additional organic constituents—benzaldehyde, benzoic acid, formic acid, benzyl alcohol, and phenol—should be retained as COCs in the IWBS. While at least some of these constituents are associated with products for human consumption or exposure, they exhibit a level of toxicity that warrants retention as COCs for purposes of evaluating the candidate waste stream.

Several additional organic constituents are associated with the Petitioner's production processes. However, they are associated with products for human consumption or exposure, such as food preservatives and vitamins, fragrances and perfumes, and sunscreens, and do not exhibit a degree of toxicity that warrants retention as COCs (Docket Entry EPA–R10–RCRA–2018–0661–DRAFT–0022). In addition, most, if not all, of these additional organic constituents are highly amenable to biological treatment in the WWTU and are not expected to be present in the IWBS at levels significantly below health-based levels that would be of concern in the delisting process.

The Petitioner's production process uses a range of catalysts, including several metallic catalysts that include cobalt, copper and nickel. On this basis, cobalt, copper and nickel are identified as constituents of concern. Although these three metals are not hazardous constituents, they are retained as ''other factors'' (as discussed in Section I of this preamble) that may cause the waste to be retained as hazardous. Other metallic constituents reported to have been detected in the IWBS waste stream do not have a clear source related to the Petitioner's organic manufacturing process. These constituents include barium and zinc. Barium is a hazardous constituent and is present at detectable levels in the IWBS so barium is retained as an ''other factor'' that may cause the waste to be retained as hazardous. Zinc is a common contaminant in industrial wastewater and is found in the IWBS at concentrations as high as 1,350 ppm dry weight, so zinc is retained as an ''other factor'' that may cause the waste to be retained as hazardous.

In the Petitioner's production process, cobalt is used as a catalyst in both its metallic form (sponge cobalt) and as cobalt acetate. The acetate functional group is expected to be readily degraded in the WWTU, leaving metallic cobalt in the IWBS. Further, cobalt acetate is soluble in water, so that any remaining cobalt acetate that is not degraded to metallic cobalt in the WWTU is likely to partition (separate) into the effluent wastewater managed separately from the IWBS. Thus, all forms of cobalt are considered to be metallic for purposes of the delisting evaluation of the IWBS.

The final list of constituents of concern evaluated in the delisting process are documented in Table 2 of this preamble.

E. How did the EPA evaluate the risk of delisting this waste?

For this delisting determination, we evaluated the risk that the waste would be disposed of as a non-hazardous waste in an unlined landfill which the EPA considers a reasonable worst-case mismanagement scenario. In evaluating this scenario, we considered transport of waste constituents through ground water, surface water and air. We evaluated the Petitioner's analysis of petitioned waste using the DRAS software to predict the concentrations of hazardous constituents that might be released from the petitioned waste and to determine if the waste would pose a threat to human health and the environment. The DRAS software and associated documentation can be found at *www.epa.gov/hw/hazardous-waste-delisting-risk-assessment-software-dras.*

To predict the potential for release to groundwater from landfilled wastes and subsequent routes of exposure to a receptor, the DRAS uses dilution attenuation factors derived from the EPA's Composite Model for leachate migration with Transformation Products. From a release to ground

[6] As noted in the delisting petition, IWBS designate only for U019 (benzene) and U220 (toluene) because, due to an exception to RCRA's derived from rule, certain codes applicable to the wastewater do not carry through to the IWBS. However, as part of its evaluation of the IWBS waste stream and identification of COCs, the EPA also considered hazardous waste codes applicable to the wastewater managed by the WWTU generating IWBS. Although the F003 waste code applies to wastewater managed by the WWTU, EPA did not retain acetone as a constituent of concern on the basis that the process information provided by Emerald does not provide any evidence that acetone is associated with this waste stream.

water, the DRAS considers three potential routes of exposure to a human receptor: Ingestion of contaminated groundwater; inhalation from groundwater while showering; and dermal contact from groundwater while bathing.

From a release to surface water by erosion of waste from an open landfill into storm water run-off, DRAS evaluates the exposure to a human receptor from fish ingestion and ingestion of drinking water. From a release of waste particles and volatile emissions to air from the surface of an open landfill, DRAS considers three potential routes of exposure to a human receptor: Inhalation of volatile constituents; inhalation of particles; and air deposition of particles on residential soil and subsequent ingestion of the contaminated soil by a child. The technical support document and the user's guide to DRAS are available at *https://www.epa.gov/hw/hazardous-waste-delisting-risk-assessment-software-dras.*

The EPA used the following inputs to its DRAS analysis of the Petitioner's waste, as summarized in Table 1 of this preamble. An image of the DRAS input screen is provided in Docket Entry DRAS–4.0–inputs–DRAFT–043.

TABLE 1—DELISTING DRAS INPUT

DRAS input parameter	Value	Assumptions
Waste Management Unit Type	Landfill	Waste planned for disposal in a municipal solid waste landfill.
Waste Volume—annual generation	Up to 3,500 cubic yards/year	Conservative estimation value based on facility-specific information.
Waste Management Unit Active Life	20 years	Selected based on the DRAS default value.
Target risk—carcinogenic risk level	1×10^{-5}	Based on risk ranges in the EPA's RCRA Delisting Technical Support Document (2008).
Target risk—health quotient	1.0	Based on risk ranges in the EPA's RCRA Delisting Technical Support Document (2008).
Detection limits	0.5	Non-detect samples will be run as half the value.

At a target cancer risk of 1×10^{-5} and a target hazard quotient of 1.0, the DRAS program determined maximum allowable concentrations for each constituent in both the waste and the leachate. The EPA used the maximum estimated annual waste volume and the maximum reported total and estimated leachate concentrations as inputs to estimate the constituent concentrations in the ground water, soil, surface water or air. Table 2, of this preamble, documents the constituent-specific maximum total and TCLP sample results used as input to the DRAS analysis, and the resulting modeling results from DRAS using an annual waste volume of 3,500 cubic yards per year.

TABLE 2—SAMPLING DATA AND DRAS MODELING RESULTS

Constituent of concern	Maximum observed concentration [1]		Modeling results			
			Total concentrations		TCLP concentration	
	Total [1] (mg/kg)	TCLP (mg/L) [4]	Limiting concentration (mg/kg) [2]	Limiting pathway [3]	Limiting concentration (mg/L) [2]	Limiting pathway [3]
Acetaldehyde	N/A	N/A	255,000,000	Air Particulate Inhalation.	8.65	Groundwater Inhalation.
Barium	980	0.77	10,400,000	Fish Ingestion	74.8	Maximum Contaminant Level.
Benzaldehyde	N/A	N/A	26,300,000	Fish Ingestion	6.08	Groundwater Ingestion.
Benzene	<3.8 U	<0.2 U	276,000	Air Volatile Inhalation	0.166	Maximum Contaminant Level.
Benzoic Acid	N/A	N/A	8,460,000,000	Fish Ingestion	5,000	Groundwater Ingestion.
Benzyl alcohol	N/A	N/A	813,000,000	Fish Ingestion	125	Groundwater Ingestion.
Cobalt	3,660	*1.26*	62,300	Air Particulate Inhalation.	0.583	Groundwater Ingestion.
Copper	7,520	0.29	463,000	Fish Ingestion	19	Maximum Contaminant Level.
Formic Acid	N/A	N/A	145,000	Air Volatile Inhalation	174	Groundwater Inhalation.
Methanol	N/A	<0.75 U	3,030,000,000	Air Volatile Inhalation	2,500	Groundwater Ingestion.
Nickel	422	0.35	402,000	Air Particulate Inhalation.	29.2	Groundwater Ingestion.
Phenol	N/A	N/A	1,300,000,000	Fish Ingestion	375	Groundwater Ingestion.
Toluene	0.069	N/A	37,600,000	Fish Ingestion	32.6	Maximum Contaminant Level.
Zinc	1,350	1.1	4,790,000	Fish Ingestion	426	Groundwater Ingestion.

1. Maximum concentration documented in the Petitioner's delisting petition, Tables A–1 and A–2, except for cobalt and zinc. The cobalt TCLP data are as reported via email 4/17/2019 with a corresponding maximum TCLP concentration of 1.2 mg/L. See docket Entries EPA–R10–RCRA–2018–0661–DRAFT–0036, –0037 and –0038. The zinc TCLP data are as reported via email 3/1/2019 with a corresponding maximum TCLP concentration of 1.1 mg/L.

2. The Limiting Concentration is the lowest risk-based concentration developed in DRAS for the potential receptor pathways and specified target risk levels. See text in Section IV.B for the EPA's consideration of limiting concentrations exceeding 1,000,000 mg/kg for total concentrations or 1,000,000 mg/L for TCLP concentrations.

3. The Limiting Pathway is the corresponding potential receptor pathway for the Limiting Concentration.

4. For detected constituents, the maximum analytical result was used. For non-detect constituents (annotated with a "U"), the practical quantitation limit (PQL) was used.
5. Note: The italicized cell (cobalt) indicate exceedance of COC Concentration Input over the Limiting Concentration in the DRAS modeling.

F. What are the EPA's proposed findings regarding the petitioned waste?

The maximum reported concentrations of the hazardous constituents found in this waste are presented in the Table 2 of this preamble. The table also presents the maximum allowable concentrations using an expected maximum annual waste volume of 3,500 cubic yards per year.

Except for cobalt, all other COCs in Table 2 of this preamble have maximum observed concentrations below the Limiting Concentration from the DRAS modeling. Since the benzene TCLP was non-detected at 0.2 mg/L, the DRAS modeling assumed a value of one-half (0.1 mg/L), which is less than the Limiting Concentration from the DRAS modeling for benzene.

As shown in Table 2 of this preamble, the maximum observed concentration for cobalt in a TCLP extract of the waste was 1.26 mg/L, which exceed the Limiting Concentration for cobalt of 0.583 mg/l from the DRAS modeling. The Petitioner sampled the IWBS for cobalt TCLP six times during January 2019 through April 2019. See Docket Entries EPA–R10–RCRA–2018–0661–DRAFT–0036, –0037 and –0038. The TCLP analytical results for cobalt in the IWBS ranged from 0.45 mg/L to 1.26 mg/L. At the cobalt result of 0.45 mg/L TCLP, the IWBS meets the Limiting Concentration from the DRAS modeling using an expected maximum annual waste volume of 3,500 cubic yards per year. Because the sampling data for cobalt indicates that the limiting value for cobalt based on a maximum annual waste volume of 3,500 cubic yards per year may be exceeded, we performed DRAS modelling to determine the TCLP limiting concentration for cobalt for a range of annual waste volumes ranging from 1,000 to 3,500 cubic yards per year.[7] The results of these model runs are presented in Table 3 of this preamble.

TABLE 3—DRAS MODELING RESULTS FOR COBALT

Annual waste volume (cubic yards per year)	Modeling results—TCLP limiting concentration (mg/L)
1,000	1.99
1,100	1.81
1,200	1.66
1,300	1.54
1,400	1.43
1,500	1.34
1,600	1.25
1,700	1.18
1,800	1.12
1,900	1.06
2,000	1.01
2,100	0.961
2,200	0.918
2,300	0.879
2,400	0.843
2,500	0.810
2,600	0.780
2,700	0.751
2,800	0.725
2,900	0.700
3,000	0.678
3,100	0.656
3,200	0.636
3,300	0.617
3,400	0.599
3,500	≤0.583

As shown in Table 3 of this preamble, as the annual waste volume increases, the TCLP Limiting Concentration for cobalt decreases. More specifically, the product of waste volume and the TCLP limiting concentration remains constant at 2,000 yds^3-mg/L (to two significant figures). Based on these calculations, the EPA is proposing that the exclusion criteria for cobalt be based on a cobalt budget concept. Rather than specify an exclusion limit based on a fixed TCLP limiting concentration and a corresponding maximum annual waste volume, the compliance limit will be established based on a running total calculated for each batch. This running total can be expressed mathematically as:

Formula 1

$$\sum_{1}^{n} V_i C_i$$

Where:

V_i = the volume of each batch in cubic yards (yd^3);

C_i = the concentration of cobalt in a TCLP extract of each batch;

n = number of batches generated per calendar year

This running total begins at zero for each annual period, starting with the effective date of this exclusion, if finalized. As each batch is generated, the running total is updated with the batch contribution according to the formula above. The batch volume is expressed in cubic yards but may be measured in practice by the weight of each batch divided by the density of 0.67 tons/cubic yard (See Section III.C of this preamble).[8] As long as this running total remains below 2,000, IWBS that otherwise meets the numerical exclusion criteria according to the conditions of this approval and does not exhibit a hazardous characteristic may be disposed of in a Subtitle D disposal unit. Once the cobalt budget limit of 2,000 is exceeded, all subsequent batches of IWBS must be managed as hazardous for the balance of the annual period. The EPA notes that wastes with cobalt results greater than 1.99 mg/l in an extract of the waste cannot be excluded under this delisting, as documented in Table 4 of this preamble. EPA's rationale for this upper bound on concentration is that it corresponds to the maximum annual quantity of waste modeled by DRAS for all other constituents of concern.

One of the key elements of this cobalt budget mechanism is that it requires analytical data characterizing each batch of IWBS.[9] In discussing this issue with the Petitioner, EPA learned that using an outside commercial analytical laboratory for this batch-by-batch analysis would complicate the logistics of managing filled containers of IWBS pending receipt and evaluation of outside laboratory data. To address this logistics problem the Petitioner proposed developing an in-house method that would provide faster turnaround and thus faster disposal

[7] The DRAS inputs used for these runs are identical to those documented in Docket entry DRAFT–043 DRAS–4.0–inputs.pdf, except that the maximum annual waste volume was varied between 1,000 and 3,500 cubic yards/year.

[8] The EPA is applying this density based on available information provided by the Petitioner as part of the petition submittal process. As explained below, the EPA will require the Petitioner to gather additional density data during the first annual period under this exclusion, if finalized. If these additional density data support use of a revised density for the cobalt budget calculation, the EPA will provide the Petitioner approval to use the revised density according to Condition 2 of the proposed exclusion.

[9] Other waste constituents considered in this exclusion do not approach the applicable limiting concentration calculated by DRAS. Therefore, constituents other than cobalt considered in this proposed exclusion do not warrant batch-by-batch sampling.

decisions for each batch of IWBS. This method is a colorimetric procedure which is applied to an extract of IWBS generated using SW–846 Method 1311.

The Petitioner shared an early draft of the proposed method (Docket Entry Method–TCLP–Cobalt–draft–DRAFT–0047), on which the EPA reviewed and provided several comments. EPA's comments and the Petitioners responses are documented in Docket Entry EPA and Ecology comments Rev 0 08172021–DRAFT–0048, with the final method documented in Docket Entry Method–TCLP–Cobalt–Rev1.0–DRAFT–0049. After resolving these comments, the Petitioner obtained paired data on an extract of IWBS prepared in-house following SW–846 Method 1311, followed by analysis of the extract at an off-site commercial laboratory using SW–846 Method 6010C and an in-house analysis of the same extract using the in-house colorimetric method. These data are presented in Docket Entry RE_ Emerald-Kalama Delisting Check-In and Planning—meeting follow-up–DRAFT–0051. To evaluate these data, the EPA performed a two-point percent relative difference analysis on each paired data point. The percent relative difference is calculated using the formula:

Formula 2

$$\%RPD = \frac{|x_1 - x_2|}{(x_1 + x_2)/2} * 100\%$$

Where:

%RBD = percent relative difference;
X_1 and X_2 = paired data

The paired data are presented below, along with the calculated percent relative difference:

TABLE 4—PAIRED DATA COMPARISON, TCLP EXTRACT ANALYSIS FOR COBALT

Sample No.	Petitioner analysis	Independent lab analysis	%RPD
1	0.48	0.49	2.1
2	0.55	0.58	5.3
3	0.75	0.74	1.3
4	0.56	0.54	3.6
5	0.27	0.29	7.1
6	0.34	0.32	6.1
7	0.56	0.57	1.8
8	0.54	0.53	1.9
9	0.48	0.52	8.0
10	0.38	0.37	2.7

The calculated relative percent difference indicates that the results from in-house and outside laboratory are in close agreement, with the calculated relative percent difference ranging from 1.3 percent to 8.0 percent. The EPA notes that a typical analytical laboratory performance for paired data from a single sample results in a relative percent difference of ±30%. Therefore, the relative percent difference between the Petitioner's in-house method and a standard outside laboratory method compare very favorably to the variability seen for multiple laboratory analysis of a single sample. On this basis, the EPA has determined that the Petitioner's in-house method for analyzing an extract of the IWBS obtained through an SW–846 Method 1311 TCLP procedure can be used for obtaining batch-by-batch cobalt data for use with the cobalt budget mechanism described above.

Because this cobalt budget tool is a novel application of DRAS modelling output to an exclusion, the EPA has determined that it is appropriate to review implementation of this model based on real-world experience. Therefore, the EPA is proposing a reporting requirement at the end of each anniversary of operations under this proposed exclusion. Under this requirement, the Petitioner must report all verification data obtained during each year following the effective date of this exclusion, including measurement of IWBS density and additional paired data for cobalt in an extract of the waste according to Condition 1 of this proposed exclusion. These additional data will provide the EPA with an opportunity to verify that the mechanism is operating as intended, and if warranted, to initiate any changes to the delisting rule to ensure the criteria of 40 CFR 260.22 will continue to be satisfied. EPA is providing a mechanism whereby the Petitioner may request relief from this requirement following the first year of reporting. If EPA agrees that further reporting is not warranted, EPA will provide the Petitioner a written response providing future relief from this requirement. EPA will, of course, retain its statutory authority under RCRA § 3008(a) to inspect records required by this exclusion and to enforce its terms and conditions.

Because it is likely that the Petitioner will monitor IWBS production on a weight basis (it is much easier and more accurate to weigh each IWBS roll-off box than to measure the volume of waste in the roll-off box), the EPA is requiring the Petitioner to document the density of each batch of IWBS during the first year of operations to verify that the reported density of 0.67 tons/cubic yard supporting the petition is representative of the waste over an entire annual period. Should additional data provide a basis to revise the 0.67 tons/cubic yard density, the EPA may provide the Petitioner with written approval to use an updated value pursuant to Condition 6.

The Petitioner sampled the IWBS for benzene TCLP twice; once in 2000 with a result of non-detected at 0.15 mg/L and once in 2014 with a result of non-detected at 0.2 mg/L. The Limiting Concentration from the DRAS modeling for TCLP benzene is 0.166 mg/L. The PQL for the 2014 TCLP benzene sample was greater than the Limiting Concentration of 0.166 mg/L TCLP, although the model used one-half the detection limit. Based on the benzene total concentrations of the IWBS, we conclude that the Limiting Concentration from DRAS for TCLP benzene will not be exceeded. Verification sampling is required to confirm this, with appropriate data quality to allow direct comparison between the laboratory results and the delisting exclusion limit of 0.166 mg/l in an extract of the waste.

We therefore conclude that the Petitioner's wastewater treatment sludge (IWBS) is not a substantial or potential hazard to human health and the environment when disposed of in a Subtitle D landfill according to the conditions of this proposed exclusion. Further, the data presented by the Petitioner in their petition supports the EPA's conclusion that the petitioned waste does not exhibit any hazardous

characteristic, and that there are no other factors that would warrant retaining the waste as hazardous. On this basis, we propose to grant the Petitioner's petition to delist this waste. If this exclusion is finalized, and subject to the conditions of the final delisting, the Petitioner must dispose of the allowed amount of waste (based on the verification approach documented in the rule) in a Subtitle D landfill permitted or licensed by a state and will remain obligated to verify that the waste continues to meet the allowable concentrations set forth here. The Petitioner must also continue to demonstrate that the waste does not exhibit any hazardous characteristics pursuant to 40 CFR part 261 subpart C.

IV. Conditions for Exclusion

A. How will the Petitioner manage the waste if it is delisted?

If the petitioned waste is delisted, the Petitioner must dispose of it in a Subtitle D landfill which is permitted, licensed, or registered by a state to manage industrial waste.

B. What are the maximum allowable concentrations of hazardous constituents in the waste?

Concentrations measured in the waste of the following constituents must not exceed the concentrations in Table 5 below.

TABLE 5—VERIFICATION CONSTITUENTS AND COMPLIANCE CONCENTRATIONS

Constituent	Total concentration DRAS model (mg/kg)	TCLP concentration DRAS model (mg/l)
Acetaldehyde	N/A	8.65.
Barium	N/A	74.8.
Cobalt	62,300	cobalt budget mechanism.
Copper	463,000	19.0.
Nickel	402,000	29.2.
Zinc	N/A	426.
Benzaldehyde	N/A	6.08.
Benzene	276,000	0.166.
Benzoic Acid	N/A	5,000.
Formic Acid	145,000	174.
Benzyl alcohol	N/A	125.
Methanol	N/A	2,500.
Phenol	N/A	375.
Toluene	N/A	32.6.

The EPA notes that in multiple instances the maximum allowable total constituent concentrations provided by the DRAS model exceed 100% of the waste—these DRAS results are an artifact of the risk calculations and do not have physical meaning (since it is not possible to have a concentration greater than 100%). In instances where DRAS predicts a maximum constituent greater than 100 percent of the waste (that is, greater than 1,000,000 mg/kg or mg/L, respectively, for total and TCLP concentrations), the EPA is not requiring the Petitioner to perform sampling and analysis for that constituent and sampling type (total or TCLP). In these instances, the corresponding entry in Table 5 of this preamble is ''N/A.''

C. How frequently must the Petitioner test the waste?

To fully verify that the Petitioner's waste complies with the verification limits of this proposed exclusion are satisfied on an on-going basis, and because the Petitioner operates multiple generation processes that could alter the concentration of waste constituents from which IWBS is derived, the Petitioner must analyze a representative sample of the wastewater treatment sludges on a periodic basis to demonstrate that the constituents of concern in the petitioned waste do not exceed the concentrations of concern in Section IV.B of this preamble. The EPA is proposing that the Petitioner sample its delisted waste (for the constituents in Table 5 of this preamble, except cobalt) every ten roll-off boxes, estimated to be generated at a rate of three/week.[10] This would result in approximately 16 samples per year. The Petitioner must analyze a representative sample of each batch (roll-off box) of the wastewater treatment sludges for cobalt TCLP concentration. The Petitioner will use the batch cobalt TCLP concentration, volume of IWBS in the batch, and Formula 1 to determine the running cobalt budget as discussed in Section III.F of this preamble.

The EPA believes that this sampling rate will provide an appropriate level of certainty that all delisted waste does indeed meet the delisting criteria presented in Table 5 of this preamble. As the Petitioner gathers a more extensive data set of sampling data, the EPA recognizes that changes to these sampling rates may be warranted. Therefore, the EPA is including a proposed provision that the Petitioner may request the EPA's approval for changes to the verification sampling and analysis frequency. The Petitioner must use methods with appropriate analytical sensitivity quality control procedures, as documented in a written quality assurance project plan. SW–846 Method 1311 must be used for generation of the leachate extract used in the testing of the subject waste. SW–846 Method 1311 is incorporated by reference in 40 CFR 260.11.

The Petitioner has provided information to EPA that the Washington State Department of Ecology does not currently accredit any laboratory in the state of Washington for analysis of acetaldehyde, benzaldehyde, or formic acid in samples of solid material. See Docket Entry LAI Verification Sampling Plan 2020 04 08 final–DRAFT–0074, Section 3.0 and COCs–Lab–Search–DRAFT–0075. Therefore, the EPA will accept laboratory analyses result for acetaldehyde, benzaldehyde and formic acid from a laboratory that otherwise

[10] The Petitioner noted logistics issues if a ''10th batch'' must be sampled on a weekend or Federal holiday. See Docket Entry RE_Emerald-Kalama Delisting Follow-up–DRAFT–0073. To address this, EPA has added a provision that in such circumstances, the Petitioner may substitute sampling for the 9th or 11th batch for purposes of verification sampling.

holds accreditation for all other analytes.

A total analysis of the waste (accounting for any filterable liquids and the dilution factor inherent in the TCLP method) may be used to estimate the TCLP concentration as provided for in section 1.2 of Method 1311, except for weekly cobalt sampling.[11]

D. What data must the Petitioner submit?

The Petitioner must submit the data obtained through verification testing to U.S. EPA Region 10, Office of Air and Waste, 1200 6th Avenue, Suite 155, M/S 15–H04, Seattle, Washington 98101 upon each anniversary of the effective date of this exclusion.

The Petitioner must compile, summarize, and maintain on-site for a minimum of five years, records of analytical data required by this rule, and operating conditions relevant to those data analytical data. The Petitioner must make those records available for inspection. All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).

E. What happens if the Petitioner fails to meet the conditions of the exclusion?

If the Petitioner violates the terms and conditions established in the exclusion, the Agency may start procedures to withdraw the exclusion.

If the verification testing of the waste does not demonstrate compliance with the delisting concentrations described in section IV.B above, or other data (including but not limited to leachate data or groundwater monitoring data from the final land disposal facility) relevant to the delisted waste indicates that any constituent is at a concentration in waste above specified delisting verification concentrations in Table 5 of this preamble, the Petitioner must notify the Agency within 10 days of first possessing or being made aware of the data. The exclusion will be suspended, and the waste managed as hazardous until the Petitioner has received written approval from the EPA to continue the exclusion. The Petitioner may provide sampling results which support the continuation of the delisting exclusion.

The EPA has the authority under RCRA and the Administrative Procedure Act, 5 U.S.C. 551 (1978) *et seq.* to reopen a delisting decision if we receive new information indicating that the conditions of this exclusion have been violated or are otherwise not being met.

[11] For additional details on this approach, see *https://archive.epa.gov/epawaste/hazard/web/html/faq_tclp.html.*

F. What must the Petitioner do if the process changes?

If the Petitioner significantly changes the manufacturing or treatment process or the chemicals used in the manufacturing or treatment process, the Petitioner may not handle the wastewater treatment sludge generated from the new process under this exclusion until it has demonstrated to the EPA that the waste meets the concentrations set forth in section IV.B and that no new hazardous constituents listed in Appendix VIII of 40 CFR part 261 have been introduced. The Petitioner must manage wastes generated after the process change as hazardous waste until the Petitioner has received written notice from the EPA that the demonstration has been accepted.

V. When would the EPA finalize the proposed delisting exclusion?

40 CFR 260.20(c) requires the EPA to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, the EPA will not make a final decision or grant an exclusion until it has addressed all timely public comments on today's proposal, including any at public hearings.

Since this proposed rulemaking would reduce the existing requirements for persons generating hazardous wastes, the regulated community does not need a six-month period to come into compliance in accordance with section 3010 of RCRA, 42 U.S.C. 6930, as amended by HSWA.

VI. How would this action affect states?

Because the EPA is proposing to issue this exclusion under the federal RCRA delisting regulations, only states subject to federal RCRA delisting provisions will be affected. This exclusion may not be effective in states which have received authorization from the EPA to make their own delisting decisions.

The EPA allows states to impose their own non-RCRA regulatory requirements that are more stringent than the EPA's, under section 3009 of RCRA, 42 U.S.C. 6929. These more stringent requirements may include a provision that prohibits a federally issued exclusion from taking effect in the state. We urge petitioners to contact the state regulatory authority to establish the status of their wastes under the state law.

The EPA has also authorized some states to administer a delisting program in place of the Federal program, that is, to make state delisting decisions. Therefore, this exclusion does not apply in those authorized states. If the Petitioner manages the waste in any state with delisting authorization, the Petitioner must obtain delisting authorization or other determination from the receiving state before it can manage the waste as nonhazardous in that state.

While Washington State has received final authorization to implement most of its dangerous waste program regulations in lieu of the Federal program, including the listing and identification of listed waste codes associated with the petitioned wastes, it has not been authorized to implement its delisting regulations program in lieu of the Federal program. The EPA notes that Washington State has provisions in the Washington Administrative Code (WAC) 173–303–910(3) similar to the Federal provisions upon which this delisting is based. These provisions are in effect as a matter of state law. Thus, the Petitioner must seek approval from Washington State at the state level in addition to this proposed delisting.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This proposed action is exempt from review by the Office of Management and Budget because it is a rule of particular applicability, not general applicability. The proposed action approves a delisting petition under RCRA for the petitioned waste at a particular facility.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This proposed action is not an Executive Order 13771 regulatory action because actions such as approval of delisting petitions under RCRA are exempted under Executive Order 12866.

C. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) because it only applies to a particular facility.

D. Regulatory Flexibility Act

Because this rule is of particular applicability relating to a particular facility, it is not subject to the regulatory

flexibility provision of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

E. Unfunded Mandates Reform Act

This proposed action does not contain any unfunded mandate as described in the Unfunded Mandates Reform Act (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments. The proposed action imposes no new enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This proposed action does not have federalism implications. It will not have substantial direct effects 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.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed action does not have tribal implications as specified in Executive Order 13175. This proposed action applies only to a particular facility on non-tribal land. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This proposed action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This proposed action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This proposed action does not involve technical standards as described by the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note).

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this proposed action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples. The EPA has determined that this proposed action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment.

L. Congressional Review Act

This proposed action is exempt from the Congressional Review Act (5 U.S.C. 801 *et seq.*) because it is a rule of particular applicability.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, and Reporting and recordkeeping requirements.

Dated: January 6, 2022.

Davis Zhen,

Acting Director, Land, Chemicals and Redevelopment Division.

For the reasons set out in the preamble, the EPA proposes to amend 40 CFR part 261 as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

■ 2. In Table 1 of Appendix IX to Part 261 add an entry ''Emerald Kalama Chemical, LLC'' in alphabetical order to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22

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Table 1—Wastes Excluded From Non-Specific Sources

Facility	Address	Waste description
* * *	* *	* *
Emerald Kalama Chemical, LLC	Kalama, Washington	Wastewater treatment sludges, U019 (benzene) and U220 (toluene), generated at Emerald Kalama Chemical, LLC in Kalama, Washington at a maximum annual rate of 3,500 cubic yards per year. The sludge must be disposed of in a Subtitle D landfill which is licensed, permitted, or otherwise authorized by a state to accept the delisted wastewater treatment sludge. The exclusion becomes effective as of January 20, 2022. 1. *Delisting Levels:* The constituent concentrations in a representative sample of the waste must not exceed the following levels. Total concentrations (mg/kg): Cobalt–62,300; Copper–463,000; Nickel–402,000; Benzene–276,000; Formic Acid–145,000. TCLP Concentrations (mg/l in the waste extract): Acetaldehyde–8.65; Barium–74.8; Copper–19.0; Nickel–29.2; Zinc–426; Benzaldehyde–6.08; Benzene–0.166; Benzoic Acid–5,000; Formic Acid–174; Benzyl Alcohol–125; Methanol–2,500; Phenol–375; Toluene–32.6. For the cobalt concentration in an extract of the waste, the exclusion is based on a demonstration of being within a cobalt budget defined as 2000 yds^3-mg/L. The Petitioner must calculate a running total starting with the effective date of this exclusion, and for each annual period, using the following: $$\sum_{1}^{n} V_i C_i$$ Where V_i = the volume of each batch in cubic yards (yd^3) C_i = the concentration of cobalt in a TCLP extract of each batch as per Condition of this exclusion (mg/L) n = number of batches generated per year The Petitioner may conduct analysis for cobalt in an extract of the IWBS biosolids using the in-house method documented in (reference) as placed in the rulemaking docket. The Petitioner may monitor the quantity of waste in each batch on a weight basis, converting to volume using a documented density of 0.67 tons/cubic yard. Provided that the cumulative cobalt budget remains less than the limit of 2000 yds^3-mg/L each batch will be considered in compliance with the exclusion limit for cobalt in an extract of the waste. However, any batch with a cobalt concentration greater than 1.99 mg/l in a TCLP extract of the waste cannot be managed under this exclusion and must remain subject to RCRA Subtitle C regulation. For the first year following the effective date of this exclusion, the Petitioner shall also document the density of IWBS for each batch of IWBS using ASTM Method ASTM E1109 - 19 or other equivalent method for purposes of verifying the 0.67 tons/cubic yard density. In addition, the

		Petitioner shall, on an on-going monthly basis, obtain analysis of one spit aliquot of the TCLP extract of IWBS biosolids for cobalt from an independent laboratory accredited by the Washington State Department of Ecology subject to the provision of Condition 2 below. 2. Reporting. Within 60 days of each anniversary of the effective date of this exclusion, or such other time as the EPA may approve in writing, the Petitioner shall provide a written report to the EPA documenting all data gathered regarding extraction and analysis of the extract for cobalt pursuant to the requirements of this exclusion, including the results of IWBS density measurement (first year report only) and the independent laboratory data for cobalt required by Condition 1. This report must be accompanied by the signed certification language appearing at 40 CFR 270.1(d)(1). After review of the density data presented in this report, the EPA may provide the Petitioner written approval to use some other numerical density than 0.67 tons/cubic yard for purposes of subsequent implementation of cobalt budget calculations pursuant to Condition 1. Following submission of the first annual report, the Petitioner may request relief from the spilt aliquot analysis requirement in Condition 1. Upon receipt of written approval of the request from EPA, the Petitioner will be relieved of the spilt aliquot analysis requirement in Condition 1. 3. *Verification Testing:* To verify that the waste does not exceed the delisting concentrations specified in Condition 1 (except for cobalt), the Petitioner must collect and analyze one representative waste sample of every tenth roll-off box of wastewater treatment sludge. If this sampling is expected to occur on a weekend or a federal holiday, the Petitioner may substitute sampling of the 9^{th} or 11^{th} batch, with sampling of subsequent batches resuming on the original every 10^{th} roll-off box schedule. EPA notes that the Washington State Department of Ecology does not currently accredit any laboratory in the state of Washington for analysis of acetaldehyde, benzaldehyde, or formic acid in samples of solid material. the EPA will accept laboratory analyses result for acetaldehyde, benzaldehyde and formic acid from a laboratory that otherwise holds accreditation for all other analytes. For cobalt, sampling must occur once per batch (as defined by a single roll-off box). All sampling and analysis must be conducted using methods with appropriate detection concentrations and elements of quality control. Sampling data must be provided to the EPA no later 60 days following each anniversary of the effective date of this delisting, or such later date as the EPA may agree to in writing. No earlier than the first anniversary of the effective date of this delisting, the Petitioner may request that the EPA approve changes to the sampling frequency under this condition. Such a request must include data and analysis that demonstrated that the revised sampling frequency will ensure that all wastes subject to this exclusion will consistently satisfy the delisting exclusion criteria under Condition 1. The Petitioner must conduct all verification sampling according to a written sampling plan and associated quality assurance project plan which is approved in advance by the EPA that ensures analytical data are suitable for their intended use. The Petitioner's annual submission must also include a certification that

		all wastes satisfying the delisting concentrations in Condition 1 have been disposed of in a Subtitle D landfill which is licensed, permitted, or otherwise authorized by a state to accept the delisted wastewater treatment sludge. 4. *Changes in Operating Conditions:* The Petitioner must notify the EPA in writing if it significantly changes the manufacturing process, the chemicals used in the manufacturing process, the treatment process, or the chemicals used in the treatment process. The Petitioner must handle wastes generated after the process change as hazardous until it has demonstrated that the wastes continue to meet the delisting concentrations in Condition 1, demonstrated that no new hazardous constituents listed in 40 CFR Part 261 Appendix VIII have been introduced into the manufacturing process or waste treatment process, and it has received written approval from the EPA that it may continue to manage the waste as non-hazardous. 5. *Data Submittals:* The Petitioner must submit the data obtained through verification testing or as required by other conditions of this rule to the Director, Land, Chemical, & Redevelopment Division, U.S. EPA Region 10, 1200 6th Avenue Suite 155, M/S 15-H04, Seattle, Washington, 98101 or his or her equivalent. The annual verification data and certification of proper disposal must be submitted within 60 days after each anniversary of the effective date of this delisting exclusion, or such later date as the EPA may agree to in writing. The Petitioner must compile, summarize, and maintain on-site for a minimum of five years, records of analytical data required by this rule, and operating conditions relevant to those data. The Petitioner must make these records available for inspection. All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12). If the Petitioner fails to submit the required data within the specified time or maintain the required records on-site for the specified time, the EPA may, at its discretion, consider such failure a sufficient basis to reopen the exclusion as described in paragraph 5. 6. *Reopener Language*: (A) If, any time after disposal of the delisted waste, the Petitioner possesses or is otherwise made aware of any data relevant to the delisted waste indicating that any constituent is at a higher than the specified delisting concentration, then the Petitioner must report such data, in writing, to the Director, Land, Chemical, & Redevelopment Division, EPA Region 10 at the address above, or his or her equivalent, within 10 days of first possessing or being made aware of those data. (B) Based on the information described in Condition 4 or 6(A) and any other information received from any source, the EPA will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (C) If the EPA determines that the reported information does require Agency action, the EPA will notify the Petitioner in writing of the actions it believes are necessary to protect human health and the

		environment. The notice shall include a statement of the proposed action and a statement providing the Petitioner with an opportunity to present information as to why the proposed Agency action is not necessary or to suggest an alternative action. The Petitioner shall have 30 days from the date of the EPA's notice to present the information. (D) If after 30 days the Petitioner presents no further information or after a review of any submitted information, the EPA will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the EPA's determination shall become effective immediately unless the EPA provides otherwise.
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[FR Doc. 2022–00728 Filed 1–19–22; 8:45 am]
BILLING CODE 6560–50–C

Notices

Federal Register

Vol. 87, No. 13

Thursday, January 20, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Privacy Act of 1974; System of Records

AGENCY: Agency for International for Development (USAID).

ACTION: Notice of new privacy act system of records.

SUMMARY: The United States Agency for International Development (USAID) proposes to establish a new Agency-wide system of records entitled, Employee Assistance Program (EAP) Records. The purpose of publishing this Agency-wide notice is to meet federal requirements and promote consistent maintenance of USAID EAP records. EAP is a voluntary program, administered by USAID's Staff Care Wellness Program, designed to assist EAP clients in obtaining help with a wide range of personal and work-related issues or concerns that may affect job performance and their overall physical and mental fitness.

DATES: Submit comments on or before 3 February 2022. This modified system of records will be effective 3 February 2022 upon publication. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments:

Electronic

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the website for submitting comments.
- *Email: Privacy@usaid.gov.*

Paper

- *Fax:* 202–916–4946.
- *Mail:* Chief Privacy Officer, United States Agency for International Development, 1300 Pennsylvania Avenue NW, Washington, DC 20523.

FOR FURTHER INFORMATION CONTACT: Ms. Celida A. Malone, USAID Privacy Program at United States Agency for International Development, Bureau for Management, Office of the Chief Information Officer, Information Assurance Division: ATTN: USAID Privacy Program, 1300 Pennsylvania Avenue NW, Washington, DC 20523, or by phone number at 202–916–4605.

SUPPLEMENTARY INFORMATION: USAID is establishing this new system of records notice to document the records collected and maintained by staff of the USAID EAP program concerning EAP clients, and to allow for the tracking of the EAP client's progress and participation in the EAP or EAP-related community programs. EAP is a voluntary program designed to assist EAP clients in obtaining help with a wide range of personal- and work-related issues or concerns that may affect job performance and their overall physical and mental fitness.

SYSTEM NAME AND NUMBER:

USAID–35 Employee Assistance Program (EAP) Records.

SECURITY CLASSIFICATION:

Sensitive but Unclassified.

SYSTEM LOCATION:

Harting EAP Corporate Office, 4972 Benchmark Centre Drive Suite 200, Swansea, IL 62226.

SYSTEM MANAGER(S):

Supervisory Social Worker, Staff Care Center, Office of Human Capital and Talent Management, United States Agency for International Development, Ronald Reagan Building, 1300 Pennsylvania Avenue NW, Washington, DC 20523. Email: *staffcarecenter@usaid.gov.*

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 United States Code (U.S.C.) Section (§) 7901—Health Service Programs, and Public Law 79–658; 42 U.S.C. 290dd–1, 290ee–1; 42 U.S.C. 290dd–2; 5 U.S.C. 7361 and 7362, The Federal Employee Substance Abuse Education and Treatment Act of 1986, and Title 5 Code of Federal Regulations (CFR) Part 792; Public Laws 96–180 and 96–181; Public Law 79–658; Executive Order 12564; 44 U.S.C. 3101; 5 CFR part 792, Federal Employees' Health, Counseling, and Work/Life Programs, Subpart A42; CFR part 2, Confidentiality of Substance Use Disorder Patient Records; Public Law 100–71, 101 Stat. 4711, as amended, Program Supplementals; Public Laws 96–180 and 96–181.

Diverse laws and policies require USAID to maintain the confidentiality of an employee, to the extent permitted by law. These include:

- 42 CFR part 2
- The Privacy Act of 1974
- State laws, especially those covering child and elder abuse reporting
- Professional association standards and codes of ethics.

PURPOSE(S) OF THE SYSTEM:

This system will maintain information collected and/or generated for the provision of services by USAID Staff Care. USAID Staff Care promotes a range of programs, services, and resources designed to bolster the resilience, wellness, and work-life balance of USAID's workforce and their family members. The information contained in this system will be used to monitor the EAP client's progress and participation in the EAP or EAP-related community programs (such as support groups, Alcoholics Anonymous, etc.). EAP is a voluntary program that provides cost-free and confidential assessment, short-term counseling, referral, and follow-up services to its clients who experience personal and/or work-related challenges that may affect attendance, work performance, and/or conduct.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USAID employees and their eligible family members, who seek and/or receive assistance through, or are referred by their supervisors or other Agency officials for assistance through the EAP.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains records on USAID Staff Care clients. Records may contain the following information:

- Client Contact Information, including: Name, Employee Identification Numbers, Job Title/Series, Grade, Home/Work Address, Home/Work Telephone Number, and Emergency Contact of EAP Clients.
- Client Sociodemographic Information, including: Date of Birth, Race, Gender, Sexual Orientation, Marital Status, Relationship of Family Member to USAID employee.
- Employment information, including: Employment history, records

related to work performance or conduct issues, such as records of referrals, leave usage, supervisory/organizational interventions.

• Treatment Records, including: Counselor Intake forms, consultation notes, treatment plans, treatment recommendations, referrals to third-party service providers. Referrals may include those to community-based resources, treatment facilities and/or organizations that provide legal, financial, or other assistance not related to mental health or general medical services. Where clinical referrals have been made, records may include relevant information related to counseling, diagnosis(es), prognosis(es), treatment, and evaluation, along with follow-up data that may be generated by the community program providing the relevant services. Written consent forms are used to permit the disclosure of information outside the EAP.

• Records related to Substance Abuse Testing and Treatment, including: drug and alcohol test results, evaluations, treatment and rehabilitation plans, records of referrals and other information that may be generated by USAID's Drug-Free Workplace Program or treatment facilities from which the EAP client may be receiving treatment.

• Service Provider Information, including: Account Number, Contractor Billing Information, Insurance Information and Government Payments Note 1: Listed below are other types of records that contain information about employee health and fitness, which are not covered by this system of records. Such records are covered by a government-wide system of records (OPM/GOVT–10), which is managed by the U.S. Office of Personnel Management. Records covered by OPM/GOVT–10 include:

• Medical records, forms, and reports completed or obtained when an individual applies for a Federal job and is subsequently employed

• Medical records, forms, and reports completed during employment as a condition of employment, either by the USAID or by another State or local government entity, or a privacy sector entity under contract to USAID

• Records pertaining to and resulting from drug screening for use of illegal drugs under Executive Order 12564

• Reports of on-the-job injuries and medical records, forms, and reports generated as a result of the filing of a claim for Workers Compensation.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from:

• The individual to whom the information pertains

• The individual's supervisors or coworkers

• Medical staff who have examined, tested, or treated the individual

• Laboratory reports and test results

• Employee's bargaining unit

• Other external sources who provide relevant information to facilitate the provision of services by the EAP contractor.

In the case of drug abuse counseling, records may also be generated by those administering USAID's Drug-Free Workplace Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The confidentiality of services provided through EAP is strictly maintained. In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), relevant records or information in this system may be disclosed without the EAP client consent as follows:

(a) To law enforcement officers to report information directly related to an EAP client's commission of a crime on the premises of the EAP program or against EAP program personnel or a threat to commit such a crime, provided that the disclosure is limited to the circumstances of the incident, including the client status of the individual committing or threatening to commit the crime, that individual's name and address, and that individual's last known whereabouts.

(b) To appropriate State or local authorities to report, where required under State law, incidents of suspected child, elder, or domestic abuse or neglect.

(c) To any person or entity to the extent necessary to prevent an imminent crime which directly threatens loss of life or serious bodily injury.

(d) To an authorized designee who is responsible for the care of an EAP client when the EAP client to whom the records pertain is mentally incompetent or under legal disability.

(e) To contractors or authorized EAP community health care providers that provide counseling and other services through referrals from the EAP staff to the extent that it is appropriate, relevant, and necessary to enable the contractor or provider to perform his or her evaluation, counseling, treatment, and rehabilitation responsibilities.

(f) To contractors and their agents, grantees, experts, consultants, and others (*e.g.,* providers contracted to provide Staff Care services to USAID employees and their family members) performing or working on a contract, service, grant, cooperative agreement, or other assignment for USAID, when necessary to accomplish an Agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to USAID officers and employees.

(g) To Medical or Emergency Response Personnel to the extent necessary to meet a bona fide medical emergency.

(h) To a Federal, State or local agency, professional licensing authority, or other appropriate entities as required to ensure the professional responsibility requirements are met by EAP employees.

(i) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal or administrative proceedings, when the USAID is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary.

(j) To appropriate agencies, entities, and persons when: (1) USAID suspects or has confirmed that there has been a breach of the system of records; (2) USAID has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals (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 USAID's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(k) To another federal agency or federal entity, when USAID determines that the information from the 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, that might result from a suspected or confirmed breach.

(l) To the National Archives and Records Administration (NARA) for the purposes of records management inspections conducted under the

authority of Sections 2904 and 2906 of Title 44 of the U.S.C. and in its role as Archivist.

Note 2: To the extent that disclosure of substance abuse patient records is more restricted than disclosure of other EAP records, the EAP staff will follow such restrictions. See 42 U.S.C. 290dd–2; 42 CFR part 2. Similarly, nothing in these routine uses should be construed as authorizing a disclosure which is prohibited under State law; nor may any State law either authorize or compel any disclosure of substance abuse patient records not encompassed by this Notice and governing EAP regulations. (See 42 CFR 2.20.)

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

USAID stores records in this system in electronic format and paper format. Records in paper format are stored in file folders in locked cabinets. Records in electronic format are kept in a user-authenticated and password-protected computerized database system.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

USAID EAP staff indexes and retrieves records by the name of the EAP client or by an identifying case number that is cross-indexed to the EAP client's name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

USAID follows NARA-approved records retention schedule. EAP records, regardless of the storage medium and whether or not an employee has terminated employment with the Agency, are retained during their useful life in accordance with General Records Schedule 2.7, Employee Health and Safety Records.

- Records not related to performance or conduct. These records are destroyed seven (7) years after termination of counseling for adults, or three (3) years after a minor reaches the age of majority, or when the State-specific statute of limitations has expired for contract providers subject to State requirements.
- Records related to employee performance or conduct. These records are destroyed once the employee has met condition(s) specified by agreement or adverse action or a performance-based action case file has been initiated.

Only the EAP Director or equivalent may destroy or dispose of EAP records and must have at least one witness present when paper records are destroyed, or electronic records are deleted. The witness must be an Agency employee familiar with handling confidential records. Whenever possible, witnesses should be other EAP staff members. All EAP records must be destroyed and/or deleted using Agency-approved disposal procedures.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

USAID EAP personnel maintain Internal EAP records. Access to USAID buildings where records are located is restricted by 24-hour electronic identification.

For Paper Records: USAID secures records in lockable metal filing cabinets within a locked room when not in use. Access to these records are strictly limited to authorized USAID EAP personnel. Only the case number appears on the file label. The file is cross-referenced with a separately secured list with a corresponding name and case number.

For Electronic Records: USAID EAP personnel store and password-protect electronic records in a user-authenticated, USAID-issued computer and/or a USAID-approved, computerized database system. These records are maintained separately from other systems of record. Access to these electronic records is strictly limited to authorized USAID EAP personnel.

USAID EAP contractors are also required to maintain all USAID EAP client records with similar safeguards to ensure the security and confidentiality of EAP records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained.

All persons having access to these records shall be trained in the proper handling of records covered by the Privacy Act and 42 CFR part 2 (Confidentiality of Alcohol and Drug Abuse Patient Records). These acts restrict disclosures to unique situations, such as threats of physical harm, medical emergencies, and suspected child abuse, except where the client has consented in writing to such disclosure. Clients of the EAP will be informed in writing of the confidentiality provisions. Secondary disclosure of released information is prohibited without client consent.

RECORD ACCESS PROCEDURES:

Under the Privacy Act, individuals may request access to records about themselves. These individuals must be limited to citizens of the United States or aliens lawfully admitted for permanent residence. If a Federal Department or Agency or a person who is not the individual who is the subject of the records, requests access to records about an individual, the written consent of the individual who is the subject of the records is required.

Individuals seeking access to information about themselves contained in this system of records should address inquiries to the Bureau for Management, Office of Management Services, Information and Records Division (M/MS/IRD), USAID Annex—Room 2.4.0C, 1300 Pennsylvania Avenue NW, Washington, DC 20523. The requester may complete and sign a USAID Form 507–1, Certification of Identity Form or submit signed, written requests that should include the individual's full name, current address, telephone number, and this System of Records Notice number. 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 following 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:

See Section 3.20 above, Record Access Procedures. Individuals may also contact the appropriate EAP System of Records Manager at the USAID Staff Care email address: *staffcarecenter@usaid.gov* to: (i) Request access, contest, or amend a notification of records; and (ii) to determine the location of particular EAP records created by contractors on behalf of USAID, or maintained by contractors at the contractor's location.

NOTIFICATION PROCEDURES:

See Section 3.20 above, Record Access Procedures.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Celida Ann Malone,

Government Privacy Task Lead.

[FR Doc. 2022–00988 Filed 1–19–22; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Report of Federal Financial Assistance Programs for Infrastructure Administered by USDA as Required by the Infrastructure Investment and Jobs Act

AGENCY: Office of the Chief Financial Officer, USDA.

ACTION: Notice.

SUMMARY: The Infrastructure Investment and Jobs Act (IIJA) requires that within 60 days of its enactment, each agency must submit to the Office of Management and Budget (OMB) and Congress a report listing all Federal financial assistance programs for infrastructure administered by the agency. The IIJA also requires that the report be published in the **Federal Register**. In accordance with that requirement, we are making available the report prepared by the U.S. Department of Agriculture.

FOR FURTHER INFORMATION CONTACT: Tyson Whitney, Office of the Chief Financial Officer, Director, Transparency and Accountability Reporting Division, United States Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–9011, 202–720–8978, *tyson.whitney@usda.gov.*

SUPPLEMENTARY INFORMATION: The Infrastructure Investment and Jobs Act (IIJA, Pub. L. 117–58) requires that within 60 days of its enactment (*i.e.,* by January 14, 2022), each agency must submit to the Office of Management and Budget (OMB) and Congress a report listing all Federal financial assistance programs for infrastructure administered by the agency. The IIJA also requires that this 60-day report be published in the **Federal Register**. These requirements are reiterated in OMB Memorandum M–22–08, *Identification of Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act,* which provides additional guidance to agencies.

In accordance with these requirements, the U.S. Department of Agriculture's (USDA's) 60-day report contains a list of infrastructure programs by Assistance Listing Number and Title from the following agencies: Agricultural Marketing Service, Food and Nutrition Service, National Institutes of Food and Agriculture, Natural Resources Conservation Service, Rural Business Cooperative Service, and Rural Utilities Service. Each listing identifies all domestic content procurement preferences applicable to the Federal financial assistance program, domestic content procurement preference requirements, applicable domestic content procurement preference requirements, and project descriptions.

Through this notice, we are making USDA's 60-day report available to the public. You may view the report on the internet at *https://www.ocfo.usda.gov/FederalFinancialAssistancePolicy.* Copies may also be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Lynn Moaney,

Deputy Chief Financial Officer, U.S. Department of Agriculture.

[FR Doc. 2022–01047 Filed 1–19–22; 8:45 am]

BILLING CODE 3410–KS–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0033]

Determination of the Newcastle Disease Status of the Cantons of Neuchâtel and Ticino of Switzerland

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we are reinstating the animal health status of the Cantons of Neuchâtel and Ticino in Switzerland as free of Newcastle disease. This recognition is based on an assessment we prepared and made available for public review and comment.

DATES: This change of disease status will be recognized on January 20, 2022.

FOR FURTHER INFORMATION CONACT: Dr. Rebecca Gordon, Import Risk Analyst, Regionalization Evaluation Services, Strategy & Policy, Veterinary Services, APHIS, USDA, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; *AskRegionalization@usda.gov;* (919) 855–7741.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 govern the importation of animal products into the United States in order to ensure that the products do not introduce or spread diseases or pests of livestock, including Newcastle disease (ND). Section 94.6 contains requirements governing the importation of carcasses, meat, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds from regions in which ND is considered to exist. The section provides that the Animal and Plant Health Inspection Service (APHIS) will maintain a list on the internet of regions in which ND is not known to exist. It further provides that, should a region be removed from the list due to an outbreak, APHIS will reinstate the region to the list in accordance with the procedures in 9 CFR 92.4.

Section 92.4 provides that after removing disease-free status from all or part of a region, APHIS may reassess the disease situation in that region to determine whether it is necessary to continue import prohibitions or restrictions. When reassessing the region's disease status, APHIS considers the standards of the World Organization for Animal Health (OIE) [1] for reinstatement of disease-free status, as well as all relevant information obtained through publicly available means or collected by or submitted to APHIS through other means. Prior to removing import prohibitions or restrictions, APHIS makes the information regarding its assessment of the region's disease status available to the public for comment through a notice published in the **Federal Register**.

In accordance with the process for reinstatement, we published a notice [2] in the **Federal Register** on October 26, 2020 (85 FR 67705, Docket No. APHIS–2020–0033) announcing the availability for review and comment of our evaluation of the ND status of the Cantons of Neuchâtel and Ticino. Based on this evaluation, APHIS concluded that Switzerland has effectively controlled and eradicated ND in its domestic poultry population in the Cantons of Neuchâtel and Ticino. APHIS also concluded that competent veterinary authorities of the Cantons have adequate disease control measures in place to rapidly identify, control, and eradicate the disease should it be reintroduced into Switzerland. Therefore, APHIS recommended that the Cantons Neuchâtel and Ticino should be reinstated onto the list of regions in which ND is not known to exist.

We solicited comments on the notice for 60 days ending December 28, 2020. We received no comments by that date.

We are therefore reinstating the animal health status of the Cantons of Neuchâtel and Ticino as free of ND.

[1] The World Organization for Animal Health internationally follows a British English spelling of ''organisation'' in its name; also, it was formerly the Office International des Epizooties, or OIE, an acronym still in usage.

[2] To view the notice and assessment, go to *www.regulations.gov* and enter APHIS–2020–0033 in the Search field.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this action as not a major rule, as defined by 5 U.S.C. 804(2).

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 12th day of January 2022.

Jack Shere,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2022–01010 Filed 1–19–22; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Boundary Establishment for Clackamas National Wild and Scenic River, Mt. Hood National Forest, Clackamas and Marion Counties, Oregon

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of availability.

SUMMARY: In accordance with Section 3(b) of the Wild and Scenic Rivers Act, the Forest Service, U.S. Department of Agriculture, is transmitting the final boundary of the Clackamas National Wild and Scenic River to Congress.

FOR FURTHER INFORMATION CONTACT: Information may be obtained by contacting John Ransom, Regional Land Surveyor, by telephone at (503) 808–2420 or via email at *john.ransom@usda.gov.* Alternatively, contact Matt Peterson on the Mt. Hood National Forest at 541–735–1223 or *matthew.peterson1@usda.gov.* Individuals who use telecommunication devices for the deaf/hard-of-hearing (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The Clackamas Wild and Scenic River boundary description is available for review on the Mt. Hood National Forest website: *https://www.fs.usda.gov/detail/mthood/home/?cid=FSEPRD588719.*

Due to COVID–19 health and safety protocols to protect employees and visitors, many Forest Service offices are closed to the public. The Clackamas Wild and Scenic River boundary is available for review at the following offices if arrangements are made in advance: USDA Forest Service, Yates Building, 14th and Independence Avenues SW, Washington, DC 20024, phone—800–832–1355; Pacific Northwest Regional Office, 1220 SW Third Avenue, Portland, OR 97204, phone—503–808–2468; and Mt. Hood National Forest Supervisor's Office, 16400 Champion Way, Sandy, OR 97055, phone—503–668–1700. Please contact the appropriate office prior to arrival.

The Omnibus Oregon Wild and Scenic Rivers Act of 1988 (Pub. L. 100–557) of October 28, 1988, designated Clackamas, Oregon as a National Wild and Scenic River to be administered by the Secretary of Agriculture. As specified by law, the boundary will not be effective until ninety days after Congress receives the transmittal.

Dated: January 13, 2022.

Sandra Watts,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2022–01034 Filed 1–19–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

[Docket No. RHS–21–MFH–0015]

Off-Farm Labor Housing Technical Assistance (Off-FLH TA) Grants

AGENCY: Rural Housing Service, United States Department of Agriculture (USDA).

ACTION: Notice of funds availability (NOFA).

SUMMARY: The Rural Housing Service (RHS), a Rural Development (RD) agency of the United States Department of Agriculture (USDA), announces the availability of $1 million in grant funding, and the timeframe to submit applications for Off-Farm Labor Housing Technical Assistance (Off-FLH TA) grants. This NOFA solicits applications from eligible private and public nonprofit (NP) agencies to provide technical assistance (TA) to organizations and groups qualified to apply for Section 514 Off-Farm Labor Housing (Off-FLH) loans and Section 516 Off-FLH grants. Work performed under these grants is expected to increase the availability of decent, safe, and sanitary housing for farm laborers.

DATES: The closing deadline for receipt of all applications in response to this NOFA is 5:00 p.m., Eastern Daylight Time on March 21, 2022. See the **SUPPLEMENTARY INFORMATION** section for additional information.

ADDRESSES: Applications to this Notice must be submitted electronically via CloudVault. Specific instructions on how to submit applications electronically are provided below within this Notice under the **SUPPLEMENTARY INFORMATION** section and can also be viewed at: *https://www.grants.gov.*

FOR FURTHER INFORMATION CONTACT: Christa Lindsey, Production and Preservation Division, Multi-Family Housing via email: *christa.lindsey@usda.gov* or at (352) 538–5747 (this is not a toll-free number). Persons with disabilities who require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720–2600 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Authority

This solicitation is authorized under Section 516(i) of the Housing Act of 1949, as amended; 42 U.S.C. 1486(i); and 7 CFR 3560.

Rural Development: Funding Key Priorities

The Agency encourages applicants to consider projects that will advance the following three key priorities:

- Assisting Rural communities recover economically from the impacts of the COVID–19 pandemic, particularly disadvantaged communities.
- Ensuring all rural residents have equitable access to RD programs and benefits from RD funded projects; and
- Reducing climate pollution and increasing resilience to the impacts of climate change through economic support to rural communities.

Additional information regarding RD's funding priorities is available at the following website: *https://www.rd.usda.gov/priority-points.*

Expenses incurred in developing grant application packages will be at the applicant's sole risk.

Overview

Federal Agency: Rural Housing Service.

Funding Opportunity Title: Off-Farm Labor Housing Technical Assistance Grants.

Announcement Type: Notice of Funding Availability.

Assistance Listing (AL) Number: 10.495.

Due Date for Applications: The deadline for receipt of all applications in response to this NOFA is 5:00 p.m., Eastern Daylight Time on March 21, 2022.

Submissions: Complete application packages must be submitted

electronically via CloudVault and must be received by the closing deadline.

Items in Supplementary Information

I. Program Overview

A. Background

The Rural Housing Service (RHS or Agency) is an agency of the U.S. Department of Agriculture. RHS administers the Multifamily Housing Programs that provides affordable multifamily rental housing in rural areas by financing projects geared for low-income, elderly, and disabled individuals and families as well as domestic farm laborers. MFH programs extends its reach by guaranteeing loans for affordable rental housing designed for low to moderate-income residents in rural areas and towns. MFH Programs are administered, subject to appropriations, by the USDA as authorized under Sections 514, 515 and, 516 and 521 of the Housing Act of 1949, as amended.

RHS regulations for Section 514 and Section 516 Off-FLH program are published at 7 CFR part 3560. Further requirements for technical assistance grants can be found at 7 CFR part 3560, subpart L. The technical assistance grants authorized under Section 516 are for the purpose of encouraging development of domestic and migrant Off-FLH projects under Sections 514 and 516 of the Housing Act of 1949. The primary work of the Off-FLH TA grants funded by this announcement is to facilitate improved development and packaging of the Off-FLH loan and grant applications, which is expected to increase the availability of decent, safe, and sanitary housing for farm laborers. Proposals must demonstrate the capacity to provide the intended technical assistance.

Eligible nonprofits must demonstrate experience and expertise in FLH development, technical assistance delivery, and federal grant management, and must have the capacity to provide advisory services to groups and organizations who are eligible to apply for Off-FLH loans and grants, but who lack the experience and/or capacity to develop and package their own loan and grant dockets to submit to the Agency for funding consideration. Responding entities may apply to serve a single State or multi-State area. Funding for this opportunity is $1 million.

B. Program Description

The technical assistance grants authorized under this funding opportunity are for the purpose of encouraging off-farm labor housing development under Section 516(i) of the Housing Act of 1949, as amended; (42 U.S.C. 1486(i)). RHS regulations for Section 514 and Section 516 Off-FLH programs and provisions for FLH technical assistance grants are published at 7 CFR part 3560, subpart L.

Eligible entities responding to this notice are expected to bring knowledge, experience, and expertise in farm labor housing development, federal grant administration, and technical assistance program development, implementation, and delivery. Respondents may submit applications to serve a single state or multi-state areas.

II. Federal Award Information

A. Assistance Listing (AL) Number: 10.495

Assistance Listing (AL) Title: Farm Labor Housing Technical Assistance (FLH TA) Grants.

B. Award Information

The Agency will evaluate and score the grant applications according to the criteria set forth in this NOFA. The minimum award per funded application will be $50,000 and the maximum award per funded application will be $250,000. The Agency reserves the right to withhold the awarding of funds for applications that fail to meet the minimum required score of 70 points.

Applicants selected for funding will complete a grant agreement suitable to the Agency, which outlines the terms and conditions of the Grant award. The Agency may request changes to the Statement of Work (SOW) which will be incorporated into the grant agreement. If a selected grantee does not accept the terms of the Agency and/or does not deliver an executed Grant Agreement to the Agency within ten business days after receiving the Grant Agreement with the Agency-approved SOW, the Agency may choose to rescind the award and select another grantee based on scoring without further notice.

C. Period of Performance

The period of performance is 24 months with one possible extension allowed for up to an additional 12 months at the Agency's discretion. However, proposals should be structured to utilize all grant funds within 24 months from the date of the award. The grant term will be defined in the Grant Agreement and will become effective once signed by the grantee and the Agency. Grant funds will be obligated within ten business days after executing the Grant Agreement.

III. Definitions

The terms and conditions provided in this NOFA are applicable to and for the purposes of this NOFA only. Unless otherwise provided in the award documents, all financial terms not defined herein shall have the meaning as defined by Generally Accepted Accounting Principles (GAAP).

Agency means the Rural Housing Service (RHS), an agency of the U.S. Department of Agriculture.

Capacity for the purpose of this notice is defined as demonstrated experience in the areas of federal grant administration and farm labor housing technical assistance program development and delivery.

Curable deficiency is defined as an error, omission, or oversight that if corrected, would not alter, in a positive or negative fashion, the review and scoring of the application package.

Grantee is an entity that has received a grant award from the Agency.

Key personnel services include technical assistance delivery and grant administration.

Period of performance means the total estimated time interval between the start of the initial grant award and the planned end date.

Private nonprofit agency is a corporation owned and controlled by private persons; is organized and operated for purposes other than making gains or profits for the corporation or members; and is legally precluded from distributing to its members any gains or profits.

Public nonprofit agency is a nonprofit corporation other than a private nonprofit corporation, including a municipal corporation or other corporate agency of a State, Tribal or local government.

Rural Development (RD) means a mission area within USDA which includes Rural Housing Service, Rural Utilities Service, and Rural Business-Cooperative Service.

Technical Assistance for the purpose of this notice is defined as technical expertise, information and services provided by an eligible nonprofit entity with the necessary farm labor housing development knowledge, experience, and capacity to an Off-FLH applicant entity who lacks the knowledge, experience and/or capacity to develop, package, and submit their own loan and

grant dockets to the Agency for funding consideration.

Targeted service market areas for the purpose of this notice are market areas identified as having unmet need and/or unsatisfied market demand for new off-farm labor housing development projects.

A. Commonly Used Acronyms

CFR Code of Federal Regulation
DUNS Data Universal Numbering System
FLH Farm Labor Housing
NOFA Notice of Funding Availability
NP Nonprofit entity RD Rural Development
RHS Rural Housing Service
SAM System for Award Management
SOW Statement of Work
TA Technical Assistance
USDA United States Department of Agriculture

IV. Eligibility Information

A. Applicants

Applicants must meet the following eligibility requirements by the application deadline. Applications that fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

B. Applicant Eligibility

Eligibility for grants under this NOFA is limited to private nonprofit and public nonprofit agencies.

C. Organization Status

(1) Responding entities must document their organization status as follows:

(i) Status (*i.e.,* Articles of Incorporation) as a Non-Profit (NP) entity.

(ii) Good standing within the State, or Tribe, in which the entity is organized.

(iii) Legal authority to provide the stated services under the applicable laws for the state(s) (or tribes) in which operation is proposed. Examples of acceptable documentation include but are not limited to bylaws, organizational charters, and statutes or regulations.

(iv) No current or unresolved default or violation of any other Federal, Tribal, State, or local grant or loan agreement(s).

(v) All applicants will be screened for eligibility to participate in the grant program using Treasury's Do Not Pay Portal in compliance with the Improper Payments Elimination and Recovery Improvement Act.

(vi) Applicants are not eligible if they have been debarred or suspended or otherwise excluded from, or ineligible for, participation in Federal assistance programs under 2 CFR parts 180 and 417.

(vii) All applicants must have the knowledge, experience, and capacity to deliver the off-farm labor housing technical assistance services outlined within this Notice. Applicants will include a proposed SOW which will be evaluated as part of the application package.

(viii) The requirements above will also apply to any entities performing services on behalf of the respondent.

D. Activities

(1) The primary work under these Off-FLH TA grants will focus on private and public nonprofit technical assistance providers delivering advisory services to qualified Off-FLH loan/grant applicant groups and organizations who lack the knowledge, experience and/or capacity to develop, package, and submit their own loan and grant dockets to the Agency for funding consideration.

(2) Qualified applicants for Section 514 loans and Section 516 grants may include broad-based non-profit organizations, non-profit organizations of farmworkers, federally recognized Indian tribes, community organizations, agencies, or political subdivisions of State, Tribal or local Government, public agencies (such as housing authorities), and other eligible FLH organizations.

(3) Grantees are expected to provide technical assistance services directly to recipients; therefore, using consultants/contractors for key personnel services (technical assistance delivery and grant administration) will be limited to a maximum of 10% of the total key personnel services budget. This requirement is intended to advance the Agency's goal of increasing the capacity of Agency-funded nonprofit TA providers to deliver technical assistance services directly to recipients.

(4) Off-Farm labor housing may be constructed in either urban or rural areas if need and demand for such housing is supported. Grantees will concentrate their activities in market areas identified as having unmet need and/or unsatisfied market demand for new Off-FLH construction projects.

E. Eligible Purposes/Costs

Costs will be limited to those allowed under 2 CFR part 200. Grantees may, with Agency concurrence and approval, utilize Off-FLH TA grant funds for the following purposes (this is not an exhaustive list):

(1) Conducting targeted outreach efforts to inform and recruit potential Off-FLH applicants.

(2) Providing advisory services to eligible Off-FLH applicants for conducting site searches, estimating construction costs, resolving planning, and zoning issues, and negotiating and executing property acquisitions.

(3) Assisting applicants during the application development, packaging, submission, underwriting and closing processes; and for other transaction details that are considered part of the application process, such as financial analyses, Capital Needs Assessments (CNAs), appraisals, market surveys/studies, and other consultation, advisory and non-construction services.

(4) Grantees may also on a case-by-case basis with advanced approval by the Agency, provide technical assistance to entities approved for Off-FLH funding during the construction and rent-up/lease-up phases of development and provide training to Agency-funded Off-FLH projects to support successful long-term management of Off-FLH properties.

F. Ineligible Purposes/Costs

In addition to costs identified as unallowable by 2 CFR part 200 or 400, grant funds cannot be used for the following (this is not an exhaustive list):

(1) Construction (in any form) including building materials, labor, and costs or expenditures otherwise typically included as hard costs for actual construction.

(2) To reimburse grantees for technical assistance services provided to another nonprofit or public body applicant in the development and packaging of its loan/grant docket and project when those applicant entities have requested reimbursement for technical assistance expenses as part of their total project development cost (See (7 CFR 3560.553 (c)) & 7 CFR 3560.53 (o) (3). (Duplication of service costs is not allowed.)

(3) In counties with Agency-financed Off-FLH properties currently operating under a ''diminished need'' occupancy waiver (7 CFR 3560.152; 3560.576 (e)).

(4) When an identity of interest exists between the technical assistance provider (or any third-party entity acting on their behalf) and the loan/grant applicant. Identity of interest is defined in 7 CFR 3560.11.

G. Conflicts of Interest

Conflicts of interest are situations in which an officer, director, board member, agent, employee, or partner of the non-Federal entity being considered for a Federal award, any immediate family member of the parties indicated herein, or any organization which employs or is about to employ any of the parties indicated herein, have a competing personal, professional, financial, and/or other interest in activities performed under the Federal

award or may receive a tangible personal benefit from activities performed under the Federal award which renders them unable, or gives the appearance of being unable, to be impartial in conducting/administering the Federal award. Organizational conflicts of interest are situations in which the non-Federal entity being considered for a Federal award is unable, or appears to be unable, to be impartial in conducting/administering the Federal award because of its relationship with a parent company, affiliate, subsidiary organization, or other related organization or party.

(1) Entities applying for funding under this Notice and funded Grantees must disclose in writing any potential conflicts of interest to the Agency, including situations that would create a conflict of interest, potential for conflict of interest, or any appearance of a conflict of interest.

(2) No Grantee funded under this Notice or its officers, directors, board members, agents, employees, or partners can participate in conducting or administering the Off-FLH TA grant award if a real or apparent conflict of interest exists.

(i) Unless approved by the agency, neither the Grantee nor any officer, director, board member or partner of the Grantee may accept or share any compensation or remuneration, directly or indirectly, in any form whatsoever, from or with any party interested in the activities performed under the grant agreement.

(ii) Unless approved by the agency, neither the Grantee nor any officer, director, board member, partner or any person employed by the Grantee may accept compensation or remuneration contrary to the intentions of the grant agreement.

(iii) Unless approved by the agency, neither the Grantee nor any officer, director, board member or partner of the Grantee may be involved as an officer, director, board member or general partner in a business venture with an officer, director, board member or general partner of any other party interested in the activities performed under the grant agreement.

(3) Grantees funded under this Notice must maintain written standards of conduct governing organizational conflicts of interest and conflicts of interest related to the performance of its officers, directors, board members, agents, and employees in conducting/administering Federal grant awards. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by the Grantee and its directors, board members, officers, employees, and agents.

V. Application Submission Information

A. Electronic Application Package Submissions

All application materials must be submitted electronically via CloudVault. No other form of applications will be accepted. To be considered for funding under this Notice, application packages must be deemed complete by the Agency and must be received in the applicant's CloudVault folder by the closing deadline specified in the **DATES** section of this notice. The application closing deadline is firm as to date and hour. Incomplete application packages will be returned to the applicant and will not be considered for funding.

The process for submitting electronic application packages to the Agency via CloudVault is as follows:

(1) At least three (3) business days prior to the application deadline, respondents must email a request to create a shared CloudVault folder. The email must be sent to the following address: *RD.FLHTA@usda.gov* and should contain the following information:

(i) Subject Line: Off-Farm Labor Housing Technical Assistance NOFA Submission.

(ii) Body of email: Applicant Entity's Name and complete contact information.

(iii) Request language: ''Please create a shared CloudVault folder for the submission of FLH TA application package documents.''

(iv) A shared CloudVault folder will be created within two (2) business days of receipt of the emailed request. Respondents will automatically receive an email at their submitted email address with a link to the established shared CloudVault folder after the folder is created. All required application documents in accordance with this NOFA must be uploaded into the applicant's CloudVault folder prior to the NOFA deadline. Respondents should include a Table of Contents for all documents uploaded to the shared CloudVault folder. Access permissions to the shared CloudVault folder will be removed when the submission deadline is reached. Any document(s) uploaded to the shared CloudVault folder after the submission deadline will not be reviewed or considered as part of the application package. The Agency will provide a written acknowledgement of receipt of application packages upon request by respondents.

B. Content and Format of Application Packages

All application forms should be completed in their entirety using unexpired, OMB-approved forms, which can be found at: Forms Repository | *GRANTS.GOV*. Each narrative page must be on numbered, letter-sized (8½ x 11) paper utilizing legible font. The Agency may contact respondents to clarify items submitted in the application package and will uniformly notify applicants of any curable deficiencies.

(1) Complete application packages must include the following:

(i) *Standard Form 424,* ''Application for Federal Assistance-Non-construction.''

(ii) *Standard Form 424A,* ''Budget Information-Non-Construction Programs.''

(iii) *Organization status documents* supporting the criteria in Part IV. Section C. of this NOFA, as well as current financial statements to evidence the applicant's status as a properly organized private or public non-profit agency with the financial ability to carry out the approved objectives of this Off-FLH TA grant program. Working agreements between the applicant entity and any third-party entities working on their behalf must be submitted as part of the application package and any associated costs must be included in the responding entity's submitted budget. Applicants must also disclose all RHS projects, either publicly or privately supported, in which they or any of their third-party affiliates have any direct or indirect ownership interest.

(iv) A written narrative proposal, which should conform to the order of the criterion as presented in Part VI. Section B.

(v) *Risk Review:* The Agency may request additional documentation from selected applicants in order to evaluate the financial, management, and performance risk posed by awardees as required by 2 CFR 200.205. Based on this risk review, the Agency may apply special conditions that correspond to the degree of risk assessed, either pre-award or post-award.

(vi) *Civil Rights Compliance Requirements:* All awards made under this notice are subject to Title VI of the Civil Rights Act of 1964 as required by 7 CFR part 15, subpart A, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, and the Age Discrimination Act of 1975.

(vii) Awards made under this Notice are subject to the provisions contained in the Consolidated Appropriations Act,

2021 (Pub. L. 116–260) Sections 744 and 745 regarding felony convictions and corporate Federal tax delinquencies.

C. Dun and Bradstreet Data Universal Numbering System (DUNS) for Award Management (SAM)

Grant applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and register in the System for Award Management (SAM) prior to submitting an application pursuant to 2 CFR 25.200(b). In addition, an entity applicant must maintain registration in SAM at all times during which it has an active Federal award or an application or plan under consideration by the Agency. The applicant must ensure that the information in the database is current, accurate, and complete. Applicants must ensure they complete the Financial Assistance General Certifications and Representations in SAM. Similarly, all recipients of Federal financial assistance are required to report information about first-tier subawards and executive compensation in accordance to 2 CFR part 170. So long as an entity applicant does not have an exception under 2 CFR 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. See 2 CFR 170.200(b).

An applicant, unless excepted under 2 CFR 25.110(b), (c), or (d), is required to:

(a) Be registered in SAM before submitting its application;

(b) Provide a valid DUNS number or unique entity identifier (UEI) in its application; and

(c) Continue to maintain an active SAM registration with current information, including information on a recipient's immediate and highest level owner and susidiaries, as well as on predecessors that have been awarded a Federal contract or grant within the last three years, if applicable, at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency.

The Federal awarding agency may not make a federal award to an applicant until the applicant has complied with all applicable DUNS and SAM requirements and, if an applicant has not fully complied with the requirements by the time the Federal awarding agency is ready to make a Federal award, the Federal awarding agency may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

As required by the Office of Management and Budget (OMB), all grant applications must provide a DUNS number when applying for Federal grants. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free number at 1–866–705–5711 or via internet at *http://fedgov.dnb.com/webform.* Additional information concerning this requirement can be obtained on the *Grants.gov* website at *http://www.grants.gov.* Similarly, applicants may register for SAM at *https://www.sam.gov* or by calling 1–866–606–8220.

The applicant must provide documentation that they are registered in SAM and their DUNS or UEI number. If the applicant does not provide documentation that they are registered in SAM and their DUNS or UEI number, the application will not be considered for funding.

D. Compliance With Other Federal Statutes and Other Submission Requirements

(1). Other Federal Statutes. The applicant must certify to compliance with other Federal Statutes and regulations by completing the Financial Assistance General Certification and Representations in SAM, including, but not limited to the following:

(i) 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964. Civil Rights compliance includes, but is not limited to the following:

(a) Collect and maintain data provided by ultimate recipients on race, sex, and national origin.

(b) Race and ethnicity data will be collected in accordance with Office of Management and Budget (OMB) **Federal Register** Notice, ''Revisions of the Standards for the Classification of Federal Data on Race and Ethnicity'' (published October 30, 1997 at 62 FR 58782). Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency; and

(c) The applicant and any entities providing services on their behalf must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Order 12250, and 7 CFR part 1901, subpart E;

(d) 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards), or any successor regulations.

(e) Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *https://www.lep.gov;* and

(f) Federal Obligation Certification on Delinquent Debt.

VI. Application Proposal Information and Review, Evaluation and Scoring Criteria

A. General Information

(1) The overall objective of the Off-FLH TA grant program is to engage qualified private and public nonprofit agencies to provide TA to encourage off-farm labor housing development.

(2) The primary objectives of this funding opportunity are to determine market areas with unmet need and/or unsatisfied market demand for off-farm labor housing and to improve the overall quality of Section 514 Off-FLH loan and 516 grant application packages submitted to the Agency for funding consideration. The primary work permitted under these Off-FLH TA grant awards will focus on direct delivery of technical assistance advisory services by eligible nonprofit agencies to qualified Off-FLH loan/grant applicant groups and organizations who lack the knowledge, experience and/or capacity to develop, package, and submit their own loan and grant dockets. Qualified applicants for Section 514 Off-FLH loans and Section 516 grants may include broad-based non-profit organizations, non-profit organizations of farmworkers, federally recognized Indian tribes, community organizations, agencies, or political subdivisions of State, Tribal or local Government, public agencies (such as housing authorities), and other eligible FLH organizations identified as having an interest in applying for Agency funding.

(3) All eligible entities responding to this notice are expected to bring knowledge, experience, and expertise in farm labor housing development, federal grant administration, and technical assistance program development, implementation, and delivery. In addition, eligible entities must possess the ability to exercise leadership, organize work, and prioritize assignments to meet work demands in a timely and cost-efficient manner. Grantees funded under this NOFA are expected to provide key personnel

services directly to recipients with only limited use of consultants and contractors permitted. However, if applicants intend to contract for any key personnel services from outside their organization (not to exceed the 10% limit), all entities acting on behalf of applicants must also meet these qualifications.

B. Proposal Information

The written narrative proposal should include these sections in the following order:

(1) Introduction/overview

(i) Include applicant entity's name, amount of Federal funding requested, and the geographic locations (states/service areas) in which the proposed grant work will take place. Describe the proposal's overall objectives and goals, the types of technical assistance that will be provided, the approach and strategies that will be utilized to deliver services, how impact will be quantified, and the predicted benefits or deliverables of the proposal. Briefly describe the applicant's background and experience in farm labor housing technical assistance service delivery and federal grant administration.

(2) Statement of Work/Work Plan

(i) Describe in detail the background, objectives, and proposed tasks (work plan) with a timeline, focusing on the activities outlined in Part IV. Section D. above. The SOW must list each market area the applicant has targeted to receive TA services, all of which must demonstrate unmet need and/or unsatisfied market demand for new off-farm labor housing construction projects. In determining the targeted service areas, applicants must consider the total number of farmworkers in the area, the number and percentage of farmworkers who are without adequate housing in the area, and projected future housing demand in the area. Consultation with major employers of farm laborers and with farmworker organizations in each market area is strongly encouraged prior to determining which areas to target for services. Additionally, the SOW must identify all potential Off-FLH loan/grant applicants who will be recruited to apply for Agency funding. The entities targeted for recruitment must be qualified organizations that have interest in applying for Off-FLH funding in the targeted service areas but lack the knowledge and/or capacity to apply for Agency funding on their own behalf.

(ii) Proposals should describe in detail how the applicant's existing FLH knowledge and expertise, in combination with statistical data analysis, were utilized in determining the targeted market areas and potential loan/grant applicants, and how those findings provided foundational context to their planning efforts. Also include a discussion of the applicant's organizational ability to serve the targeted communities and applicants effectively based on key personnel, established timeframes, and budget projections. Applicants should describe in detail the data utilized to support their proposal, all of which must be current, relevant, and verifiable.

(iii) Proposals should include a work plan for implementing services, listing all key personnel involved, all major activities/tasks proposed, the timeline of the proposed tasks, and the budget associated with each task. The plan should provide specific details regarding the qualifications of key personnel relating to the delivery of the Off-FLH TA services. Specify any specialized consultation services (not to exceed 10% of the total key personnel service delivery budget) deemed necessary to assist the applicant in achieving the grant objectives. Applicants should provide timelines to demonstrate when/how the TA will be delivered and describe any supporting innovative and/or traditional delivery approaches associated with implementation of the outlined key personnel tasks, including contingencies for delivering TA services remotely/virtually in order to avoid service delays and disruptions.

(iv) Alignment of Budget/Budget Justification-Proposals must include a grant funds usage projection that corresponds with a 24-month timeline for delivery and illustrates direct and indirect administrative costs in dollars, and as a percentage of the technical assistance grant fund usage. (Total administrative costs should not exceed 20%). A detailed budget justification should be included that aligns with and supports the key project tasks/activities. Project cost justification should include personnel costs and any limited consultant salaries with a description of duties.

(3) Organizational Capacity & Qualifications

(i) Proposals must describe the applicant's overall organizational knowledge, expertise, and years of experience in developing and implementing farm labor housing technical assistance programs. Include names and locations of the organizations/communities, applicants have provided with FLH TA services, the types of TA services provided to these entities, the number and types of loan/grant packages developed and submitted for Agency funding consideration on behalf of these entities, and the outcomes/success ratios of all transactions initiated within the past five years (*e.g.,* project approved for funding, project currently in development, project completed, etc.). Additionally, proposals must include a description of how the technical assistance services provided by the applicant contributed to the development of off-farm labor housing that continues to operate successfully to meet off-farm labor housing demand in the community where it was developed.

(ii) Proposals should also describe all successful, verifiable organizational experience in managing federal technical assistance grants throughout their lifecycle. Applicants should specify the total number and types of federal technical assistance grants administered within the past five years and list the awarding federal agencies involved.

(iii) Applicants may discuss and provide documentation of additional qualifications, strengths and/or expertise not addressed above that will facilitate successful delivery of the Off-FLH TA services outlined within this notice.

(4) Proposed Outcomes

(i) Proposals should discuss how applicants will effectively and efficiently use the grant resources to maximize the share of funding available for program delivery to recipients. This discussion must include a list of all market areas targeted for TA services, identify all potentially qualified loan/grant applicant groups and organizations that will be recruited to apply for Section 514 loans and Section 516 grants in the targeted service areas, and provide a projected number of Section 514 loan and Section 516 grant application packages the applicant intends to submit for Agency funding consideration during the 24-month period of performance. (Projections should be realistic and attainable).

(5) Performance Measures

(i) Proposals should provide specific and quantifiable performance indicators and benchmarks that applicants will use for measuring the effectiveness of the TA services provided.

C. Review Information

(1) Applications will first be reviewed to determine if they meet the eligibility requirements in this notice. If all eligibility requirements are met, applications will then be reviewed for completeness. If the Agency determines that any application is ineligible or incomplete, application processing will be discontinued, which means it will not be evaluated further, no scoring

information will be provided, and it will not be considered for funding.

(2) All application packages determined to be both eligible and complete will be evaluated and competitively scored using the criteria described in Part VI., Section D. of this notice. The minimum score requirement for grants awarded under this funding opportunity is 70 points.

D. Evaluation and Scoring Criteria

(1) Points will be awarded only for factors that are well-documented in the application package and, in the opinion of the Agency, meet the objectives outlined in each of the evaluation criteria. References to external websites, publications and/or other information not submitted as part of the application package will not be reviewed. Therefore, full documentation and support of all criteria is encouraged.

(2) Statement of Work (Work Plan): Soundness of Overall Approach (0–30 points). (i) Applicants can receive up to 30 points for the soundness of their overall approach for TA service delivery (See Part VI. Section B.2.). Statement(s) of work for all contractors and consultants must also be included as part of the application package.

(ii) Proposal background/objectives/tasks with timeline and plan for implementation. (0–20 points).

(iii) Alignment of Budget to SOW/Budget Justification. (0–10 points).

(3) Organizational Capacity & Qualifications (0–50 points). Applicants can receive up to 50 points for organizational capacity and qualifications (See Part VI. Section B.3.).

(i) Overall organizational knowledge, experience, and expertise in developing and implementing farm labor housing technical assistance programs. (0–20 points).

(ii) Successful, verifiable organizational experience in managing federal technical assistance grants throughout their lifecycle (in the past five years). (0–10 points).

(iii) Key personnel and qualifications relating to the delivery of proposed Off-FLH TA services, including any proposed consultation services (not to exceed 10% of the total key personnel service delivery budget). (0–20 points).

(4) Proposed Outcomes (0–45 points). Applicants can receive up to 45 points for using resources effectively and efficiently to maximize the share of funding available for program delivery to recipients (See Part VI. Section B.4.).

(i) List all targeted service areas in which respondent intends to offer Off-FLH TA services. (0–10 points).

(ii) List all qualified loan/grant applicant groups and organizations respondent intends to recruit to apply for Section 514 loans and Section 516 grants in the targeted service areas (Potential applicants must lack the capacity to apply for Agency funding on their own behalf). (0–10 points).

(iii) Projected number of Section 514 loan and Section 516 grant application packages applicant intends to submit for Agency funding consideration during the 24-month period of performance. (0–15 points).

(iv) Total proposed administrative costs (expressed as a percentage of grant funds used, not to exceed 20%). (0–10 points).

(5) Performance Measures (0–5 points).

(i) Applicants can receive up to 5 points based on the proposed performance measures they intend to use to evaluate the progress, impact, and effectiveness of the proposed Off-FLH TA services (See Part VI. Section B.5.).

(ii) Describe the measures that will be used for evaluating the progress, impact, and effectiveness of the proposed Off-FLH TA services. (0–5 points).

(6) Agency Priority Points (0–15 points): Applicants meeting the minimum scoring requirement of 70 points may be considered for up to 15 Priority scoring points.

(i) Up to 15 Priority points may be awarded to applicants proposing to advance any or all of the Agency's three key funding priorities, provided that all other requirements set forth in this notice are otherwise met (*e.g.,* All market areas targeted to receive Off-FLH TA services must demonstrate unmet need and/or unsatisfied market demand for off-farm labor housing development projects.) The key priorities are:

(ii) COVID–19 Impacts (up to 5 points); Priority points may be awarded if the project is located in or serving one of the top 10% of counties or county equivalents based upon county risk score in the United States. Information on whether your project qualifies for priority points can be found at the following website: *https://www.rd.usda.gov/priority-points.*

(iii) Equity (up to 5 points); Priority points may be awarded if the project is located in or serving a community with score 0.75 or above on the CDC Social Vulnerability Index. Information on whether your project qualifies for priority points can be found at the following website: *https://www.rd.usda.gov/priority-points.*

(iv) Climate Impacts (up to 5 points); Priority points may be awarded if the project is located in or serving coal, oil and gas, and power plant communities whose economic well-being ranks in the most distressed tier of the Distressed Communities Index. Information on whether your project qualifies for priority points can be found at the following website: *https://www.rd.usda.gov/priority-points.*

(v) Meeting the minimum scoring requirement and/or receiving priority points does not guarantee a funding award. Final scores are determined by the Agency.

The following table summarizes the evaluation and scoring criteria:

SUMMARY TABLE OF EVALUATION AND SCORING CRITERIA

	Points
1. Statement of Work/Work Plan-Soundness of Overall Approach	0–30.
a. Approach-Proposal background/objectives/tasks with timeline and plan for implementation	Up to 20.
b. Alignment of budget/budget justification to proposal	Up to 10.
2. Organizational Capacity/Qualifications	0–50.
a. Years of experience and processes employed in developing and implementing technical assistance programs/services	Up to 20.
b. Organizational experience managing service delivery of federal technical assistance grants throughout their lifecycle	Up to 10.
c. Key personnel and qualifications relating to delivery of key Off-FLH TA personnel services/tasks	Up to 20.
3. Proposed outcomes	0–45.
a. Targeted market areas in which respondent intends to offer Off-FLH TA services	Up to 10.
b. Qualified loan/grant applicant groups and organizations to which the applicant intends offer Off-FLH TA advisory services in the targeted service areas.	Up to 10.
c. Projected number of Section 514 loan and Section 516 grant application packages applicant plans to submit for Agency funding consideration.	Up to 15.
d. Total administrative costs expressed as a percentage of grant funds used	Up to 10.
4. Performance Measures	0–5.

SUMMARY TABLE OF EVALUATION AND SCORING CRITERIA—Continued

	Points
a. Measures to be used for evaluating the progress, impact, and effectiveness of the Off-FLH TA services provided	Up to 5.
5. Priority Points	0–15.
a. Up to 15 priority points may be awarded to applicants proposing to advance any or all of the Agency's three key funding priorities: COVID–19 Impacts (up to 5 points); Equity (up to 5 points); Climate Impacts (up to 5 points).	Up to 15.

VII. Federal Award Administration Information

A. Federal Award Notices

The Agency will notify in writing applicants whose applications have been selected for funding. At the time of notification, the Agency will advise applicants what further information and documentation is required (outlined in Part VII. Section B.), along with a timeline for submitting the additional information. If the Agency determines it is unable to select an application for funding, the applicant will be informed in writing. Such notification will include the reasons the applicant was not selected. The Agency will advise applicants whose applications did not meet eligibility and/or selection criteria of their review rights or appeal rights in accordance with 7 CFR part 11.

B. Administrative and National Policy Requirements

(1) The following additional requirements apply to grantees selected for this program:

(i) Complete Form RD 1942–46 ''Letter of Intent to Meet Conditions.''

(ii) Complete Form RD 1940–1, ''Request for Obligations of Funds.''

(iii) Use Form SF 270, ''Request for Advance or Reimbursement,'' to request reimbursements. Provide receipts for expenditures, timesheets, and any other documentation to support the request for reimbursement.

(iv) Provide financial status and project performance reports as outlined in the Agency approved grant agreement.

(v) Maintain a financial management system that is acceptable to the Agency.

(vi) Ensure that records are maintained to document all activities and expenditures utilizing Off-FLH TA grant funds. Receipts for expenditures will be included in this documentation.

(vii) Collect and maintain data provided by recipients on race, sex, and national origin and ensure recipients collect and maintain the same data on beneficiaries. Race and ethnicity data will be collected in accordance with OMB **Federal Register** notice, ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,'' (62 FR 58782), October 30, 1997. Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

(viii) Provide a final project performance report.

(ix) Complete FMMI Vendor Code Request Form.

(x) Provide a copy of your organization's Negotiated Indirect Cost Rate Agreement.

(xi) Certify that you will comply with the Federal Funding Accountability and Transparency Act of 2006 and report information about subawards and executive compensation.

(xii) Certify that the U.S. has not obtained an outstanding judgement against your organization in a Federal Court (other than in the United States Tax Court).

(xiii) Execute Form SF–LLL, ''Disclosure Form to Report Lobbying,'' if applicable or certify that your organization does not lobby.

(2) The applicant must provide evidence of compliance with other federal statutes, including but not limited to the following:

(i) Debarment and suspension information is required in accordance with 2 CFR part 417 (Non procurement Debarment and Suspension) supplemented by 2 CFR part 180 if it applies. The section heading is ''What information must I provide before entering into a covered transaction with a Federal agency?'' located at 2 CFR 180.335. It is part of OMB's Guidance for Grants and Agreements concerning Government-wide Debarment and Suspension.

(ii) All of your organization's known workplaces by including the actual address of buildings (or parts of buildings) or other sites where work under the award takes place. Workplace identification is required under the drug-free workplace requirements in Subpart B of 2 CFR part 421, which adopts the Governmentwide implementation (2 CFR part 182) of the Drug-Free Workplace Act.

(iii) 2 CFR parts 200 and 400 (Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards).

(iv) 2 CFR part 182 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)) and 2 CFR part 421 (Requirements for Drug Free Workplace (Financial Assistance).

(v) Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *http://www.lep.gov.*

(3) The following forms for acceptance of a federal award are now collected through your registration or annual recertification in *SAM.gov* in the Financial Assistance General Certifications and Representations section:

(i) Form RD 400–4, ''Assurance Agreement.''

(ii) Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''

(iii) Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion. Lower Tier Covered Transactions.''

(iv) Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants).''

(v) Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.''

(4) Reporting. Reporting requirements for the period after grant approval and throughout grant completion will be outlined in the Agency-approved Grant Agreement.

VIII. Other Information

A. Paperwork Reduction Act

Under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), OMB must approve all ''collection of information'' as a requirement for ''answers to * * * identical reporting or recordkeeping requirements imposed on ten or more persons * * *.'' (44 U.S.C. 3502(3)(A).) RHS has concluded that the reporting requirements contained in this NOSA will involve less than 10 persons and do not require approval under the provisions of the Act.

B. Non-Discrimination Statement

In accordance with Federal civil rights laws and U.S. Department of

Agriculture (USDA) civil rights regulations and policies, the USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (*e.g.,* Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720–2600 (voice and TTY); or the Federal Relay Service at (800) 877–8339.

To file a program discrimination complaint, a complainant should complete a Form AD–3027, *USDA Program Discrimination Complaint Form,* which can be obtained online at *https://www.ocio.usda.gov/document/ad-3027,* from any USDA office, by calling (866) 632–9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD–3027 form or letter must be submitted to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410; or

(2) *Fax:* (833) 256–1665 or (202) 690–7442; or

(3) *Email: Program.Intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Joaquin Altoro,

Administrator, Rural Housing Service.

[FR Doc. 2022–01076 Filed 1–19–22; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–874]

Certain Steel Nails From the Republic of Korea: Final Results of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR), July 1, 2019, through June 30, 2020.

DATES: Applicable January 20, 2022.

FOR FURTHER INFORMATION CONTACT: Eva Kim, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8283.

SUPPLEMENTARY INFORMATION:

Background

On July 19, 2021, Commerce published the preliminary results of the 2019–2020 administrative review of the antidumping duty (AD) order on certain steel nails from the Republic of Korea (Korea).[1] We invited interested parties to comment on the *Preliminary Results.* A full description of the events since the *Preliminary Results* is contained in the Issues and Decision Memorandum.[2] Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [3]

The products covered by the AD *Order* are steel nails from Korea. A full description of the scope of the *Order* is contained in the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum. 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 *https://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 analysis of the comments received, we have made no changes to the margin calculation for the sole mandatory respondent, Daejin Steel Company (Daejin), since the *Preliminary Results.*

Rate for Non-Examined Company

Generally, when calculating margins for non-selected respondents, Commerce looks to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others margin in an investigation. Section 735(c)(5)(A) of the Act provides that when calculating the all-others margin, Commerce will exclude any zero and *de minimis* weighted average dumping margins, as well as any weighted-average dumping margins based on total facts available. Accordingly, Commerce's usual practice has been to average the margins for selected respondents, excluding margins that are zero, *de minimis,* or based entirely on facts available. In this review, we calculated a weighted-average dumping margin of 3.22 percent for Daejin, the sole mandatory respondent. In accordance with section 735(c)(5)(A) of the Act, Commerce assigned Daejin's calculated weighted-average dumping margin, *i.e.,* 3.22 percent, to the non-selected company in these final results. Accordingly, we have applied a rate of 3.22 percent to the non-selected company, *i.e.,* Koram Inc.

Final Results of Administrative Review

Commerce determines that the following weighted-average dumping margins exist for the period July 1, 2019, through June 30, 2020:

Producer/exporter	Weighted-average dumping margin (percent)
Daejin Steel Company	3.22

[1] *See Certain Steel Nails from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2019–2020,* 86 FR 38015 (July 19, 2021) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Certain Steel Nails from the Republic of Korea; 2019–2020,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[3] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (*Order*).

Producer/exporter	Weighted-average dumping margin (percent)
Koram Inc	3.22

Disclosure

Commerce intends to disclose the calculations performed for these final results within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(A) the Act and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. We intend to calculate importer- (or customer-) specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer (or customer's) examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where an importer- (or customer-) specific rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's ''reseller policy'' 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.[4]

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future cash deposits of estimated duties, where applicable. 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 cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be equal to the weighted-average dumping margin listed above in the ''Final Results of Review'' section; (2) for merchandise exported by producers or exporters not covered in this review but covered in a previously completed segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the final results for the most recent period in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the producer is, then the cash deposit rate will be that established for the producer of the merchandise in these final results of review or in the final results for the most recent period in which that producer participated; and (4) if neither the exporter nor the producer is a firm covered in this review or in any previously completed segment of this proceeding, then the cash deposit rate will be 11.80 percent *ad valorem,* the all-others rate established in the less than fair value investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice 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 the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the 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 the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h).

Dated: January 12, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2022–01038 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

AGENCY: Enforcement and Compliance, International Trade Administration Department of Commerce.

DATES: Applicable January 20, 2022.

FOR FURTHER INFORMATION CONTACT: John Hoffner, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230, telephone: (202) 482–3315.

SUPPLEMENTARY INFORMATION: On October 22, 2021, the Department of Commerce (Commerce), pursuant to section 702(h) of the Trade Agreements Act of 1979 (as amended) (the Act), published the quarterly update to the

[4] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[5] *See Order,* 80 FR at 39996.

annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty covering the period April 1, 2021, through June 30, 2021.[1] In the *Second Quarter 2021 Update,* we requested that any party that has information on foreign government subsidy programs that benefit articles of cheese subject to an in-quota rate of duty submit such information to Commerce.[2] We received no comments, information or requests for consultation from any party.

Pursuant to section 702(h) of the Act, we hereby provide Commerce's update of subsidies on articles of cheese that were imported during the period July 1, 2021, through September 30, 2021. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

Commerce will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed. Commerce encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing through the Federal eRulemaking Portal at *http://www.regulations.gov,* Docket No. ITA–2020–0005, ''Quarterly Update to Cheese Subject to an In-Quota Rate of Duty.'' The materials in the docket will not be edited to remove identifying or contact information, and Commerce cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only. All comments should be addressed to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: January 13, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross[3] subsidy ($/lb)	Net[4] subsidy ($/lb)
27 European Union Member States[5]	European Union Restitution Payments	$0.00	$0.00
Canada	Export Assistance on Certain Types of Cheese	0.44	0.44
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	0.00	0.00
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[FR Doc. 2022–01045 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB646]

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Approved Monitoring Service Providers

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

ACTION: Notification of approved monitoring service providers.

SUMMARY: NMFS has approved two additional companies to provide Northeast multispecies sector electronic monitoring services in fishing year 2022. Regulations implementing the Northeast Multispecies Fishery Management Plan require at-sea and electronic monitoring companies to be approved by NMFS to provide monitoring services to sectors. This action will allow sectors to contract for electronic monitoring services with any of the approved service providers for fishing year 2022.

ADDRESSES: The list of NMFS-approved sector monitoring service providers is available at: *https://www.fisheries.noaa.gov/resource/data/observer-providers-northeast-and-mid-atlantic-programs.*

FOR FURTHER INFORMATION CONTACT: Samantha Tolken, Fishery Management Specialist, (978) 675–2176, email *Samantha.Tolken@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Northeast Multispecies Fishery Management Plan includes a requirement for industry-funded monitoring of catch by sector vessels. Sectors must contract with independent third-party service providers who provide at-sea and/or electronic monitoring services to their vessels. In order to provide at-sea or electronic monitoring services to sectors, monitoring companies must be approved by NMFS. The regulations at 50 CFR 648.87(b)(4) describe the criteria for approval of at-sea and electronic monitoring service provider applications. We approve service providers based on: (1) Completeness and sufficiency of applications; and (2) determination of the applicant's ability to meet the performance requirements of a sector monitoring service provider. Once approved, service providers must meet specified performance requirements outlined in § 648.87(b)(4), including required coverage levels, in order to maintain eligibility. We must notify service providers, in writing, if NMFS withdraws approval for any reason.

Approved Monitoring Service Providers

NMFS previously approved seven companies to provide monitoring services to the Northeast multispecies sectors in fishing years 2021 and 2022.

[1] *See Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty,* 86 FR 58639 (October 22, 2021) (*Second Quarter 2021 Update*).

[2] *Id.*

[3] Defined in 19 U.S.C. 1677(5).

[4] Defined in 19 U.S.C. 1677(6).

[5] The 27 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

Four of the seven approved companies provide both at-sea and electronic monitoring services: A.I.S., Inc.; East West Technical Services, LLC; Fathom Research, LLC; and Saltwater, Inc. The other three approved companies provide electronic monitoring services: Flywire Cameras; New England Marine Monitoring; and Teem Fish. On September 18, 2021, NMFS announced an additional opportunity for monitoring companies to apply for approval to provide at-sea monitoring and/or electronic monitoring services in fishing year 2022.

NMFS approved two additional companies to provide electronic monitoring services to the Northeast multispecies sectors in fishing year 2022: Archipelago Marine Research, Ltd.; and Satlink US, LLC. Table 1 includes the revised list of approved monitoring providers for fishing year 2022.

We approved the additional two companies to provide electronic monitoring services in fishing year 2022 because they have met the application requirements and documented their ability to comply with service provider standards. We will closely monitor the performance of approved providers, and we will withdraw approval during the current approval term if we determine performance standards are not being met.

TABLE 1—APPROVED PROVIDERS FOR FISHING YEAR 2022

Provider	Services	Address	Phone	Fax	Website
A.I.S., Inc	ASM/EM	540 Hawthorn St., Dartmouth, MA 02747.	508–990–9054	508–990–9055	*https://aisobservers.com/.*
Archipelago Marine Research, Ltd.	EM	525 Head St., Victoria, BC V9A 5S1, Canada.	250–383–4535	250–383–0103	*https://www.archipelago.ca/.*
East West Technical Services, LLC.	ASM/EM	91 Point Judith Rd., Suite 26, Unit 347, Narragansett, RI 02882.	860–910–4957	860–223–6005	*https://www.ewts.com/.*
Fathom Resources, LLC	ASM/EM	855 Aquidneck Ave., Unit 9, Middletown, RI 02842.	508–990–0997	508–991–7372	*https://fathomresources.com/.*
Flywire Cameras	EM	P.O. BOX 55048, Lexington, KY 40511.	888–315–7796	502–861–6568	*https://www.flywirecameras.com/.*
New England Marine Monitoring.	EM	350 Commercial St., Portland, ME 04101.	508–269–8138		*https://www.nemarinemonitoring.com/.*
Saltwater, Inc	ASM/EM	733 N St., Anchorage, AK 99501.	907–276–3241	907–258–5999	*https://www.saltwaterinc.com/.*
Satlink US, LLC	EM	16423 Sawgrass Drive, Rehoboth Beach, DE 19971.	703–447–5287		*https://www.satlink.es/en/.*
Teem Fish	EM	90—425 Carrall St., Vancouver, BC V6B 6E3, Canada.	778–884–2598		*https://teem.fish/.*

ASM/EM = At-sea and electronic monitoring; EM = Electronic monitoring only.

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

Dated: January 13, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–00977 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–22–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; U.S. Territorial Catch and Fishing Effort Limits

AGENCY: National Oceanic and 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 submitted on or before March 21, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0689 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 Keith Kamikawa, Fishery Management Specialist, NMFS Pacific Islands Regional Office, (808) 725–5177, *keith.kamikawa@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) established the Western Pacific Fishery Management Council (Council) to develop fishery ecosystem plans (FEP) for fisheries in the U.S. Exclusive Economic Zone and high seas of the Pacific Islands region. If approved by the Secretary of Commerce, NMFS implements these FEPs in Federal regulations. FEPs and these regulations manage fishing to prevent overfishing and to ensure the long-term productivity and social and economic benefit of the resources.

Under the authority of the Magnuson-Stevens Act, regulations at 50 CFR 665.819 allow the Council to recommend and NMFS to implement catch or fishing effort limits for pelagic fisheries in the Territory of American Samoa, the Territory of Guam, and the

Commonwealth of the Northern Mariana Islands (CNMI) (hereinafter, ''territory'' or ''territories''). The regulations further allow NMFS to authorize the government of each territory to allocate a portion of its catch or fishing effort limit to U.S. fishing vessels permitted under an FEP through specified fishing agreements between the vessels and the respective territories. Payments made under these agreements support fisheries development in the territories.

A specified fishing agreement provides access to an identified portion of catch or fishing effort limit and may not exceed the limit specified for the territory and that NMFS has made available for allocation. The identified portion of catch or fishing effort limit in an agreement must account for recent and anticipated harvest on the fish stock or stock complex or fishing effort, and any other valid agreements with the territory during the same year not to exceed the territory's catch or fishing effort limit or allocation limit.

II. Method of Collection

Each participating territory may submit a complete specified fishing agreement for review by the Council and review and approval by NMFS (see 50 CFR 665.819(c)). The agreement must: (i) Identify the vessels and document that each fishing vessel has a valid permit issued under 50 CFR 665.801; (ii) identify the limit on catch of western Pacific pelagic management unit species, if applicable; (iii) identify the limit on fishing effort, if applicable; (iv) be signed by an authorized official of the participating territory or designated representative; and (v) be signed by each vessel owner or designated representative. There is no form for an agreement. Agreements may be submitted by mail, fax, or secure email.

III. Data

OMB Control Number: 0648–0689.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; Business or other for-profit organizations; State, Local, or Tribal governments.

Estimated Number of Respondents: 3.

Estimated Time per Response: 30 hours per agreement, 2 hours per appeal.

Estimated Total Annual Burden Hours: 90.

Estimated Total Annual Cost to Public: $4,885.20.

IV. Request for Comments

We are soliciting public comments to permit the Department 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 information collection request. 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. 2022–01005 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–22–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; Groundfish Tagging Program

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 21, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0276 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, Rebecca Reuter, Fisheries Biologist, NOAA Fisheries Alaska Fisheries Science Center, 7600 Sand Point Way NE, Seattle, WA 98115, 425–666–9578, and *Rebecca.reuter@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection. The groundfish tagging program provides scientists with information necessary for effective conservation, management, and scientific understanding of the groundfish fishery off Alaska and the Northwest Pacific. The program area includes the Pacific Ocean off Alaska (the Gulf of Alaska, the Bering Sea and Aleutian Islands Area, and the Alexander Archipelago of Southeast Alaska), California, Oregon, and Washington. Fish movement information from recovered tags is used in population dynamics models for stock assessment. There are three general categories of tags. Simple plastic tags (spaghetti tags) are external tags approximately two inches long, printed with code numbers. When a tag is returned, the tag number is correlated with databases of released, tagged fish to determine the net movement and growth rate of the tagged fish. Archival tags are microchips with sensors encased in plastic cylinders that record the depth, temperature or other data, which can be downloaded electronically from the recovered tags. Pop-off satellite tags are programmed to release from the fish and upload archived data (depth, temperature, and approximate geolocation) to passing satellites, therefore data is received independent of the fishery. The groundfish tagging

and tag recovery program is part of the fishery resource assessment and data collection that the National Marine Fisheries Service (NMFS) conducts under the Magnuson-Stevens Act authority as codified in 16 U.S.C. 1801 (a)(8).

II. Method of Collection

This is a volunteer program requiring the actual tag from the fish to be returned, along with recovery information. Reporting forms with pre-addressed and postage-free envelopes are distributed to processors and catcher vessels.

III. Data

OMB Control Number: 0648–0276.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Not-for-profit institutions; State, local, or tribal government; business or other for-profit organizations.

Estimated Number of Respondents: 440.

Estimated Time per Response: 5 minutes for returning a regular tag, and 20 minutes for returning an internal archival tag.

Estimated Total Annual Burden Hours: 89.

Estimated Total Annual Cost to Public: $30 in recordkeeping/reporting costs.

Legal Authority: Magnuson-Stevens Act.

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. 2022–01009 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB645]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico

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

ACTION: Notice of issuance of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico, notification is hereby given that a Letter of Authorization (LOA) has been issued to LLOG Exploration Offshore, L.L.C. (LLOG) for the take of marine mammals incidental to geophysical survey activity in the Gulf of Mexico.

DATES: The LOA is effective from March 1, 2022, through December 31, 2022.

ADDRESSES: The LOA, LOA request, and supporting documentation are available online at: *www.fisheries.noaa.gov/action/incidental-take-authorization-oil-and-gas-industry-geophysical-survey-activity-gulf-mexico.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

On January 19, 2021, we issued a final rule with regulations to govern the unintentional taking of marine mammals incidental to geophysical survey activities conducted by oil and gas industry operators, and those persons authorized to conduct activities on their behalf (collectively ''industry operators''), in Federal waters of the U.S. Gulf of Mexico (GOM) over the course of 5 years (86 FR 5322; January 19, 2021). The rule was based on our findings that the total taking from the specified activities over the 5-year period will have a negligible impact on the affected species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of those species or stocks for subsistence uses. The rule became effective on April 19, 2021.

Our regulations at 50 CFR 217.180 *et seq.* allow for the issuance of LOAs to industry operators for the incidental take of marine mammals during

geophysical survey activities and prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat (often referred to as mitigation), as well as requirements pertaining to the monitoring and reporting of such taking. Under 50 CFR 217.186(e), issuance of an LOA shall be based on a determination that the level of taking will be consistent with the findings made for the total taking allowable under these regulations and a determination that the amount of take authorized under the LOA is of no more than small numbers.

Summary of Request and Analysis

LLOG plans to conduct one of the following vertical seismic profile (VSP) survey types: Zero Offset, Offset, Walk Away, Salt Proximity and/or Check Shots after reaching total depth of any of the proposed wells operated by LLOG within the Keathley Canyon Area. See Section G of LLOG's application for a map. LLOG plans to use either a 12-element, 2,400 cubic inch (in^3) airgun array, or a 6-element, 1,500 in^3 airgun array. Please see LLOG's application for additional detail.

Consistent with the preamble to the final rule, the survey effort proposed by LLOG in its LOA request was used to develop LOA-specific take estimates based on the acoustic exposure modeling results described in the preamble (86 FR 5322, 5398; January 19, 2021). In order to generate the appropriate take number for authorization, the following information was considered: (1) Survey type; (2) location (by modeling zone [1]); (3) number of days; and (4) season.[2] The acoustic exposure modeling performed in support of the rule provides 24-hour exposure estimates for each species, specific to each modeled survey type in each zone and season.

No VSP surveys were included in the modeled survey types, and use of existing proxies (*i.e.,* 2D, 3D NAZ, 3D WAZ, Coil) is generally conservative for use in evaluation of these survey types. Summary descriptions of these modeled survey geometries are available in the preamble to the proposed rule (83 FR 29212, 29220; June 22, 2018). Coil was selected as the best available proxy survey type for LLOG's survey because the spatial coverage of the planned surveys is most similar to the coil survey pattern. For the planned survey, the seismic source array will be deployed in one of the following forms: Zero Offset VSP—deployed from a drilling rig at or near the borehole, with the seismic receivers (*i.e.,* geophones) deployed in the borehole on wireline at specified depth intervals; Offset VSP—in a fixed position deployed from a supply vessel on an offset position; Walkaway VSP—attached to a line, or a series of lines, towed by a supply vessel; or 3D VSP—moving along a spiral or line swaths towed by a supply vessel or using a marine shooting vessel. All possible source assemblages except for 3D VSP will be stationary. If 3D VSP is used as the survey design, the area that would be covered would be up to three times the total depth of the well centered around the well head. The coil survey pattern in the model was assumed to cover approximately 144 kilometers squared (km^2) per day (compared with approximately 795 km^2, 199 km^2, and 845 km^2 per day for the 2D, 3D NAZ, and 3D WAZ survey patterns, respectively). Among the different parameters of the modeled survey patterns (*e.g.,* area covered, line spacing, number of sources, shot interval, total simulated pulses), NMFS considers area covered per day to be most influential on daily modeled exposures exceeding Level B harassment criteria. Because LLOG's planned survey is expected to cover no additional area as a stationary source, or up to three times the total depth of the well centered around the well head, the coil proxy is most representative of the effort planned by LLOG in terms of predicted Level B harassment.

In addition, all available acoustic exposure modeling results assume use of a 72-element, 8,000 in^3 array. Thus, estimated take numbers for this LOA are considered conservative due to the differences in both the airgun array (12 or 6 elements, 2,400 or 1,500 in^3), and in daily survey area planned by LLOG (as mentioned above), as compared to those modeled for the rule.

The survey is planned to occur for 1–5 days in Zone 7. The survey may occur in either season. Therefore, the take estimates for each species are based on the season that has the greater value for the species (*i.e.,* winter or summer).

Additionally, for some species, take estimates based solely on the modeling yielded results that are not realistically likely to occur when considered in light of other relevant information available during the rulemaking process regarding marine mammal occurrence in the GOM. Thus, although the modeling conducted for the rule is a natural starting point for estimating take, our rule acknowledged that other information could be considered (see, *e.g.,* 86 FR 5322, 5442 (January 19, 2021), discussing the need to provide flexibility and make efficient use of previous public and agency review of other information and identifying that additional public review is not necessary unless the model or inputs used differ substantively from those that were previously reviewed by NMFS and the public). For this survey, NMFS has other relevant information reviewed during the rulemaking that indicates use of the acoustic exposure modeling to generate a take estimate for certain marine mammal species produces results inconsistent with what is known regarding their occurrence in the GOM. Accordingly, we have adjusted the calculated take estimates for that species as described below.

Killer whales are the most rarely encountered species in the GOM, typically in deep waters of the central GOM (Roberts *et al.,* 2015; Maze-Foley and Mullin, 2006). The approach used in the acoustic exposure modeling, in which seven modeling zones were defined over the U.S. GOM, necessarily averages fine-scale information about marine mammal distribution over the large area of each modeling zone. NMFS has determined that the approach can result in unrealistic projections regarding the likelihood of encountering killer whales.

As discussed in the final rule, the density models produced by Roberts *et al.* (2016) provide the best available scientific information regarding predicted density patterns of cetaceans in the U.S. GOM. The predictions represent the output of models derived from multi-year observations and associated environmental parameters that incorporate corrections for detection bias. However, in the case of killer whales, the model is informed by few data, as indicated by the coefficient of variation associated with the abundance predicted by the model (0.41, the second-highest of any GOM species model; Roberts *et al.,* 2016). The model's authors noted the expected non-uniform distribution of this rarely-encountered species (as discussed above) and expressed that, due to the limited data available to inform the model, it ''should be viewed cautiously'' (Roberts *et al.,* 2015).

NOAA surveys in the GOM from 1992–2009 reported only 16 sightings of killer whales, with an additional three encounters during more recent survey effort from 2017–18 (Waring *et al.,* 2013; *www.boem.gov/gommapps*). Two other species were also observed on less than 20 occasions during the 1992–2009

[1] For purposes of acoustic exposure modeling, the GOM was divided into seven zones. Zone 1 is not included in the geographic scope of the rule.

[2] For purposes of acoustic exposure modeling, seasons include Winter (December–March) and Summer (April–November).

NOAA surveys (Fraser's dolphin and false killer whale [3]). However, observational data collected by protected species observers (PSOs) on industry geophysical survey vessels from 2002–2015 distinguish the killer whale in terms of rarity. During this period, killer whales were encountered on only 10 occasions, whereas the next most rarely encountered species (Fraser's dolphin) was recorded on 69 occasions (Barkaszi and Kelly, 2019). The false killer whale and pygmy killer whale were the next most rarely encountered species, with 110 records each. The killer whale was the species with the lowest detection frequency during each period over which PSO data were synthesized (2002–2008 and 2009–2015). This information qualitatively informed our rulemaking process, as discussed at 86 FR 5322, 5334 (January 19, 2021), and similarly informs our analysis here.

The rarity of encounter during seismic surveys is not likely to be the product of high bias on the probability of detection. Unlike certain cryptic species with high detection bias, such as *Kogia* spp. or beaked whales, or deep-diving species with high availability bias, such as beaked whales or sperm whales, killer whales are typically available for detection when present and are easily observed. Roberts *et al.* (2015) stated that availability is not a major factor affecting detectability of killer whales from shipboard surveys, as they are not a particularly long-diving species. Baird *et al.* (2005) reported that mean dive durations for 41 fish-eating killer whales for dives greater than or equal to 1 minute in duration was 2.3–2.4 minutes, and Hooker *et al.* (2012) reported that killer whales spent 78 percent of their time at depths between 0–10 m. Similarly, Kvadsheim *et al.* (2012) reported data from a study of four killer whales, noting that the whales performed 20 times as many dives to 1–30 m depth than to deeper waters, with an average depth during those most common dives of approximately 3 m.

In summary, killer whales are the most rarely encountered species in the GOM and typically occur only in particularly deep water. While this information is reflected through the density model informing the acoustic exposure modeling results, there is relatively high uncertainty associated with the model for this species, and the acoustic exposure modeling applies mean distribution data over areas where the species is in fact less likely to occur. NMFS' determination in reflection of the data discussed above, which informed the final rule, is that use of the generic acoustic exposure modeling results for killer whales would result in high estimated take numbers that are inconsistent with the assumptions made in the rule regarding expected killer whale take (86 FR 5322, 5403; January 19, 2021).

In past authorizations, NMFS has often addressed situations involving the low likelihood of encountering a rare species such as killer whales in the GOM through authorization of take of a single group of average size (*i.e.,* representing a single potential encounter). See 83 FR 63268, December 7, 2018. See also 86 FR 29090, May 28, 2021; 85 FR 55645, September 9, 2020. For LLOG's survey, use of the exposure modeling produces an estimate of 4 killer whale exposures. Given the foregoing discussion, it is unlikely that even one killer whale would be encountered during this 1–5 day survey, and accordingly, no take of killer whales is authorized through the LLOG LOA.

Based on the results of our analysis, NMFS has determined that the level of taking authorized through the LOA is consistent with the findings made for the total taking allowable under the regulations. See Table 1 in this notice and Table 9 of the rule (86 FR 5322; January 19, 2021).

Small Numbers Determination

Under the GOM rule, NMFS may not authorize incidental take of marine mammals in an LOA if it will exceed ''small numbers.'' In short, when an acceptable estimate of the individual marine mammals taken is available, if the estimated number of individual animals taken is up to, but not greater than, one-third of the best available abundance estimate, NMFS will determine that the numbers of marine mammals taken of a species or stock are small. For more information please see NMFS' discussion of the MMPA's small numbers requirement provided in the final rule (86 FR 5322, 5438; January 19, 2021).

The take numbers for authorization, which are determined as described above, are used by NMFS in making the necessary small numbers determinations, through comparison with the best available abundance estimates (see discussion at 86 FR 5322, 5391; January 19, 2021). For this comparison, NMFS' approach is to use the maximum theoretical population, determined through review of current stock assessment reports (SAR; *www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and model-predicted abundance information (*https://seamap.env.duke.edu/models/Duke/GOM/*). For the latter, for taxa where a density surface model could be produced, we use the maximum mean seasonal (*i.e.,* 3-month) abundance prediction for purposes of comparison as a precautionary smoothing of month-to-month fluctuations and in consideration of a corresponding lack of data in the literature regarding seasonal distribution of marine mammals in the GOM. Information supporting the small numbers determinations is provided in Table 1.

TABLE 1—TAKE ANALYSIS

Species	Authorized take [1]	Abundance [2]	Percent abundance
Rice's whale [3]	0	51	n/a
Sperm whale	26	2,207	1.2
Kogia spp	[4] 15	4,373	0.3
Beaked whales	234	3,768	6.2
Rough-toothed dolphin	43	4,853	0.9
Bottlenose dolphin	1	176,108	0.0
Clymene dolphin	115	11,895	1.0
Atlantic spotted dolphin	0	74,785	n/a
Pantropical spotted dolphin	1,139	102,361	1.1
Spinner dolphin	27	25,114	0.1

[3] However, note that these species have been observed over a greater range of water depths in the GOM than have killer whales.

TABLE 1—TAKE ANALYSIS—Continued

Species	Authorized take [1]	Abundance [2]	Percent abundance
Striped dolphin	60	5,229	1.1
Fraser's dolphin	19	1,665	3.9
Risso's dolphin	18	3,764	0.5
Melon-headed whale	74	7,003	1.1
Pygmy killer whale	36	2,126	1.7
False killer whale	41	3,204	1.3
Killer whale	0	267	n/a
Short-finned pilot whale	6	1,981	0.3

[1] Scalar ratios were not applied in this case due to brief survey duration.
[2] Best abundance estimate. For most taxa, the best abundance estimate for purposes of comparison with take estimates is considered here to be the model-predicted abundance (Roberts *et al.,* 2016). For those taxa where a density surface model predicting abundance by month was produced, the maximum mean seasonal abundance was used. For those taxa where abundance is not predicted by month, only mean annual abundance is available. For the killer whale, the larger estimated SAR abundance estimate is used.
[3] The final rule refers to the GOM Bryde's whale (*Balaenoptera edeni*). These whales were subsequently described as a new species, Rice's whale (*Balaenoptera ricei*) (Rosel *et al.,* 2021).
[4] Includes 1 take by Level A harassment and 14 takes by Level B harassment.

Based on the analysis contained herein of LLOG's proposed survey activity described in its LOA application and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the affected species or stock sizes and therefore is of no more than small numbers.

Authorization

NMFS has determined that the level of taking for this LOA request is consistent with the findings made for the total taking allowable under the incidental take regulations and that the amount of take authorized under the LOA is of no more than small numbers. Accordingly, we have issued an LOA to LLOG authorizing the take of marine mammals incidental to its geophysical survey activity, as described above.

Dated: January 11, 2022.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2022–00985 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB680]

Gulf of Mexico Fishery Management Council; Public Meeting; Correction

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

ACTION: Notice.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a four-day meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ). UPDATE: Notice of change to meeting will now be VIRTUAL only for all participants.

DATES: The meeting has changed to VIRTUAL only. The meeting will convene Monday, January 24 through Wednesday, January 26, 2022 from 8 a.m. to 5:30 p.m., CST and on Thursday January 27, 2022 from 8 a.m. to 4:30 p.m., CST.

ADDRESSES: You may access the log-on information by visiting our website at *www.gulfcouncil.org.*

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The original notice published in the **Federal Register** on December 27, 2021 (86 FR 73259). The meeting was a hybrid meeting, but is being changed to an all virtual meeting.

Monday, January 24, 2022; 8 a.m.–5:30 p.m., CST

The meeting will begin open to the public in a Full Council Session to hold an Election of Council Vice-Chair, and review and adoption of the revised Council Committee Assignments for October 2021 through August 2022.

Committee sessions will begin approximately 8:15 a.m. with the Habitat Protection and Restoration Committee receiving a presentation from the Bureau of Ocean Energy Management (BOEM) on Wind Energy Development in the Gulf of Mexico, review of Essential Fish Habitat Generic Amendment and Draft Response Letter to NOAA Request for Comments on the Area-Based Management Goals Related to Executive Order 14008.

The Outreach and Education Committee will receive a presentation on 2021 Communications Analytics and Updated 2021 Communications Improvement Plan, draft Social Media Guidelines, draft Public Comment Guidelines, draft Press Release Guidelines, and the 2022 Communications Improvement Plan. The Committee will discuss remaining items form the Outreach and Education Technical Committee and receive a presentation on Summary of Discard and Barotrauma Reduction Efforts Across the Region.

The Shrimp Committee will review National Marine Fisheries Service's (NMFS) Evaluation of Draft Approval Specifications for Reinstituting Historical cELB Program, Updated Draft Framework Action: Modification of the Vessel Position Data Collection Program for the Gulf of Mexico Shrimp Fishery, and summary of the Shrimp Advisory Panel Meeting.

The Mackerel Committee will review and discuss Coastal Migratory Pelagics Landings, Draft Amendment 33: Modifications to the Gulf of Mexico Migratory Group King Mackerel Catch Limits and Sector Allocations, and Draft Amendment 34: Atlantic Migratory Group King Mackerel Catch Levels and Atlantic King and Spanish Mackerel Management Measures.

Tuesday, January 25, 2022; 8 a.m.–5:30 p.m., CST

The Reef Fish Committee will convene to *review Reef Fish* Landings and Individual Fishing Quota (IFQ) Landings and Final Action: Framework Action: Modification of Vermillion Snapper Catch Limits. Following, the Committee will receive presentations on

SEDAR 70: Greater Amberjack Stock Assessment Report and SEDAR 72: Gag Grouper Stock Assessment Report, and discuss SSC Recommendations and Reef Fish Advisory Panel Feedback for both. The Committee will also discuss the Council Request for State Reef Fish Survey (SRFS) Integration and Update Assessment for SEDAR 72: Gag Grouper.

The Committee will review Individual Fishing Quota (IFQ) Programs, Focus Group Formation and next steps and Public Hearing Draft: Reef Fish Amendment 36B. The Committee will receive an update on Draft Snapper Grouper Amendment 44 and Reef Fish Amendment 55: Modifications to Southeastern U.S. Yellowtail Snapper Jurisdictional Allocations, Catch Limits, and South Atlantic Sector Annual Catch Limits.

The Committee will hold a discussion on Wenchman in the Gulf of Mexico, review the Revised Great Red Snapper Count Estimates and SSC Recommendations for re-evaluating Red Snapper Catch Advise, discuss any remaining SSC and Reef Fish Advisory Panel recommendations.

Full Council will reconvene in a CLOSED SESSION for selection of IFQ Focus Group Participants.

Wednesday, January 26, 2022; 8 a.m.–5:30 p.m., CST

The Data Collection Committee will receive an update on Southeast For-Hire Integrated Electronic Reporting (SEFHIER) Program and review Draft Framework Action: Modification to Location Reporting Requirements for For-Hire Vessels and Reef Fish Advisory Panel (AP) Recommendations. The Committee will receive a presentation on Update on Modifications to the Commercial Electronic Reporting Program. The Committee will receive an update on Upcoming Workshop to Evaluate State-federal Recreational Survey Differences.

The Sustainable Fisheries Committee will review and discuss Standardized Bycatch Reporting Methodology and SSC Recommendations.

Following lunch at approximately 1:30 p.m. CST, the Council will reconvene with a Call to Order, Announcements and Introductions, Adoption of Agenda and Approval of Minutes; and receive a presentation on Density Estimations of age-0 and age-1 Gray Triggerfish, *Balistes capriscus,* and Vermilion Snapper, *Rhomboplites aurorubens,* from 2007 to 2015, in the northern Gulf of Mexico.

The Council will hold public testimony from 2:15 p.m. to 5:30 p.m., **CST** on Final Action Item: Framework Action: Modification of Vermilion Snapper Catch Limits; and open testimony on other fishery issues or concerns. Public comment may begin earlier than 2:15 p.m. CST, but will not conclude before that time. Persons wishing to give public testimony in-person must register at the registration kiosk in the meeting room. Persons wishing to give public testimony virtually must sign up on the Council website on the day of public testimony. Registration for virtual testimony closes one hour (1:15 p.m. CST) before public testimony begins.

Thursday, January 27, 2022; 8 a.m.–4:30 p.m., CST

The Council will receive Committee reports from Habitat Protection and Restoration, Shrimp, Outreach and Education, Mackerel, Data Collection, Reef Fish and Sustainable Fisheries Management Committees. The Council will review Closed Session Report and receive updates from the following supporting agencies: South Atlantic Fishery Management Council; Louisiana Law Enforcement Efforts; NOAA Office of Law Enforcement (OLE); Gulf States Marine Fisheries Commission; U.S. Coast Guard; U.S. Fish and Wildlife Service; and Department of State.

Lastly, the Council will discuss any Other Business items.

Meeting Adjourns

The meeting will be virtual only. You may register for the webinar to ''listen-in'' only by visiting *www.gulfcouncil.org* and click on the Council meeting tab.

The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on the website as they become available.

Although other non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meeting. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid or accommodations should be directed to Kathy Pereira, (813) 348–1630, at least 15 days prior to the meeting date.

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

Dated: January 13, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–00982 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–22–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; Surfclam/Ocean Quahog Individual Transferable Quota (ITQ) Administration

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 21, 2022.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov.* Please reference OMB Control Number 0648–0240 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 Douglas Potts, Fishery Policy Analyst, 978–281–9341 or *Douglas.Potts@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved collection associated

with the Atlantic surfclam and ocean quahog fisheries. National Marine Fisheries Service (NMFS) Greater Atlantic Region manages these fisheries in the Exclusive Economic Zone (EEZ) of the Northeastern United States through the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The regulations implementing the FMP are specified at 50 CFR part 648.

The recordkeeping and reporting requirements at §§ 648.74, 648.75, and 648.76 form the basis for this collection of information. We request information from surfclam and ocean quahog individual transferable quota (ITQ) permit holders to issue ITQ permits and to process and track requests from permit holders to transfer quota share or cage tags. We also request information from surfclam and ocean quahog ITQ permit holders to track and properly account for surfclam and ocean quahog harvest shucked at sea. Because there is not a standard conversion factor for estimating unshucked product from shucked product, NMFS requires vessels that shuck product at sea to carry on board the vessel a NMFS-approved observer to certify the amount of these clams harvested. This information, upon receipt, results in an efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ.

Georges Bank has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause paralytic shellfish poisoning (PSP). We reopened a portion of the Georges Bank Closed Area starting in 2012 under certain conditions. We request information from surfclam and ocean quahog ITQ permit holders who fish in the reopened area to ensure compliance with the Protocol for Onboard Screening and Dockside Testing in Molluscan Shellfish. The U.S. Food and Drug Administration, the commercial fishing industry, and NMFS developed the PSP protocol to test and verify that clams harvested from Georges Bank continue to be safe for human consumption. The National Shellfish Sanitation Program adopted the PSP protocol at the October 2011 Interstate Shellfish Sanitation Conference.

The Council has approved Amendment 20 to the Surfclam and Ocean Quahog FMP, which would implement an excessive shares cap in this fishery. If that action is approved and implemented, some of the fields in the ITQ ownership form and the ITQ transfer form may change as a result. Any revisions to this collection will be specified in the upcoming proposed rule for the amendment.

II. Method of Collection

Forms are online at *https://www.fisheries.noaa.gov/new-england-mid-atlantic/resources-fishing/greater-atlantic-region-forms-and-applications-summary* as ''fillable'' pdf documents, which can then be downloaded, printed, and faxed, mailed, or emailed to NMFS. ITQ transfer forms may also be submitted electronically. Information for the PSP protocol is submitted through paper forms, as well as through electronic methods, including email, telephone, and shipboard electronic equipment such as VHF radio, email, or a vessel monitoring system.

III. Data

OMB Control Number: 0648–0240.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals and Business or other for-profit organizations.

Estimated Number of Respondents: 177.

Estimated Time per Response: ITQ permit application form, review of a pre-filled form for renewing entities, ITQ transfer form, 5 minutes each; 1 hour to complete the ITQ ownership form for new applicants and 30 minutes for the application to shuck surfclams and ocean quahogs at sea. The requirements under the PSP protocol are based on the number of vessels that land surfclams or ocean quahogs and the number of trips taken into the area, with a total estimated annual burden of 2,400 hours.

Estimated Total Annual Burden Hours: 2,473.

Estimated Total Annual Cost to Public: $111,757.

Respondent's Obligation: Mandatory.

Legal Authority: Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq,* Section 303).

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. 2022–01007 Filed 1–19–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Matters Related to First Inventor To File

The United States Patent and Trademark Office (USPTO) 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. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on October 5, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: United States Patent and Trademark Office, Department of Commerce.

Title: Matters Related to First Inventor To File.

OMB Control Number: 0651–0071.

Needs and Uses: The United States Patent System uses a 'first to file' system, as introduced by the Leahy-Smith America Invents Act (AIA) which was enacted into law on September 16, 2011. To determine the first inventor to file, information is needed in order to identify the inventorship and ownership, or obligation to assign ownership, of each claimed invention on its effective filing date. Section 3 of the AIA, *inter alia,* amended 35 U.S.C. 102 and 103 consistent with the objectives of the AIA, including the conversion of the United States patent system from a ''first to invent'' system to a ''first inventor to file'' system. The changes in section 3 of the AIA went into effect on March 16, 2013, but apply only to certain applications filed on or after March 16, 2013.

This information collection covers information required by 37 CFR 1.55(k), 1.78(a)(6), and 1.78(d)(6) to assist the USPTO in determining whether an application is subject to 35 U.S.C. 102 and 103 as amended by Section 3 of the Leahy-Smith America Invents Act (AIA), or 35 U.S.C. 102 and 103, in effect on March 15, 2013.

Form Numbers: None.

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number of Annual Respondents: 99 respondents.

Estimated Number of Annual Responses: 144 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public 2 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 288 hours.

Estimated Total Annual Respondent Non-Hourly Cost Burden: $8.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *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 information collection or the OMB Control Number 0651–0071.

Further information can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0071 information request'' in the subject line of the message.
- *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2022–01075 Filed 1–19–22; 8:45 am]

BILLING CODE 1410–30–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—Technical Assistance Center on Positive Social, Emotional, and Behavioral Outcomes for Young Children With, and At Risk for, Developmental Delays or Disabilities

AGENCY: Office of Special Education and Rehabilitative Services, 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 a Technical Assistance Center on Positive Social, Emotional, and Behavioral Outcomes for Young Children with, and At Risk for, Developmental Delays or Disabilities, Assistance Listing Number 84.326B. This notice relates to the approved information collection under OMB control number 1820–0028.

DATES:

Applications Available: January 20, 2022.

Deadline for Transmittal of Applications: March 21, 2022.

Deadline for Intergovernmental Review: May 20, 2022.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979.* Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in SAM.gov a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

FOR FURTHER INFORMATION CONTACT: Sunyoung Ahn, U.S. Department of Education, 400 Maryland Avenue SW, Room 5012A, Potomac Center Plaza, Washington, DC 20202–5076. Telephone: (202) 245–6460. Email: *Sunyoung.Ahn@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance (TA), supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

Priority: This competition includes one absolute priority. In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute (see sections 663 and 681(d) of the Individuals with Disabilities Education Act (IDEA); 20 U.S.C. 1463 and 1481(d)).

Absolute Priority: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Technical Assistance Center on Positive Social, Emotional, and Behavioral Outcomes for Young Children with, and At Risk for, Developmental Delays or Disabilities.

Background

The beginning years of a child's life are critical for building the early

foundation of learning, health, and wellness. Responsive relationships and high-quality early care and education experiences are central to promoting young children's social, emotional, and behavioral competence, which can lead to more success in school, relationships, and life (Campbell et al., 2016; Jones et al., 2015). However, early childhood systems and programs that serve infants, toddlers, and preschool children (young children) with, and at risk for, developmental delays or disabilities have struggled to systematically promote social, emotional, and behavioral competence and address behavioral challenges. According to a recent survey (Smith et al., 2020), there is great variation in the capacity of State IDEA Part C programs to identify and meet the needs of infants and toddlers who have social-emotional delays, mental health conditions, or circumstances that put them at high risk of developing these difficulties. Most States report a shortage of qualified personnel who can provide services or provide training on evidence-based models that support young children's social, emotional, and behavioral development. In classroom settings, early childhood personnel frequently report that coping with challenging behavior is their most pressing training need and presents a barrier to including young children with disabilities into programs with their typically developing peers (Brock & Beaman-Diglia, 2018; Snell et al., 2012).

The well-documented, and troubling, data on preschool expulsion and suspension as well as its disproportionate application highlights the need for early childhood personnel to build competencies on how to equitably support young children's social, emotional, and behavior development. Early research by Gilliam (2005) showed that the rate of expulsion from State-funded pre-K programs was three times higher than that for K–12 programs. Later studies bolster these initial findings and demonstrate that suspension and expulsion from early education disproportionately affect young boys of color (Gilliam & Reyes, 2018; Malik, 2017; Meek & Gilliam, 2016).

The COVID–19 pandemic has highlighted the need to improve the capacity of early childhood personnel and programs to promote young children's social, emotional, and behavioral competence. The pandemic is exposing many young children to added stressors, including reduced connection with peers, loss of family or community members, financial insecurity, or exacerbated physical or mental health needs of family members. Parents of young children with disabilities reported being more concerned about their children's behavior, development, and learning; and feeling more anxious and depressed during the pandemic (Center for Translational Neuroscience, 2020). Studies indicate that the COVID–19 pandemic's social distancing restrictions have prompted a surge in the mental health needs of children (West et al., 2021). Children of color are especially subject to significant stressors during the pandemic (Robles-Ramamurthy et al., 2021); however, they and their families have been less likely than their White counterparts to receive care or have access to services, placing them in an especially vulnerable position for social, emotional, and behavioral challenges (Stephenson, 2021). Because of these stressors, the President's Executive Order 14000, Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers (86 FR 7215) identified the need for ''trauma-informed care, and behavioral and mental health support,'' and the ''promotion of mental health and social-emotional well-being'' in early childhood programs.

Meeting young children's social, emotional, and behavioral needs requires a multi-faceted and multi-tiered approach. There is growing evidence that a multi-tiered system of support [1] (MTSS) can yield positive outcomes in early childhood learning and social, emotional, and behavioral development (Blair et al., 2010; Hebbeler & Spiker, 2016; Sanford & Horner, 2013; Wackerle-Hollman et al., 2021). One of the foundational premises of MTSS is inclusive, high-quality instruction in general education settings or a child's natural environments (Hebbeler & Spiker, 2016). The flexible, tiered structure of an MTSS framework can allow early childhood personnel and system leaders to integrate intervention and support components based on the program's needs and resources (Wackerle-Hollman et al., 2021) and ensure access, participation, and support for all young children in an early childhood program. Recently, there has been an effort to integrate trauma-informed [2] approaches within MTSS frameworks to better support children's social, emotional, and behavioral development (Eber et al., 2020; National Center for Pyramid Model Innovations, 2021; Ormiston et al., 2021). To leverage the flexibility and inclusiveness of an MTSS framework, and to embed necessary trauma-informed supports for young children and their families, States and local early childhood systems and programs need to understand the key features of an MTSS framework and the supports needed to implement, scale-up, and sustain it. This includes building collaborative partnerships with community resources, including social service and health systems, to integrate necessary services within early childhood programs and scale-up and sustain effective practices.

The absolute priority is designed to accomplish these objectives. It is also aligned to the Secretary's priorities published in the **Federal Register** on December 10, 2021 (86 FR 70612) in the area of meeting student social, emotional, and academic needs.

Priority

The purpose of this priority is to fund a cooperative agreement to establish and operate a Technical Assistance Center on Positive Social, Emotional, and Behavioral Outcomes for Young Children with, and At Risk for, Developmental Delays or Disabilities. The Center will improve State and local capacity to implement, scale-up, and sustain effective practices and policies to equitably support the social, emotional, and behavioral development of young children with, and at risk for, developmental delays or disabilities.

The Center must achieve, at a minimum, the following expected outcomes:

(a) Increased knowledge base on effective practices within, and implementation supports for, the equitable implementation of an early childhood MTSS framework that integrates necessary educational, social, and mental health services through partnerships and collaboration with community resources; supports the

[1] For the purpose of this priority, ''multi-tiered system of supports (MTSS)'' is a way to provide high-quality teaching and responsive caregiving through the delivery of differentiated support for all young children. Four key practices in an early childhood MTSS include: (a) Universal screening to determine which children may need additional services or supports, (b) differentiation of child goals or outcomes to clarify what individual skills children need to focus on, (c) tiered instruction or interventions to meet children's need, and (d) ongoing progress monitoring to adjust instruction as needed (Division of Early Childhood, 2021).

[2] For the purpose of this priority, ''trauma-informed'' means a program, organization, or system realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system; and responds by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively resist retraumatization (Substance Abuse and Mental Health Services Administration, 2014).

inclusion of young children with disabilities across various settings; promotes family engagement; and embeds trauma-informed and culturally and linguistically responsive practices to promote positive and equitable social, emotional, and behavioral outcomes for all young children, including children of color, with, and at risk for, developmental delays or disabilities;

(b) Improved State infrastructures to support the capacity of local early childhood programs and personnel to implement, scale-up, and sustain the MTSS framework to equitably improve the social, emotional, and behavioral outcomes of all young children with, and at risk for, developmental delays or disabilities and eliminate inappropriate, disproportionate, exclusionary, and ineffective discipline practices, such as suspension, expulsion, and seclusion and the inappropriate use of restraint that disproportionately impacts children of color and young children with disabilities.

(c) Increased capacity of State and local early childhood programs to develop policies and implement practices to address factors that influence disparities in early childhood social, emotional, and behavioral outcomes, including, but not limited to, equitable access to services and supports for young children and families; impacts of adverse childhood experiences, toxic stress, and trauma on young children and families; and inappropriate and disproportionate discipline practices; and

(d) Improved capacity of State and local early childhood programs to collect and use data to measure progress towards meeting social, emotional, and behavioral outcomes of young children with, and at risk for, developmental delays or disabilities at the child and program levels, and identifying any disparities across race, ethnicity, home language, and income levels within the data.

In addition to these programmatic requirements, to be considered for funding under this priority, applicants must meet the application and administrative requirements in this priority, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance,'' how the proposed project will—

(1) Address the current and emerging needs of States, early childhood programs, and personnel to improve the social, emotional, and behavioral outcomes of all young children with, and at risk for, developmental delays or disabilities through the implementation of an early childhood MTSS framework. To meet this requirement, the applicant must—

(i) Present applicable national or State data demonstrating the need to improve positive social, emotional, and behavioral outcomes for all young children with, and at risk for, developmental delays or disabilities, and the needs of States, early childhood programs, and personnel in equitably implementing an early childhood MTSS framework focused on social, emotional, and behavioral development;

(ii) Demonstrate knowledge of the current capacity of personnel to implement family engagement, trauma-informed, and culturally and linguistically responsive practices to promote positive and equitable social, emotional, and behavioral outcomes for all young children with, and at risk for, developmental delays or disabilities;

(iii) Demonstrate knowledge of current educational issues and policy initiatives relating to—

(A) Implementing and sustaining an early childhood MTSS framework that promotes positive and equitable social, emotional, and behavioral outcomes for all young children with, and at risk for, developmental delays or disabilities across early childhood systems and programs, including IDEA Part C and Part B, section 619, Head Start and Early Head Start, child care, and public preschool;

(B) Reducing disparities in early childhood social, emotional, and behavioral outcomes, including through eliminating inappropriate and ineffective discipline practices, such as suspension, expulsion, and seclusion and the inappropriate use of restraint that disproportionately impacts children of color and young children with disabilities;

(C) Increasing inclusive opportunities for young children with, and at risk for, developmental delays or disabilities; and

(D) Providing equitable access to educational, social, and mental health services to young children and families to promote the social, emotional, and behavioral outcomes of young children with, and at risk for, developmental delays or disabilities and the intersection of these services; and

(iv) Present information about the current level of State and local implementation of—

(A) Early childhood MTSS frameworks focused on social, emotional, and behavioral development across early childhood systems and programs, including IDEA Part C and Part B, section 619, Head Start and Early Head Start, child care, and public preschool programs;

(B) Policies and practices to reduce disparities in early childhood social, emotional, and behavioral outcomes, including through eliminating inappropriate and inequitable discipline practices, including suspension, expulsion, and seclusion, and the inappropriate use of restraint in early childhood programs;

(C) Activities to measure changes in social, emotional, and behavioral outcomes at the child and program levels and make data-based decisions to inform more equitable practices and policies; and

(D) Activities to support scaling-up and sustaining effective practices to improve social, emotional, and behavioral outcomes for young children with, and at risk for, developmental delays or disabilities through key implementation drivers, including comprehensive preservice preparation, professional development and support, family engagement and support, and policy changes; and

(2) Improve State and local capacity to implement, scale-up, and sustain effective practices and policies to equitably support the social, emotional, and behavioral development of young children with, and at risk for, developmental delays or disabilities, and indicate the likely magnitude or importance of the improvements.

(b) Demonstrate, in the narrative section of the application under ''Quality of project services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. To meet this requirement, the applicant must describe how it will—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients of the grant;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes; and

(ii) In Appendix A, the logic model [3] (as defined in 34 CFR 77.1) by which the proposed project will achieve its intended outcomes that depicts, at a

[3] Logic model (34 CFR 77.1) (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

minimum, the goals, activities, outputs, and intended outcomes of the proposed project;

(3) Use a conceptual framework (and provide a copy in Appendix A) to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

Note: The following websites provide more information on logic models and conceptual frameworks: *www.osepideasthatwork.org/resources-grantees/program-areas/ta-ta/tad-project-logic-model-and-conceptual-framework; https://osepideasthatwork.org/evaluation?tab=eval-logic;* and *https://ies.ed.gov/ncee/edlabs/regions/central/pdf/REL_2021112.pdf.*

(4) Be based on current research and make use of evidence-based practices (EBPs).[4] To meet this requirement, the applicant must describe—

(i) The current research on effective and equitable early childhood MTSS frameworks that promote positive social, emotional, and behavioral outcomes; family engagement, trauma-informed, and culturally and linguistically responsive practices to support young children's social, emotional, and behavioral outcomes; service integration across education, social services, and health systems; systems change; and capacity building;

(ii) The current research about adult learning principles and implementation science that will inform the proposed TA; and

(iii) How the proposed project will incorporate current research and practices in the development and delivery of its products and services;

(5) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) How it proposes to identify or develop the knowledge base on effective practices within, and implementation supports for, an early childhood MTSS framework focused on social, emotional, and behavioral development across early childhood settings that—

(A) Integrates effective educational, social and mental health services to support equitable access to needed services for young children with, and at risk for, developmental delays or disabilities and their families;

(B) Promotes family engagement and supports, including those for families that have been traditionally underrepresented;

(C) Embeds trauma-informed and culturally and linguistically responsive practices to promote positive and equitable social, emotional, and behavioral outcomes for all young children with, and at risk for, developmental delays or disabilities;

(D) Increases the inclusion of young children with disabilities in early childhood programs;

(E) Reduces disparities in early childhood social, emotional, and behavioral outcomes, including through eliminating the use of inappropriate, disproportionate, exclusionary, and ineffective discipline practices in early childhood programs;

(F) Allows for the collection and use of data to inform decision-making and identify disparities in social, emotional, and behavioral outcomes; and

(G) Supports scaling-up and sustaining effective practices through key implementation drivers, such as preservice preparation, professional development and staffing support, family engagement and support, systems change, and policy changes;

(ii) Its proposed approach to universal, general TA,[5] which must identify the intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach. At minimum, the approach should include activities focused on—

(A) Identifying and developing resources and materials to increase the awareness of the benefits of implementing, scaling-up, and sustaining an early childhood MTSS framework focused on social, emotional, and behavioral development across early childhood systems and programs, and the importance of developing policies and practices to reduce disparities in early childhood social, emotional, and behavioral outcomes; and

(B) Identifying and developing materials, resources, and tools to help States, local early childhood programs, and providers increase their knowledge of an MTSS framework and implement effective policies and practices to support positive and equitable social, emotional, and behavioral outcomes for all young children with, or at risk for, developmental delays or disabilities;

(iii) Its proposed approach to targeted, specialized TA,[6] which must identify—

(A) The intended recipients, including the type and number of recipients, that will receive the products and services, a description of the products and services that the Center proposes to make available, and the expected impact of those products and services under this approach;

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their current infrastructure, available resources, and ability to build capacity at the local level;

(C) The process by which the proposed project will collaborate with other federally funded TA centers, including those funded by OSEP and the Department of Health and Human Services (HHS), that are focused on supporting the social, emotional, and behavioral development of young children with, and at risk for, developmental delays or disabilities across various early childhood systems and programs; and

(D) Its proposed approach to increasing the engagement and leadership of State IDEA Part C and Part B, section 619 coordinators to collaborate with other early childhood State leaders to develop and implement policies and practices that address factors that influence disparities in early childhood social, emotional, and behavioral outcomes, including, but not limited to, eliminating the use of inappropriate, disproportionate, exclusionary, and ineffective discipline practices in early childhood programs and supporting equitable access to needed services and supports.

[4] For the purposes of this priority, ''evidence-based practices'' means practices that, at a minimum, demonstrate a rationale (as defined in 34 CFR 77.1), where a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

[5] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's website by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[6] ''Targeted, specialized TA'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

(iv) Its proposed approach to intensive, sustained TA,[7] which must identify—

(A) The intended recipients, including the type and number of recipients, that will receive the services, a description of the services that the Center proposes to make available, and the expected impact of those services under this approach;

(B) Its proposed approach to measure the readiness of potential TA recipients to work with the project, assessing, at a minimum, their commitment to the initiative, alignment of the initiative to their needs, current infrastructure, available resources, and ability to build capacity within at the local level;

(C) Its proposed plan for assisting State early childhood systems to build or enhance professional development systems, including by engaging key preservice preparation programs and in-service professional development providers;

(D) Its proposed plan for working across early childhood, social service, and health systems to ensure that there are processes in place to support the implementation of an early childhood MTSS framework that integrates necessary educational, social, and mental health services to promote young children's social, emotional, and behavioral development; and

(E) The process by which the proposed project will ensure the use of effective TA practices and continuously evaluate the practices to improve the delivery of TA; and

(v) How the proposed project will use non-project resources to achieve the intended project outcomes.

(6) Develop products and implement services that maximize efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration; and

(iii) How the proposed project will use non-project resources to achieve the intended project outcomes; and

(7) Develop a dissemination plan that describes how the applicant will systematically distribute information, products, and services to varied intended audiences, using a variety of dissemination strategies, to promote awareness and use of the Center's products and services.

(c) In the narrative section of the application under ''Quality of the project evaluation,'' include an evaluation plan for the project developed in consultation with and implemented by a third-party evaluator.[8] The evaluation plan must—

(1) Articulate formative and summative evaluation questions, including important process and outcome evaluation questions. These questions should be related to the project's proposed logic model required in paragraph (b)(2)(ii) of the application and administrative requirements in this priority;

(2) Describe how progress in and fidelity of implementation, as well as project outcomes will be measured to answer the evaluation questions. Specify the measures and associated instruments or sources for data appropriate to the evaluation questions. Include information regarding reliability and validity of measures where appropriate;

(3) Describe strategies for analyzing data and how data collected as part of this plan will be used to inform and improve service delivery over the course of the project and to refine the proposed logic model and evaluation plan, including subsequent data collection;

(4) Provide a timeline for conducting the evaluation, and include staff assignments for completing the plan. The timeline must indicate that the data will be available annually for the annual performance report (APR) and at the end of Year 2 for the review process described under the heading, *Fourth and Fifth Years of the Project;*

(5) Dedicate sufficient funds in each budget year to cover the costs of developing or refining the evaluation plan in consultation with a ''third-party'' evaluator, as well as the costs associated with the implementation of the evaluation plan by the third-party evaluator.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of resources and quality of project personnel,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the management plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated and how these allocations are appropriate and adequate to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality, relevant, and useful to recipients; and

(4) The proposed project will benefit from a diversity of perspectives, including those of families, including racially, ethnically, and linguistically diverse families, early childhood educators, early intervention and early childhood special educators, administrators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Address the following application requirements. The applicant must—

(1) Include, in Appendix A, personnel-loading charts and timelines, as applicable, to illustrate the management plan described in the narrative;

(2) Include, in the budget, attendance at the following:

(i) A one and one-half day kick-off meeting in Washington, DC, or virtually, after receipt of the award, and an annual planning meeting in Washington, DC, or virtually, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference

[7] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

[8] A ''third-party'' evaluator is an independent and impartial program evaluator who is contracted by the grantee to conduct an objective evaluation of the project. This evaluator must not have participated in the development or implementation of any project activities, except for the evaluation activities, nor have any financial interest in the outcome of the evaluation.

must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' conference in Washington, DC, or virtually, during each year of the project period;

(iii) Two annual two-day trips, or virtually, to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive 3+2 review meeting in Washington, DC, or virtually, during the second year of the project period;

(3) Include, in the budget, a line item for an annual set-aside of 5 percent of the grant amount to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with, and approved by, the OSEP project officer. With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period;

(4) Engage doctoral students or post-doctoral fellows in the project to increase future leaders in the field who are knowledgeable on how to implement, scale-up, and sustain an MTSS framework focused on social, emotional, and behavioral development; and culturally responsive practices and policies that support positive and equitable social, emotional, and behavioral outcomes for young children with, and at risk for, developmental delays or disabilities;

(5) Maintain a high-quality website, with an easy-to-navigate design, that meets government or industry-recognized standards for accessibility;

(6) Ensure that annual project progress toward meeting project goals is posted on the project website; and

(7) Include, in Appendix A, an assurance to assist OSEP with the transfer of pertinent resources and products and to maintain the continuity of services to States during the transition to a new award at the end of this award period, as appropriate.

Fourth and Fifth Years of the Project

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will, under 34 CFR 75.253(a), consider certain requirements, including—

(a) The recommendations of a 3+2 review team consisting of experts selected by the Secretary. This review will be conducted during a one-day intensive meeting that will be held during the last half of the second year of the project period;

(b) The timeliness with which, and how well, the requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's products and services and the extent to which the project's products and services are aligned with the project's objectives and likely to result in the project achieving its intended outcomes.

Under 34 CFR 75.253, the Secretary may reduce continuation awards or discontinue awards in any year of the project period for excessive carryover balances or a failure to make substantial progress. The Department intends to closely monitor unobligated balances and substantial progress under this program and may reduce or discontinue funding accordingly.

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Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1463 and 1481.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in the Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) 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.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: The Administration has requested $49,345,000 for the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program for FY 2022, of which we intend to use an estimated $1,100,000 for this competition. 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.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2023 from the list of unfunded applications from this competition.

Maximum Award: We will not make an award exceeding $1,100,000 for a single budget period of 12 months.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* State educational agencies; State lead agencies under Part C of the IDEA; local educational agencies (LEAs), including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; freely associated States and outlying areas; Indian Tribes or Tribal organizations; and for-profit organizations.

2. a. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Uniform Guidance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. Under 34 CFR 75.708(e), a grantee may contract for supplies, equipment, and other services in accordance with 2 CFR part 200.

4. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants for, and recipients of, funding must, with respect to the aspects of their proposed project relating to the absolute priority, involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021–27979,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

2. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 70 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1'' margins at the top, bottom, and both sides.
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles,

headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.

- Use a font that is 12 point or larger.
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the abstract (follow the guidance provided in the application package for completing the abstract), the table of contents, the list of priority requirements, the resumes, the reference list, the letters of support, or the appendices. However, the recommended page limit does apply to all of the application narrative, including all text in charts, tables, figures, graphs, and screen shots.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and are as follows:

(a) *Significance (10 points).*

(1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(ii) The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

(b) *Quality of project services (35 points).*

(1) The Secretary considers the quality of the services to be provided by the proposed project.

(2) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.

(iii) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(iv) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(v) The extent to which the TA services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources.

(c) *Quality of the project evaluation (15 points).*

(1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(d) *Adequacy of resources and quality of project personnel (20 points).*

(1) The Secretary considers the adequacy of resources for the proposed project and the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel.

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(iii) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(iv) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(v) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(e) *Quality of the management plan (20 points).*

(1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(iii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project.

(iv) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of

IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications.

4. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition 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.

5. *Integrity and Performance System:* If you are selected under this competition to receive an award 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 the System for Award Management. 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 reporting 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.

6. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

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 an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, 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 under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* Under 34 CFR 75.110, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children With Disabilities program. These measures are:

- Program Performance Measure #1: The percentage of Technical Assistance and Dissemination products and services deemed to be of high quality by an independent review panel of experts qualified to review the substantive content of the products and services.
- Program Performance Measure #2: The percentage of Special Education Technical Assistance and Dissemination products and services deemed by an independent review panel of qualified experts to be of high relevance to educational and early intervention policy or practice.

• Program Performance Measure #3: The percentage of all Special Education Technical Assistance and Dissemination products and services deemed by an independent review panel of qualified experts to be useful in improving educational or early intervention policy or practice.

• Program Performance Measure #4: The cost efficiency of the Technical Assistance and Dissemination Program includes the percentage of milestones achieved in the current annual performance report period and the percentage of funds spent during the current fiscal year.

• Long-term Program Performance Measure: The percentage of States receiving Special Education Technical Assistance and Dissemination services regarding scientifically or evidence-based practices for infants, toddlers, children, and youth with disabilities that successfully promote the implementation of those practices in school districts and service agencies.

The measures apply to projects funded under this competition, and grantees are required to submit data on these measures as directed by OSEP.

Grantees will be required to report information on their project's performance in annual and final performance reports to the Department (34 CFR 75.590).

The Department will also closely monitor the extent to which the products and services provided by the Center meet needs identified by stakeholders and may require the Center to report on such alignment in their annual and final performance reports.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. 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 the document 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.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (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.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Katherine Neas,

Deputy Assistant Secretary, Delegated the authority to perform the functions and duties of the Assistant Secretary for the Office of Special Education and Rehabilitative Services.

[FR Doc. 2022–00965 Filed 1–19–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0005]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; GEAR UP Applications for Partnership and State Grants

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before February 22, 2022.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Craig Pooler, 202–453–6195.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: GEAR UP Applications for Partnership and State Grants.

OMB Control Number: 1840–0821.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 241.

Total Estimated Number of Annual Burden Hours: 13,580.

Abstract: Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), created in the

Higher Education Act Amendments of 1998 (Title IV, Section 404A–404H), is a discretionary grant program which encourages applicants to provide support and maintain a commitment to eligible low-income students, including students with disabilities, to assist the students in obtaining a secondary school diploma and preparing for and succeeding in postsecondary education. GEAR UP provides grants to states and partnerships to provide services at high-poverty middle and high schools. GEAR UP grantees serve an entire cohort of students beginning no later than the seventh grade and follow them through graduation and, optionally, the first year of college.

The purpose of the GEAR UP partnership and state applications is to allow partnerships and states to apply for funding under the GEAR UP program.

Dated: January 13, 2022.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–00974 Filed 1–19–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Advisory Board

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to the Federal Advisory Committee Act, and in accordance with Title 41 of the Code of Federal Regulations, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Environmental Management Advisory Board (EMAB) will be renewed for a two-year period beginning January 14, 2022.

FOR FURTHER INFORMATION CONTACT: Kelly Snyder, EMAB Designated Federal Officer, by Phone: (702) 918–6715 or Email: *kelly.snyder@em.doe.gov.*

SUPPLEMENTARY INFORMATION: The Board provides the Assistant Secretary for the Office of Environmental Management (EM) with information and strategic advice on a broad range of corporate issues affecting the EM program. These corporate issues include, but are not limited to, project management and oversight activities, cost/benefit analyses, program performance, human capital development, and contracts and acquisition strategies. Recommendations to EM on the programmatic resolution of numerous difficult issues will help achieve EM's objective of the safe and efficient cleanup of its contaminated sites.

Additionally, the renewal of the EMAB has been determined to be essential to conduct Department of Energy (DOE) business and to be in the public interest in connection with the performance of duties imposed on DOE by law and agreement. EMAB will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, and rules and regulations issued in implementation of that Act.

Signing Authority

This document of the Department of Energy was signed on January 14, 2022, by Miles Fernandez, Acting Committee Management Officer, 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 January 14, 2022.

Treena V. Garrett,

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

[FR Doc. 2022–01049 Filed 1–19–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings—2

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP22–326–000.

Applicants: Southern Natural Gas.

Description: Motion of Southern Natural Gas Company, L.L.C. to Withdraw Tariff Filing.

Filed Date: 01/11/2022.

Accession Number: 20220111–5053.

Comment Date: 5 p.m. ET 1/26/22.

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.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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: *https://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 13, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–01033 Filed 1–19–22; 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 Numbers: RP22–482–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: § 4(d) Rate Filing: TPC 2022–01–12 Negotiated Rate Agreement to be effective 1/13/2022.

Filed Date: 1/12/22.

Accession Number: 20220112–5129.

Comment Date: 5 p.m. ET 1/24/22.

Docket Numbers: RP22–483–000.

Applicants: Northern Border Pipeline Company.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements—Housekeeping to be effective 2/12/2022.

Filed Date: 1/12/22.

Accession Number: 20220112–5134.

Comment Date: 5 p.m. ET 1/24/22.

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.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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 13, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–01031 Filed 1–19–22; 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 exempt wholesale generator filings:

Docket Numbers: EG22–38–000.

Applicants: BT Noble Solar, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of BT Noble Solar, LLC.

Filed Date: 1/13/22.

Accession Number: 20220113–5097.

Comment Date: 5 p.m. ET 2/3/22.

Docket Numbers: EG22–39–000.

Applicants: High Lonesome Storage, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of High Lonesome Storage, LLC.

Filed Date: 1/13/22.

Accession Number: 20220113–5132.

Comment Date: 5 p.m. ET 2/3/22.

Docket Numbers: EG22–40–000.

Applicants: Roadrunner Storage, LLC.

Description: Self-Certification of EG or FC of Roadrunner Storage, LLC.

Filed Date: 1/13/22.

Accession Number: 20220113–5148.

Comment Date: 5 p.m. ET 2/3/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER08–1136–006.

Applicants: Georgia-Pacific LLC Crosset.

Description: Notice of Change in Status of Georgia-Pacific LLC Crosset.

Filed Date: 1/12/22.

Accession Number: 20220112–5009.

Comment Date: 5 p.m. ET 2/2/22.

Docket Numbers: ER22–814–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA SA No. 6317; Queue No. AG1–499 to be effective 12/15/2021.

Filed Date: 1/13/22.

Accession Number: 20220113–5046.

Comment Date: 5 p.m. ET 2/3/22.

Docket Numbers: ER22–815–000.

Applicants: Singer Energy Group, LLC.

Description: Tariff Amendment: Cancellation of Complete Tariff to be effective 1/14/2022.

Filed Date: 1/13/22.

Accession Number: 20220113–5090.

Comment Date: 5 p.m. ET 2/3/22.

Docket Numbers: ER22–816–000.

Applicants: Pacific Gas and Electric Company.

Description: Notice of Cancellation of Service Agreement No. 9 with Delta Energy Center, LLC of Pacific Gas and Electric Company.

Filed Date: 1/12/22.

Accession Number: 20220112–5148.

Comment Date: 5 p.m. ET 2/2/22.

Docket Numbers: ER22–817–000.

Applicants: The Narragansett Electric Company.

Description: § 205(d) Rate Filing: Reimbursement Agreement with Block Island Utility Dist. & Notice Waiver Request to be effective 11/29/2021.

Filed Date: 1/13/22.

Accession Number: 20220113–5105.

Comment Date: 5 p.m. ET 2/3/22.

Docket Numbers: ER22–818–000.

Applicants: AEP Texas Inc.

Description: § 205(d) Rate Filing: AEPTX-Concho Valley EC-Golden Spread EC 4th A&R IA to be effective 1/5/2022.

Filed Date: 1/13/22.

Accession Number: 20220113–5109.

Comment Date: 5 p.m. ET 2/3/22.

The filings are accessible in the Commission's eLibrary system by clicking on the links or 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 13, 2022.

Debbie-Anne A. Reese,

Deputy Secretary.

[FR Doc. 2022–01032 Filed 1–19–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1858–023]

Beaver City Corporation Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* P–1858–023.

c. *Date filed:* July 30, 2021.

d. *Applicant:* Beaver City Corporation.

e. *Name of Project:* Beaver City Canyon Plant No. 2 Hydroelectric Project.

f. *Location:* The existing hydroelectric project is located on the Beaver River, in Beaver County, Utah, about 5 miles east of the city of Beaver. The project currently occupies 10.2 acres of federal land administered by the U.S. Forest Service, and 2.4 acres of federal land managed by the U.S. Bureau of Land Management. As proposed, the project would occupy 10.5 acres of federal land administered by the U.S. Forest Service and 2.4 acres of federal land administered by the U.S. Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jason Brown, Beaver City Manager, 30 West 300 North, Beaver, UT 84713; (435) 438–2451.

i. *FERC Contact:* Evan Williams, (202) 502–8462, or at *evan.williams@ferc.gov.*

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *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. All filings must clearly identify the project name and docket number on the first page: Beaver City Canyon Plant No. 2 Hydroelectric Project (P–1858–023).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. *Project Description:* The existing project consists of: (1) A 17-foot-high by 65-foot-wide diversion dam; (2) a 30-inch-diameter, 11,450-foot-long black steel penstock; (3) a 34-foot-long by 41-foot-wide stone powerhouse containing an impulse turbine and one generating unit with an installed capacity of 625 kilowatts; (4) a 4-foot-wide by 150-foot-long tailrace channel; (5) a 12.5-kilovolt, approximately 21,000-foot-long transmission line; and (6) appurtenant facilities. The estimated average annual generation (2012 to 2017) is 4,446 megawatt-hours.

Beaver City Corporation proposes to abandon the existing: (1) Powerhouse; (2) portion of penstock between the existing powerhouse and proposed new powerhouse; (3) buried line from the turbine generator to the transformer on the west side of the existing powerhouse; (4) old transformer; (5) overhead line from the old transformer to the start of the transmission line on the west bank of the Beaver River; and (6) tailrace. As such, Beaver City Corporation proposes to remove approximately 50-feet of the existing penstock and construct: (1) A new 40-foot-long by 27-foot-wide metal-walled powerhouse to contain one new turbine-generator with an installed capacity of 720 kilowatts; (2) a new buried line of unknown dimensions from the new turbine-generator to the new transformer; (3) a new buried line of unknown dimensions from the new transformer to an intermediate pole; (4) a new overhead line of unknown dimensions from the intermediate pole to the start of the existing transmission line; and (5) a new approximately 50-foot-long by approximately 10-foot-wide rock-lined tailrace. The new powerhouse, power distribution facilities, and tailrace would be constructed approximately 50 feet upstream of the existing powerhouse, and the existing powerhouse would be retained within the project boundary as an historic structure.

m. A copy of the application is available for review on the Commission's website (*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. For assistance, contact FERC Online Support.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Commission issues Scoping Document 1	February 2022.
Deadline for Filing Motions to Intervene and Protests	March 14, 2022.
Filing of Scoping Comments	March 2022.
Commission issues Request for Additional Information (if necessary)	April 2022.
Commission issues Scoping Document 2 (if necessary)	May 2022.
Commission issues Notice of Ready for Environmental Analysis	May 2022.
Filing of comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	July 2022.
Filing of Reply Comments	September 2022.

Dated: January 13, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–01041 Filed 1–19–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP21–465–000; CP21–465–001; CP21–465–002]

Driftwood Pipeline LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Line 200 and Line 300 Project, Request for Comments on Environmental Issues, and Schedule for Environmental Review

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Line 200 and Line 300 Project (Project) involving construction and operation of facilities by Driftwood Pipeline LLC (Driftwood) in Beauregard and Calcasieu Parishes, Louisiana. The Commission will use this EIS in its decision-making process to determine whether the Project is in the public convenience and necessity. The schedule for preparation of the EIS is discussed in the *Schedule for Environmental Review* section of this notice.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the *NEPA Process and the EIS* section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document, including comments on potential alternatives and impacts, and any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on February 14, 2022. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the *Public Participation* section of this notice.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not grant, exercise, or oversee the exercise of eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Driftwood provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas Questions or Landowner Topics link.

Public Participation

There are four methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. 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; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21–465–000, –001, –002) on your letter. 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.

(4) In lieu of sending written comments, the Commission invites you to attend one of the virtual public scoping session(s) its staff will conduct by telephone, scheduled as follows:

January 25 & 27, 2022
January 25, 2022
5:30 p.m.–7:30 p.m. CST
Call in number: 800–779–8625
Participant Passcode: 3472916
January 27, 2022
5:30 p.m.–7:30 p.m. CST
Call in number: 800–779–8625
Participant Passcode: 3472916

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the environmental document. Individual oral comments will be taken on a one-on-one basis with a court reporter present on the line. This format is designed to receive the maximum amount of oral comments, in a convenient way during the timeframe allotted, and is in response to the ongoing COVID–19 pandemic. No presentation will be provided, or questions answered during the session. Prospective commentors are encouraged to review Driftwood's application and supplemental filings to familiarize themselves with the Project prior to participating in the meeting. Instruction on how to access Driftwood's filings are provided in the *Additional Information* section of this notice. In addition to providing comments directly to FERC, parcel-specific questions can be directed to Driftwood at *landowners@driftwoodpipeline.com.*

Each scoping session is scheduled from 5:30 p.m. to 7:30 p.m. CST. You may call at any time after 5:30 p.m. at which time you will be placed on mute

and hold. Calls will be answered in the order they are received. Once answered, you will have the opportunity to provide your comment directly to a court reporter with FERC staff or representative present on the line. A time limit of three minutes will be implemented for each commentor.

Transcripts of all comments received during the scoping sessions will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary).

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided at a virtual scoping session.

Additionally, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Summary of the Proposed Project, the Project Purpose and Need, and Expected Impacts

Driftwood proposes to construct and operate dual 42-inch-diameter natural gas pipelines originating near Ragley in Beauregard Parish, Louisiana southward to a proposed receiver facility near Carlyss in Calcasieu Parish, Louisiana. Additional facilities include one new compressor station, twelve meter stations, six mainline valves, and other aboveground facilities. The Project would provide a maximum seasonal capacity of 5.7 billion cubic feet of natural gas per day (Bcf/d) to the Lake Charles market. According to Driftwood, its Project would provide enhanced supply access, resilience, and reliability to the natural gas market in the Lake Charles area.

The Project would consist of the following facilities:

- Installation of 36.9 miles of 42-inch-diameter pipeline in Beauregard and Calcasieu Parishes, Louisiana (Line 200);
- installation of 30.8 miles of 42-inch-diameter pipeline in Beauregard and Calcasieu Parishes, Louisiana (Line 300);
- installation of the new Indian Bayou Compressor Station (up to 211,200 horsepower) of electric-driven compression in Beauregard Parish);
- installation of twelve new meter stations in Beauregard and Calcasieu Parishes;
- installation of a dual receiver facility at the terminus of Line 200 and Line 300 in Calcasieu Parish; and
- installation of six new mainline valves in Beauregard and Calcasieu Parishes.

The general location of the Project facilities is shown in appendix 1.[1]

Based on the environmental information provided by Driftwood, construction of the proposed facilities would disturb about 894.7 acres of land for the aboveground facilities and the pipelines. Following construction, Driftwood would maintain about 410.3 acres for operation of the Project facilities; the remaining acreage would be restored.

Based on an initial review of Driftwood's proposal, Commission staff have identified several expected impacts that deserve attention in the EIS. The Project would impact 192 waterbodies, 169.6 acres of wetland, 304.3 acres of agriculture lands, 163.7 acres of forest and 117.3 acres of pine plantation, 84 acres of open land, and additional residential, industrial, and open lands. In addition to these Project impacts, landowners along the route may also be affected by construction and operation of the authorized Louisiana Connector Project and the Driftwood Project, and other proposed residential, road improvement, and electric utility projects. A segment of the proposed route has been identified as a low-income environmental justice community. Schools, churches, and libraries within these environmental justice communities, along with known environmental justice organizations, have been included on the Commission's environmental mailing list for the project, as further explained in the *Environmental Mailing List* section of this notice.

The NEPA Process and the EIS

The EIS issued by the Commission will discuss impacts that could occur as a result of the construction and operation of the proposed Project under the relevant general resource areas:

- Geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- socioeconomics;
- environmental justice;
- land use;
- air quality and noise; and
- reliability and safety.

Commission staff will also make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff focus its analysis on the issues that may have a significant effect on the human environment.

The EIS will present Commission staff's independent analysis of the issues. Staff will prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any draft and final EIS will be available in electronic format in the public record through eLibrary [2] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

Alternatives Under Consideration

The EIS will evaluate reasonable alternatives that are technically and economically feasible and meet the purpose and need for the proposed action.[3] Alternatives currently under consideration include:

- The no-action alternative, meaning the Project is not implemented;
- the natural gas compression alternative;
- pipeline system alternatives;
- pipeline route alternatives; and
- aboveground facility site alternatives.

With this notice, the Commission requests specific comments regarding any additional potential alternatives to the proposed action or segments of the proposed action. Please focus your comments on reasonable alternatives (including alternative facility sites and pipeline routes) that meet the Project objectives, are technically and economically feasible, and avoid or lessen environmental impact. Please provide as much detail on any potential reasonable alternative as possible (*e.g.,* maps, sketches, reasons for the alternative, comparative impacts to the proposed route) to facilitate the Commissions review of the alternative.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary''. For instructions on connecting to eLibrary, refer to the last page of this notice. 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 FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

[2] For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] 40 CFR 1508.1(z).

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate section 106 consultation for the Project with the applicable State Historic Preservation Office, and other government agencies, interested Indian tribes, and the public to solicit their views and concerns regarding the Project's potential effects on historic properties.[4] The Project EIS will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Schedule for Environmental Review

On June 30, 2021, the Commission issued its Notice of Application for the Project. On October 13, 2021, Driftwood filed a supplement to its Application consisting of alignment modifications, workspace adjustments, and the addition and removal of aboveground facilities. The Commission issued a Notice of Amendment to Application on October 20, 2021 which established docket number CP21–465–001. On October 29, 2021, Driftwood filed a second amendment to its application requesting an increase in the requested transportation capacity from the originally proposed nominal capacity of 4.6 billion cubic feet per day Bcf/d to a nominal capacity of 5.4 Bcf/d, with a maximum seasonal capacity of 5.7 Bcf/d. The Commission subsequently issued a Notice of Amendment to Application on November 11, 2021 which established docket number CP21–465–002.

Among other things, the Notice of Application alerted other agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the Commission staff's final EIS for the Project. This notice identifies the Commission staff's planned schedule for completion of the final EIS for the Project, which is based on an issuance of the draft EIS in May 2022.

Issuance of Notice of Availability of the final EIS—September 15, 2022

90-day Federal Authorization Decision Deadline[5]—December 14, 2022

If a schedule change becomes necessary for the final EIS, an additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Permits and Authorizations

The table below lists the anticipated permits and authorizations for the Project required under federal law. This list may not be all-inclusive and does not preclude any permit or authorization if it is not listed here. Agencies with jurisdiction by law and/or special expertise may formally cooperate in the preparation of the Commission's EIS and may adopt the EIS to satisfy its NEPA responsibilities related to this Project. Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the *Public Participation* section of this notice.

Agency	Permit
FERC	Section 7 of the *Natural Gas Act.*
U.S. Army Corps of Engineers.	Section 404 of the *Clean Water Act.* Section 10 of the *Rivers and Harbors Act of 1899.*
U.S. Fish and Wildlife Service.	Section 7 of *Endangered Species Act* Consultation.

Environmental Mailing List

This notice is being sent to the Commission's current environmental mailing list for the Project which includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups, including environmental justice organizations; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProject AddressChange@ferc.gov* stating your request. You must include the docket number CP21–465–002 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 2).

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP21–465). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

Dated: January 13, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–01039 Filed 1–19–22; 8:45 am]

BILLING CODE 6717–01–P

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

[5] The Commission's deadline applies to the decisions of other federal agencies, and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9442–01–R6]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Kinder Morgan Crude & Condensate LLC, Galena Park Terminal, Harris County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on Petition for objection to Clean Air Act Title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated December 16, 2021, granting in part and denying in part a Petition dated August 29, 2017 from the Environmental Integrity Project, Texas Environmental Justice Advocacy Services, Sierra Club, Environment Texas, Air Alliance Houston, and Patricia Gonzales (the Petitioners). The Petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to Kinder Morgan Crude & Condensate LLC (Kinder Morgan) for its Galena Park Terminal located in Harris County, Texas.

ADDRESSES: The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office is currently closed to the public to reduce the risk of transmitting COVID–19. Please call or email the contact listed below if you need alternative access to the final Order and Petition, which are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, EPA Region 6 Office, Air Permits Section, (214) 665–7596, *wilson.aimee@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

The EPA received the Petition from the Petitioners dated August 29, 2017, requesting that the EPA object to the issuance of operating permit no. O3764, issued by TCEQ to Kinder Morgan for its Galena Park Terminal in Harris County, Texas. The Petition claims the proposed permit failed to assure compliance with applicable requirements in Kinder Morgan's Nonattainment New Source Review permit, failed to assure compliance with emission limits and operating requirements established by Permits by Rule (PBRs), failed to specify how Kinder Morgan should quantify emissions from various units to assure compliance with emission limits in the nonattainment permit, and failure to identify and incorporate certified PBR registrations as applicable requirements.

On December 16, 2021, the EPA Administrator issued an Order granting in part and denying in part the Petition. The Order explains the basis for EPA's decision.

Dated: January 12, 2022.

David Garcia,

Director, Air and Radiation Division, Region 6.

[FR Doc. 2022–00989 Filed 1–19–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0765; FRL–9438–01–ORD]

Board of Scientific Counselors (BOSC) Executive Committee Meeting—February 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA), Office of Research and Development (ORD), gives notice of a series of virtual meetings of the Board of Scientific Counselors (BOSC) Executive Committee (EC) Committee to finalize the BOSC's Air Climate and Energy (ACE), Sustainable and Healthy Communities (SHC), Safe and Sustainable Water Resources (SSWR), and Chemical Safety for Sustainability and Health & Environmental Risk Assessment (CSS and HERA) subcommittee reports.

DATES:

1. The deliberation meeting will be held over two days via videoconference:

a. Thursday, February 3, 2022, from 1 p.m. to 5 p.m. (EDT); and

b. Friday, February 4, 2022, from 1 p.m. to 5 p.m. (EDT).

Attendees must register by February 2, 2022.

2. A final BOSC deliberation videoconference will be held on February 18, 2022, from 11 a.m. to 2 p.m. (EDT). Attendees must register by February 17, 2022.

Meeting times are subject to change. This series of meetings is open to the public. Comments must be received by February 2, 2022, to be considered by the subcommittee. Requests for the draft agenda or making a presentation at the meeting will be accepted until February 2, 2022.

ADDRESSES: Instructions on how to connect to the videoconference will be provided upon registration at: *https://epa-bosc-ec-meeting.eventbrite.com.*

Submit your comments to Docket ID No. EPA–HQ–ORD–2015–0765 by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
  - *Note:* Comments submitted to the *www.regulations.gov* website are anonymous unless identifying information is included in the body of the comment.
- *Email:* Send comments by electronic mail (email) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2015–0765.
  - *Note:* Comments submitted via email are not anonymous. The sender's email will be included in the body of the comment and placed in the public docket which is made available on the internet.

Instructions: All comments received, including any personal information provided, will be included in the public docket without change and may be made available online at *www.regulations.gov.* Information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute will not be included in the public docket and should not be submitted through *www.regulations.gov* or email. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/dockets/.*

Public Docket: Publicly available docket materials may be accessed *Online* at *www.regulations.gov.*

Copyrighted materials in the docket are only available via hard copy. The

telephone number for the ORD Docket Center is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer (DFO), Tom Tracy, via phone/voicemail at: 919–541–4334; or via email at: *tracy.tom@epa.gov.*

Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting should contact Tom Tracy no later than February 2, 2022.

SUPPLEMENTARY INFORMATION: The Board of Scientific Counselors (BOSC) is a federal advisory committee that provides advice and recommendations to EPA's Office of Research and Development on technical and management issues of its research programs. The meeting agenda and materials will be posted to *https://www.epa.gov/bosc.*

Proposed agenda items for the meeting include, but are not limited to, the following: finalize the ACE, SHC, SSWR, and CSS HERA subcommittee reports.

Information on Services Available: For information on translation services, access, or services for individuals with disabilities, please contact Tom Tracy at 919–541–4334 or *tracy.tom@epa.gov.* To request accommodation of a disability, please contact Tom Tracy at least ten days prior to the meeting to give the EPA adequate time to process your request.

Authority: Public Law 92–463, 1, Oct. 6, 1972, 86 Stat. 770.

Mary Ross,

Director, Office of Science Advisor, Policy and Engagement.

[FR Doc. 2022–00971 Filed 1–19–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9434–01–OMS]

Report on Environmental Protection Agency Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Act Provisions of the Infrastructure Investment and Jobs Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is publishing a report on EPA Federal financial assistance infrastructure programs subject to the Build America, Buy America Act Provisions of the Infrastructure Investment and Jobs Act (EPA BABAA Report). This report is available at *https://www.epa.gov/grants/epas-identification-federal-financial-assistance-infrastructure-programs-subject-build* and will be updated as additional information becomes available. Members of the public who are unable to access the EPA BABAA Report at *https://www.epa.gov/grants/epas-identification-federal-financial-assistance-infrastructure-programs-subject-build* may request a copy of the most current version of the report from EPA's Information Contact identified below.

DATES: The EPA BABAA Report will be available to the public on January 21, 2022.

FOR FURTHER INFORMATION CONTACT: EPA's National Policy Training and Compliance Division (Attention: Suzanne Hersh) at *EPA_Grants_Info@epa.gov* or (202) 564–3361.

SUPPLEMENTARY INFORMATION: Consistent with the policy direction of Executive Order 14005: Ensuring the Future is Made in All of America By All of America's Workers, Title IX of Infrastructure Investment and Jobs Act (IIJA): Build America, Buy America Act (BABAA) imposes new, government-wide domestic content procurement preference requirements on all federally-funded infrastructure projects—whether or not funded through IIJA. Section 70913(a) of IIJA requires each agency covered by BABAA to submit a report to the Office of Management and Budget (OMB) and Congress that will be published in the **Federal Register**. As provided in section 70913(b) of IIJA this report must:

(1) Identify all domestic content procurement preferences applicable to EPA's Federal financial assistance programs for infrastructure.

(2) Assess the applicability of domestic content procurement preference requirements in certain specified statutes of which section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1388), section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4)) and section 5035 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3914) are applicable to EPA.

(3) Assess the applicability of any other domestic content procurement preference requirement included in an appropriations Act or other Federal laws (including regulations) to an EPA Federal financial assistance program for infrastructure.

(4) Provide details on any domestic content procurement preference requirement applicable to an EPA Federal financial assistance program for infrastructure, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement.

(5) Include a description of the type of infrastructure projects that receive funding under the program, including information relating to—

(A) the number of entities that are participating in the program;

(B) the amount of Federal funds that are made available for the program for each fiscal year; and

(C) any other information EPA's Administrator determines to be relevant.

Section 70913(c) of IIJA requires that the report include a list of ''Deficient Programs'' which identifies EPA's financial assistance programs for infrastructure (as defined in section 70912(5) of IIJA) for which a domestic content procurement preference requirement does not apply in a manner consistent with section 70914 of IIJA or is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project. Section 70914 generally requires that all the iron, steel, manufactured products, and construction materials used in projects receiving EPA financial assistance for infrastructure be produced in the United States unless EPA provides a waiver of the requirement or application of the requirement would be inconsistent with the United States' obligations under international agreements.

The EPA BABA Report available at *https://www.epa.gov/grants/epas-identification-federal-financial-assistance-infrastructure-programs-subject-build* meets the requirements of section 70913 but will be updated as additional information becomes available.

Lynnann Hitchens,

Acting Principal Deputy Assistant Administrator, Office of Mission Support.

[FR Doc. 2022–01082 Filed 1–19–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9384–01–R8]

Administrative Settlement Agreement and Order on Consent: Rico-Argentine Site, Rico, Dolores County, Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed agreement; request for public comment.

SUMMARY: In accordance with the requirements of the Comprehensive

Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), notice is hereby given of the proposed settlement under CERCLA, between the U.S. Environmental Protection Agency (''EPA''), and Atlantic Richfield Company (''Settling Party'') to resolve its alleged civil liability at the Rico-Argentine Site in Dolores County, Colorado. For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the agreement. The Agency will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

DATES: Comments must be submitted on or before February 22, 2022.

ADDRESSES: To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Comments and requests for a copy of the proposed agreement should be addressed to Anntasia Copeland, Enforcement Specialist, Superfund and Emergency Management Division, Environmental Protection Agency—Region 8, Mail Code 8SEM–PAB, 1595 Wynkoop Street, Denver, Colorado 80202, (303) 312–6764, *copeland.anntasia@epa.gov* and should reference the Rico-Argentine Site.

FOR FURTHER INFORMATION CONTACT: Amelia Piggott, Senior Assistant Regional Counsel, Office of Regional Counsel, Environmental Protection Agency—Region 8, Mail Code 8ORC–LEC, 1595 Wynkoop Street, Denver, Colorado 80202, (303) 312–6410, *piggott.amelia@epa.gov.*

SUPPLEMENTARY INFORMATION: The proposed Settlement Agreement is for the performance of a removal action by the Settling Party and the payment of certain response costs incurred by the United States. This Settlement supersedes and replaces in its entirety, and, as of the Effective Date, terminates the Unilateral Administrative Order for Removal Action, docket number CERCLA–08–2011–0005 (UAO) that EPA issued to the Settling Party on March 17, 2011, under which Respondent has implemented certain response actions, including addressing settling ponds and constructing a pilot water treatment system to treat acid mine drainage coming from the St. Louis Tunnel. The purpose of this Settlement is to provide for: Settling Party's payment of certain past response costs, as well as design, construction, operation, and monitoring of a full-scale water treatment system to remove hazardous substances from the St. Louis Tunnel discharge, hydraulic control measures for the collapsed St. Louis Tunnel adit, and solids management facilities; and EPA's oversight of the implementation of such Work at the Site. The Settling Party consents to and will not contest the authority of the United States to enter into the Agreement or to implement or enforce its terms. The Settling Party recognizes that the Agreement has been negotiated in good faith and that the Agreement is entered into without the admission or adjudication of any issue of fact or law.

Betsy Smidinger,

Division Director, Superfund and Emergency Management Division, Environmental Protection Agency, Region VIII.

[FR Doc. 2022–00992 Filed 1–19–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed New Information Collection; Post Examination Surveys; Comment Request (3064–NEW)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the survey collection instrument for post examination surveys. FDIC is seeking a new OMB Control Number for this information collection. There are two versions of survey that will be transmitted to each financial institution after FDIC's completion of a Safety and Soundness or a Consumer Compliance examination to obtain feedback from these financial institutions regarding the examination process.

DATES: Comments must be submitted on or before March 21, 2022.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.fdic.gov/resources/regulations/federal-register-publications/index.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Regulatory Counsel, MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to ''Post-Examination Surveys''. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, Regulatory Counsel, (202) 898–3767, *mcabeza@fdic.gov,* MB–3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval for the following collection of information:

Title: Post-Examination Surveys.

OMB Number: 3064–NEW.

Frequency of Response: On occasion.

Affected Public: FDIC-supervised insured depository institutions.

Forms: 6600/58 (Post Examination Survey Safety and Soundness Exams); 6600/59 (Post Examination Survey Compliance and CRA Exams).

Burden Estimate:

SUMMARY OF ESTIMATED ANNUAL BURDEN—POST-EXAMINATION SURVEYS

Information collection (IC) description	Type of burden	Estimated number of respondents	Estimated frequency of response	Estimated time per response (minutes)	Total estimated annual burden (hours)
Safety and Soundness Post-Examination Survey	Reporting	605	On Occasion	45	454
Consumer Compliance Post-Examination Survey	Reporting	550	On Occasion	45	413

SUMMARY OF ESTIMATED ANNUAL BURDEN—POST-EXAMINATION SURVEYS—Continued

Information collection (IC) description	Type of burden	Estimated number of respondents	Estimated frequency of response	Estimated time per response (minutes)	Total estimated annual burden (hours)
Total Estimated Annual Burden					867

General Description of Collection: The purpose of the surveys is to gauge bankers' views on the effectiveness and quality of FDIC Safety and Soundness and Consumer Compliance examinations, as well as to identify ways to improve the examination process. Respondents will be asked to voluntarily rate the efficiency of the pre-examination process; examiners' professionalism and understanding of the laws and regulations; the examination process; and examination report quality. Respondents will also be allowed to provide feedback on any areas for improvement and will be given an option to have someone from the FDIC Office of the Ombudsman contact the institution confidentially about its recent examination or any other matters.

Interested members of the public may obtain a copy of the proposed survey questionnaires on the following web pages:

- *https://www.fdic.gov/resources/regulations/federal-register-publications/2022/fdic-6600-58.pdf.*
- *https://www.fdic.gov/resources/regulations/federal-register-publications/2022/fdic-6600-59.pdf.*

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (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. All comments will become a matter of public record.

Dated at Washington, DC, this 13th day of January 2022.

Federal Deposit Insurance Corporation.

James P. Sheesley,

Assistant Executive Secretary.

[FR Doc. 2022–00983 Filed 1–19–22; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 87 FR 781.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, January 11, 2022 at 10:00 a.m. and its continuation at the conclusion of the open meeting on January 13, 2022.

CHANGES IN THE MEETING: This meeting also discussed: Matters relating to internal personnel decisions, or internal rules and practices.

* * * * *

CONTACT FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b.

Laura E. Sinram,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2022–01111 Filed 1–18–22; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, January 25, 2022 at 10:00 a.m. and its continuation at the conclusion of the open meeting on January 27, 2022.

PLACE: 1050 First Street NE, Washington, DC. (This meeting will be a virtual meeting).

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer. Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b.

Vicktoria J. Allen,

Acting Deputy Secretary of the Commission.

[FR Doc. 2022–01200 Filed 1–18–22; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue, NW, Washington, DC 20551–0001, not later than February 4, 2022.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Jere M. Ahrens, Jill A. Ahrens and Becky C. Campbell, all of Houston, Texas; Karen L. Ahrens, North Fort Myers, Florida; Jessica A. Ahrens Bingaman, Fort Worth, Texas; Lindsay S. Ahrens Dahl, Camp Crook, South Dakota; Jenna K. Ahrens Brown, Laramie, Wyoming; and Brian E. Campbell, San Diego, California;* to join the Ahrens Family Control Group, a group acting in concert, to retain voting shares of HTB, Inc., and thereby indirectly retain voting shares of Home Trust & Savings Bank, both of Osage, Iowa.

Board of Governors of the Federal Reserve System, January 14, 2022.

Ann Misback,

Secretary of the Board.

[FR Doc. 2022–01054 Filed 1–19–22; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Pediatrics Study Section.

Date: March 3, 2022.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2137B, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Joanna Kubler-Kielb, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2137B, Bethesda, MD 20892, (301) 435–6916, *kielbj@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.865, Research for Mothers and Children, National Institutes of Health, HHS)

Dated: January 14, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–01083 Filed 1–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Study Section.

Date: February 17–18, 2022.

Time: 9:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kathy Salaita, SCD, Chief, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–594–5033, *kathy.salaita@nih.gov*.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Special Grants Study Section.

Date: February 24–25, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, 6701 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–594–4952, *linh1@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 13, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–01027 Filed 1–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; PDAC Stromal Reprogramming Consortium (PSRC).

Date: March 3, 2022.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W240, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W240, Rockville, Maryland 20850, 240–276–5122, *hasan.siddiqui@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Research Centers for Cancer Systems Biology and DCB Multi-Consortia Coordinating Center Review.

Date: March 7–8, 2022.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W104, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Eun Ah Cho, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Rockville, Maryland 20850, 240–276–6342, *choe@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; HIV/Cervical Cancer Prevention 'CASCADE' Clinical Trials Network.

Date: March 8, 2022.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W248, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Shree Ram Singh, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W248, Rockville, Maryland 20850, 240–672–6175, *singhshr@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Control in People Living with HIV in LMIC (U01).

Date: March 10, 2022.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W240, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W240, Rockville, Maryland 20850, 240–276–5122, *hasan.siddiqui@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Investigation of the Transmission of Kaposi Sarcoma-Associated Herpesvirus.

Date: March 23, 2022.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W618, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Mukesh Kumar, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W618, Rockville, Maryland 20850, 240–276–6611, *mukesh.kumar3@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; TEP–10: SBIR Contract Review Meeting.

Date: March 24, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W126, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Susan Lynn Spence, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Rockville, Maryland 20850, 240–620–0819, *susan.spence@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Cancer Target Discovery and Development (CTD2) Review Meeting.

Date: March 24, 2022.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W116, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Klaus B. Piontek, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7116, Rockville, Maryland 20850, 240–276–5413, *klaus.piontek@nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group; Cancer Centers Study Section (A).

Date: May 12, 2022.

Time: 10:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W530, Rockville, Maryland 20850 (Telephone Conference Call).

Contact Person: Shamala K. Srinivas, Ph.D., Associate Director, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Rockville, Maryland 20850, 240–276–6442, *ss537t@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 14, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–01084 Filed 1–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Addiction Risks and Mechanisms Study Section.

Date: February 15–16, 2022.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kristen Prentice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3112, MSC 7808, Bethesda, MD 20892, (301) 496–0726, *prenticekj@mail.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Cancer, Heart, and Sleep Epidemiology B Study Section.

Date: February 16–17, 2022.

Time: 9:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Gianina Ramona Dumitrescu, Ph.D., MPH Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4193–C, Bethesda, MD 28092, 301–827–0696, *dumitrescurg@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.

Date: February 17–18, 2022.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7846, Bethesda, MD 20892–7846, 301–827–7238, *zhaow@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Interventions to Prevent and Treat Addictions Study Section.

Date: February 17–18, 2022.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sarah Vidal, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 710Q,

Bethesda, MD 20892, (301) 480–5359, *sarah.vidal@nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Chronic Dysfunction and Integrative Neurodegeneration Study Section.

Date: February 17–18, 2022.

Time: 9:30 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bernard Rajeev Srambical Wilfred, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1042, *bernard.srambicalwilfred@nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Cell Structure and Function 1 Study Section.

Date: February 17–18, 2022.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jessica Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301.402.3717, *jessica.smith6@nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Pathologies Study Section.

Date: February 17–18, 2022.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *yakovleva@csr.nih.gov*.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Instrumentation and Systems Development Study Section.

Date: February 23–24, 2022.

Time: 9:30 a.m. to 8:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kee Forbes, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, 301–272–4865, *pyonkh2@csr.nih.gov*.

Name of Committee: Infectious Diseases and Immunology A Integrated Review Group; Virology—B Study Section.

Date: February 23–24, 2022.

Time: 9:30 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301)–435–1742, *kaushikbasun@csr.nih.gov*.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurodifferentiation, Plasticity, Regeneration and Rhythmicity Study Section.

Date: February 23–24, 2022.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jacek Topczewski, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1002A1, Bethesda, MD 20892, (301) 594–7574, *topczewskij2@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 13, 2022.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–01028 Filed 1–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Neurological Sciences Training Initial Review Group; NST–1 Study Section.

Date: January 31–February 1, 2022.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS, NIH, NSC, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660, *benzingw@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: January 13, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–01026 Filed 1–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group; Population Sciences Study Section.

Date: March 7, 2022.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2121B, Bethesda, MD 20817 (Video Assisted Meeting).

Contact Person: Christiane M. Robbins, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 6710B Rockledge Drive, Room 2121B, Bethesda, MD 20817, 301–451–4989, *crobbins@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: January 14, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–01029 Filed 1–19–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2021–0020; OMB No. 1660–0131]

Agency Information Collection Activities: Proposed Collection; Comment Request; Threat and Hazard Identification and Risk Assessment (THIRA)—Stakeholder Preparedness Review (SPR) Unified Reporting Tool

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: 30-Day notice of revision and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

DATES: Comments must be submitted on or before February 22, 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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Director, Information Management Division, 500 C Street SW, Washington, DC 20472, email address *FEMA-Information-Collections-Management@fema.dhs.gov* or Sharon Frederick, Section Chief, Community Risk and Capability Assessments Section, National Assessments and Integration Division, FEMA, at *Sharon.Frederick@fema.dhs.gov* or (202) 368–5156.

SUPPLEMENTARY INFORMATION: This proposed information collection previously published in the **Federal Register** on September 14, 2021, at 86 FR 51177 with a 60-day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

This package is a revision to the collection titled the Threat and Hazard Identification and Risk Assessment (THIRA)—Stakeholder Preparedness Review (SPR) Unified Reporting Tool under OMB Control Number 1660–0131. The Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) (Pub. L. 109–295), as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007 (Pub. L. 110–53), established an annual requirement for the 56 states and territories to submit a State Preparedness Report, at 6 U.S.C 752(c). Because this reporting now includes States, Tribes, territories, and urban areas, FEMA has revised the name of the collection as the Stakeholder Preparedness Review (SPR). States, Tribes, territories, and urban areas receiving non-disaster preparedness grant funds administered by DHS submit the SPR annually, and this encompasses the requirements of the previous State Preparedness Report, while reflecting the updated methodology reporting needs. The legislation requires a report on current capability levels and a description of targeted capability levels from all States, Tribes, territories, and urban areas receiving non-disaster preparedness grant funds administered by DHS. Each report must also include a discussion of the extent to which target capabilities identified in the applicable state homeland security plan and other applicable plans are unmet, and an assessment of resources needed to meet the preparedness priorities established under 6 U.S.C. 752(c), including: (i) An estimate of the amount of expenditures required to attain the preparedness priorities; and (ii) the extent to which the use of Federal assistance during the preceding fiscal year achieved the preparedness priorities. To meet this requirement, States, Tribes, territories, and urban areas first identify capability targets through THIRA and then assess against these targets in the SPR. Through the SPR, these jurisdictions estimate their current capabilities, identify and describe gaps between current capabilities and targets, indicate their intended approach for addressing gaps in the future, and report on the impact of Federal grant dollars in building and sustaining capabilities. It is also important to note that completing the THIRA and SPR are allowable expenses under the grant awards.

Collection of Information

Title: Threat and Hazard Identification and Risk Assessment (THIRA)—Stakeholder Preparedness Review (SPR) Unified Reporting Tool.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0131.

FEMA Forms: FEMA Form FF–008–FY–21–106, Threat and Hazard Identification and Risk Assessment (THIRA)/Stakeholder Preparedness Review (SPR) Unified Reporting Tool (formerly FEMA Forms 008–0–19 and 008–0–20); FEMA Form FF–008–FY–21–107, THIRA/SPR After Action Conference Calls (formerly FEMA Form 008–0–23).

Abstract: The assessment is structured by the 32 core capabilities from the 2015 National Preparedness Goal. States, territories, urban areas, and tribes provide information on capability targets, their current capability levels and capability gaps for each core capability. Respondent States, Tribes, territories, and urban areas gather the information and complete the THIRA and SPR following the ''Comprehensive Preparedness Guide (CPG) 201, Third Edition.''

Affected Public: State, Territory, Local or Tribal Government.

Estimated Number of Respondents: 256.

Estimated Number of Responses: 256.

Estimated Total Annual Burden Hours: 88,779.

Estimated Total Annual Respondent Cost: $4,914,805.

Estimated Respondents' Operation and Maintenance Costs: $21,337,885.

Estimated Respondents' Capital and Start-Up Costs: $0.

Estimated Total Annual Cost to the Federal Government: $2,312,561.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (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.

Millicent L. Brown,

Acting Records Management Branch Chief, Office of the Chief Administrative Officer, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2022–00986 Filed 1–19–22; 8:45 am]

BILLING CODE 9111–27–P

DEPARTMENT OF HOMELAND SECURITY

[Docket Number—DHS–2021–0050]

Agency Information Collection Activities: Family Reunification Task Force Travel Questionnaire and website Application

AGENCY: Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; Family Reunification Task Force Travel Questionnaire and website application, extension without change.

SUMMARY: The Department of Homeland Security, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted until March 21, 2022. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: You may submit comments, identified by docket number Docket # DHS–2021–0050, at:

○ *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number Docket # DHS–2021–0050. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://ww.regulations.gov.*

SUPPLEMENTARY INFORMATION: On February 2, 2021, President Biden signed Executive Order 14011 (E.O. 14011), Establishment of Interagency Task Force on the Reunification of Families, in response to the prior Administration decision to intentionally separate children from their parents and legal guardians (families), including through the use of the Zero-Tolerance Policy. E.O. 14011 directs the Interagency Task Force on the Reunification of Families (Task Force) to identify children who were separated and facilitate and enable the reunification of the families. Additionally, E.O. 14011 directs the Task Force to provide recommendations on providing additional services and support for the reunified families, including behavioral health services with a focus on trauma-informed care. The Secretary of Homeland Security is the chair of the Task Force and is joined by the Department of State, Department of Health and Human Services, and the Department of Justice.

To carry out the Task Force's mission to reunify families, DHS is extending the current information data collection. The purpose is to achieve efficiencies to process these individuals for a successful family reunification. To streamline the initial contact, assistance, and reunification travel coordination process, the Task Force has created a website application (Register √ together.gov and Regístrese √ together.gov (juntos.gov)) to create initial contact and a travel form to collect details and information the Task Force needs to make travel arrangements for the beneficiary and other traveling family members.

The information to be collected on the website application would include:

- A-Number
- Name of Separated Parent
- Contact Information of the Separated Parent (phone, email)
- Country of Birth
- Country of Citizenship
- Current Country Location
- Separated Parent Relationship to Child
- Separated Parent's Preferred Language
- Separated Child's A#
- Separated Child Name
- Separated Child's Date of Birth
- Separated Child's Country of Birth
- Separated Child's Country of Citizenship
- Whether Separated Parent is in contact with Child
- Whether Separated Parent has knowledge of Child's current location
- Name of Attorney, Advocate or Preparer
- Attorney, Advocate, or Preparer Contact Information

The information to be collected for travel would include: Name, Date of Birth, Gender, A#, Passport Number and Expiration, Phone Number, Email address, Language(s) spoken, Representative/Attorney name and contact information, Date of Embassy Appointment to obtain boarding foil, Identification of Special Assistance Requests, Departure Airport, Final Airport, Traveling requested time frame, Names of others in the traveling party. The data will be stored by the international organization coordinating travel for the families.

This information collection does not have an impact on small businesses or other small entities.

If this information is not collected, the Task Force will not be able to accomplish its mission to reunite families swiftly.

The assurance of confidentiality provided to the respondents for this information collection is based on the Privacy Impact Assessment DHS/ALL/PIA–091. The Systems of Records Notices that will be included in this ICR include DHS/USCIS/ICE/CBP–001 Alien File, Index, and National File Tracking System of Records, September 18, 2017, 82 FR 43556 DHS/USCIS–007 Benefits Information System, October 10, 2019, 84 FR 54622.

This information collection was constructed in compliance with regulations and authorities under the purview of the DHS Privacy Office, DHS OCIO, DHS Records Management, and OMB regulations regarding data collection, use, sharing, storage, information security, and retrieval of information.

There are no changes to the information being collected and there is no change to the estimated burden associated with this collection.

The Office of Management and Budget is particularly interested in comments which:

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; and

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.

Analysis

Agency: Department of Homeland Security (DHS).

Title: Family Reunification Task Force Travel Questionnaire and website Application.

OMB Number: 1601–0031.

Frequency: Annually.

Affected Public: Members of the Public.

Number of Respondents: 3,000.

Estimated Time per Respondent: 20 minutes.

Total Burden Hours: 1,000.

Robert Dorr,

Executive Director, Business Management Directorate.

[FR Doc. 2022–00990 Filed 1–19–22; 8:45 am]

BILLING CODE 9112–FL–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX22LB00TZ80100; OMB Control Number 1028–0079]

Agency Information Collection Activities; North American Breeding Bird Survey

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Geological Survey (USGS) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 21, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0079 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact David Ziolkowski by email at *dziolkowski@usgs.gov,* or by telephone at 301–497–5753. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *https://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor, nor are you required to respond to, a collection of information unless it displays a current valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How the agency might 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 response.

Comments 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 personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Abstract: Respondents supply the U.S. Geological Survey with bird count data for more than 600 North American bird species. These data and the analyzed relative abundance and population trend estimates derived from them will be made available via the internet and through special publications, which are used by Government agencies, industry, education programs, and the general public. We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552), its implementing regulations (43 CFR part 2), and in accordance with ''Data and information to be made available to the public or for limited inspection'' (30 CFR 250.197). Responses are voluntary. No questions of a ''sensitive'' nature are asked.

Title of Collection: North American Breeding Bird Survey.

OMB Control Number: 1028–0079.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 1,650.

Total Estimated Number of Annual Responses: 2,600.

Estimated Completion Time per Response: 11 hours on average.

Total Estimated Number of Annual Burden Hours: 28,600.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: $145,600. (Mileage costs average $56 per response; based on an approximate 100-mile round trip made for data collection per response and using the U.S. GSA 2021 privately owned vehicle mileage reimbursement rate of $0.56 per mile.)

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a current valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

David Ziolkowski,

Acting BBS Program Manager, Eastern Ecological Science Center.

[FR Doc. 2022–01078 Filed 1–19–22; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[222A2100DD/AAKC001030/A0A501010 .999900 253G]

Notice of Consultations on Federal Subsistence Policy in Alaska

AGENCY: Department of Agriculture; Office of the Assistant Secretary—Indian Affairs, Interior.

ACTION: Notice of Tribal and Alaska Native corporation consultation sessions.

SUMMARY: The U.S. Department of the Interior and the U.S. Department of Agriculture (Departments) recognize that subsistence is vital to the cultures and life ways of Alaska Natives and Alaska Native communities. Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), the Secretary of the Interior and the Secretary of Agriculture jointly implement the Federal Subsistence Management Program. This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. In accordance with *The White House Tribal Nations Summit Progress Report,* the Departments will jointly conduct consultation sessions with federally recognized Tribes and with Alaska Native corporations on Federal subsistence policy in Alaska.

DATES: *Consultations:* The Departments will conduct consultations with Tribes, Tribal consortia, and Alaska Native organizations on Thursday, January 20, 2022, and Friday, January 21, 2022, from 11 a.m. to 1 p.m. AKST, and with Alaska Native regional and village corporations on Friday, January 28, 2022, from 11 a.m. to 1 p.m. AKST.

Written comments: To ensure consideration, written comments must be submitted via email by Tuesday, February 15, 2022, at 11:59 p.m. ET.

ADDRESSES: *Consultations:* The Departments' Tribal and Alaska Native corporation consultations will be held via Zoom and telephone. Please see *Tribal Consultation and Comment* under **SUPPLEMENTARY INFORMATION**, below, for details.

Written comments: Written comments must be submitted via email to *consultation-ak@ios.doi.gov,* with the subject line ''Subsistence Consultation.''

FOR FURTHER INFORMATION CONTACT: Rose Petoskey, Senior Counselor to the Assistant Secretary-Indian Affairs, telephone: (202) 208–7163, or 800–877–8339 (TTY); email: *rose.petoskey@bia.gov*.

SUPPLEMENTARY INFORMATION: The Departments will conduct virtual consultations with Tribes, Tribal consortia, Alaska Native organizations, and Alaska Native regional and village corporations on Federal subsistence policy. The listening session and consultations reflect the Departments' commitment to strengthen government-to-government relationships with federally recognized Tribes and meet requirements for consultation with Alaska Native corporations. The Departments' procedures for outreach, notice, and consultation ensure involvement of Tribes and Alaska Native corporations, to the extent practicable and permitted by law, before making decisions or implementing policies, rules, or programs that affect federally recognized Tribal governments or Alaska Native corporation interests. These consultations are open to official representatives of federally recognized Tribes and Alaska Native corporations. Further detail will be provided in the invitation letters.

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the **Federal Register** on June 29, 1990 (55 FR 27114), and published final regulations in the **Federal Register** on May 29, 1992 (57 FR 22940). The program regulations have subsequently been amended a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, ''Parks, Forests, and Public Property,'' and Title 50, ''Wildlife and Fisheries,'' at 36 CFR 242.1–242.28 and 50 CFR 100.1–100.28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Tribal Consultation and Comment

As expressed in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' the Departments are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and federally recognized Indian Tribes (Tribes) as listed at 86 FR 7554 (January 29, 2021).

Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.''

The ANILCA does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because Tribal members are affected by Federal subsistence policy, the Secretaries are consulting with federally recognized Tribes and Alaska Native corporations.

The Departments are seeking Tribal and Alaska Native corporation perspectives pertaining to the following questions:

1. How has climate change affected subsistence? What changes could be made to subsistence policies, regulations, or laws to help you adapt to those changes?

2. How can Federal agencies better cooperate with Alaska Native Tribes, Alaska Native consortia, Alaska Native organizations, and Alaska Native corporations to promote subsistence harvest opportunities and protect habitat?

3. How does the state management regime affect implementation of the Federal priority for rural residents?

4. How can the Federal Subsistence Board and the Federal Subsistence Program be changed to better accommodate subsistence needs?

5. How should the Federal Subsistence Board define rural residents for purposes of the Federal subsistence priority?

6. What difficulties have you experienced in accessing subsistence resources?

The Departments' Tribal and Alaska Native corporation consultations will be held via Zoom and telephone as follows:

• On Thursday, January 20, 2022, from 11 a.m. to 1 p.m. AKST. The consultation is open to Tribes and Tribal consortia. Please register in advance using following Zoom link: *https://www.zoomgov.com/meeting/register/vJItc-ivpjgrEplmxYnru1AOR773ePbx65U.* You may also join by telephone by using the following dial-in information: 1 (669) 254–5252, Meeting ID: 1604178318, Passcode: 598591; or 1 (646) 828–7666, Meeting ID: 1604178318, Passcode: 598591.

• On Friday, January 21, 2022, from 11 a.m. to 1 p.m. AKST. The consultation is open to Tribes, Tribal consortia, and Alaska Native organizations. Please register in advance using following Zoom link: *https://www.zoomgov.com/meeting/register/vJItdOGgqTgsHRk7c4Rxe4bu3OyF_aEw_F8.* You may also join by telephone by using the following dial-in information: 1 (669) 254–5252, Meeting ID: 1603887367, Passcode: 905674; or 1 (646) 828–7666, Meeting ID: 1603887367, Passcode: 905674.

• On Friday, January 28, 2022, from 11 a.m. to 1 p.m. AKST. The consultation is open to Alaska Native regional and village corporations. Please register in advance using following Zoom link: *https://www.zoomgov.com/meeting/register/vJItceivrz0tH97YP3lOioApp4DvFTrniW0.* You may also join by telephone by using the following dial-in information: 1 (669) 254–2525, Meeting ID: 1606171675, Passcode: 956167; or 1 (646) 828–7666, Meeting ID: 1606171675, Passcode: 956167.

Reasonable Accommodations

The Departments are committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Rose Petoskey, telephone: (202) 208–7163, or 800–877–8339 (TTY); email: *rose.petoskey@bia.gov.*

Heather Dawn Thompson,

Director, Office of Tribal Relations, U.S. Department of Agriculture.

Raina Thiele,

Senior Advisor to the Secretary, Alaska Affairs & Strategic Priorities, U.S. Department of the Interior.

Bryan Newland,

Assistant Secretary—Indian Affairs, U.S. Department of the Interior.

[FR Doc. 2022–01164 Filed 1–18–22; 4:15 pm]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORM00000–L12200000.DF0000–223. HAG22–0009]

Postponement of Public Meeting of the Western Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) announces the postponement of the Western Oregon Resource Advisory Council's (RAC) January 2022 meeting field tour.

DATES: The Western Oregon RAC's January 10 to 11 meeting is postponed to March 30 to 31, 2022, and the field tour is postponed to April 1, 2022. Each meeting will begin at 9 a.m. and adjourn at approximately 3 p.m. The field tour will commence at 9 a.m. and conclude around 4 p.m. The field tour and meetings are open to the public.

ADDRESSES: The meetings will be held virtually over the Zoom platform. Those wishing to participate in the Zoom meetings must register at least 2 weeks in advance of the meetings. The link to register for the March RAC Zoom meetings is: *https://blm.zoomgov.com/webinar/register/WN_pLpbh88OQmq55ry73zC-CA.*

The RAC will take a field tour of the Edson Campground and Sixes River Campground on Friday, April 1. The RAC will meet at 9 a.m. at the BLM Coos Bay District Office, 1300 Airport Lane, North Bend, Oregon, and arrive at the Edson Campground at 10:45 a.m., returning to the BLM Coos Bay District Office at around 4 p.m.

FOR FURTHER INFORMATION CONTACT: Kyle Sullivan, Public Affairs Specialist, Medford District, 3040 Biddle Road, Medford, OR 97504; phone: (541) 618–2340; email: *ksullivan@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact Mr. Sullivan during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member Western Oregon RAC advises the Secretary of the Interior, through the BLM, on a variety of public-land issues across public lands in Western Oregon, including the Coos Bay, Medford, Northwest Oregon, and Roseburg Districts and part of the Lakeview District. At the March meeting, the RAC will review the Secure Rural School Title II funding and recreation fee proposal process and focus on review of Secure Rural School Title II funding projects. Title II funds support restoration projects that may not otherwise have been completed, such as the improved maintenance of existing infrastructure, enhancement of forest ecosystems, and restoration of land health and water quality. In turn, these projects create additional employment opportunities in western Oregon communities and foster collaborative relationships between those who use public lands and those who manage them.

On April 1, the RAC will visit the Edson Campground and Sixes River Campground to prepare for review of potential recreation fee proposals.

The public is welcome to attend the field tour and must provide their own transportation and meals. Individuals who plan to attend must RSVP to the BLM Medford District Office at least 2 weeks in advance of the field tour (see **FOR FURTHER INFORMATION CONTACT**). Please indicate whether you need special assistance, such as sign language interpretation and other reasonable accommodations. The field tour will follow current Centers for Disease Control and Prevention COVID–19 guidance regarding social distancing and mask wearing.

The meetings are open to the public, and public comment periods will be held on March 30 and 31, 2022, at 2:30 p.m. each day. Depending on the number of persons wishing to comment and the time available, time allotted for individual oral comments may be limited. The public may submit written comments to the RAC by emailing the RAC coordinator at *ksullivan@blm.gov.*

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 can 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.

Previous minutes, membership information, and upcoming agendas are available at: *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington.* Detailed minutes for the RAC meetings are also maintained in the Medford District

Office and will be available for public inspection and reproduction during regular business hours within 90 days following the meeting.

(Authority: 43 CFR 1784.4–2)

Elizabeth R. Burghard,

Medford District Manager, (Designated Federal Officer).

[FR Doc. 2022–01008 Filed 1–19–22; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033282; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Bernardino County Museum, Redlands, CA; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The San Bernardino County Museum (SBCM) has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on April 27, 2021. This notice corrects the minimum number of individuals and the number of associated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the San Bernardino County Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the San Bernardino County Museum at the address in this notice by February 22, 2022.

FOR FURTHER INFORMATION CONTACT: Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the San Bernardino County Museum, Redlands, CA. The human remains and associated funerary objects were removed from Riverside County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the minimum number of individuals and the number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** on April 27, 2021 (86 FR 22259–22261, April 27, 2021). A re-inventory discovered additional human remains and associated objects. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (86 FR 22260, April 27, 2021, FR Doc 2021–08775), page 22248, column 3, under History and Description of the Remains, paragraphs 1 and 2, are corrected by substituting the following paragraphs:

On January 24, 1965 and August 28 1967, human remains representing, at minimum, three individuals were recorded and removed from the Meadowbrook site complex, comprised of SBCM–607 (CA–RIV–711, CA–RIV–713), SBCM–606 (RIV–707), SBCM 607 (RIV–711, RIV–713), SBCM–609 (RIV–710 and RIV–709), SBCM–610 (RIV–712), SBCM–611 (RIV–714), and then illegally graded in Aug 1992 at sites SBCM–1559 (RIV–704) and SBCM 1561 (RIV–325) just south of Good Hope Mine (site of the ''Good Hope Mine'' burial site) in Perris, Riverside County, CA. Dr. Niewoehner, a physical anthropologist at California State University, San Bernardino, who assisted SBCM in the inventory, identified a human phalanx and a metatarsal in SBCM 607. Myra Maisel from Pechanga Band of Luiseno Mission Indians assisted in an inventory in Aug 2021 identified 10 pieces of an infant cranium in SBCM 607 and one human vertebrae and rib bone in SBCM 611. No known individuals were identified. The 31 associated funerary objects include one lot of faunal, one lot of soil, one lot of bone awls, one lot of shell, one lot of pendants and pendant fragments, one lot of pottery sherds, one lot of projectile points and point fragments, one lot of tourmaline fragments, one lot of personal stones, one lot of bifaces and biface fragments, one lot of flake tools, one lot of flakes, one lot of core tools, one lot of cores, one lot of hammerstones, one lot of manos and mano fragments, one lot of ground stone and ground stone fragments, one lot of pestles and pestle fragments, one lot of bowl fragments, one granitic metate, one metate basin, one arrow straightener, one lot of mixed faunal bone, one lot of red ochre, one lot of yellow ochre, one lot of wood and charcoal, one piece of historic glass, one lot of historic metal, one knife blade, one heating stone, and one palm.

The Meadowbrook site complex is part of the large village complex directly adjacent to the Pechanga Indian Reservation. It appears in a Sacred Lands File of the California Native American Heritage Commission as a Pechanga traditional cultural property. Moreover, the Native American Heritage Commission has named the Pechanga as the most likely descendant Indian Tribe for human remains removed from another location near Meadowbrook.

In the **Federal Register** (86 FR 22261, April 27, 2021, FR Doc 2021–08775, page 22249), column 2, (under the heading ''Determinations Made by the San Bernardino County Museum'') is corrected by substituting the following sentences:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 58 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Tamara Serrao-Leiva, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, CA 92374, telephone (909) 798–8623, email *tserrao-leiva@sbcm.sbcounty.gov,* by February 22, 2022. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Indian Tribes referred to in the April 27, 2021 notice as ''The Affiliated Tribes'' may proceed.

The San Bernardino County Museum is responsible for notifying the Indian Tribes referred to in the April 27, 2021 notice as ''The Consulted and Invited Tribes'' and ''The Affiliated Tribes'' that this notice has been published.

Dated: January 12, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–01037 Filed 1–19–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033279; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Item: The Buffalo History Museum, Buffalo, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Buffalo History Museum (previously known as the Buffalo Historical Society), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of sacred objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to The Buffalo History Museum. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Buffalo History Museum at the address in this notice by February 22, 2022.

FOR FURTHER INFORMATION CONTACT: Walter Mayer, Sr. Director of Museum Collections, The Buffalo History Museum, 1 Museum Court, Buffalo, NY 14216, telephone (716) 873–9644, email *wmayer@buffalhistory.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Buffalo History Museum, Buffalo, NY, that meet the definition of sacred objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In the late 19th century and/or early 20th century, three cultural items were presented by Chief Delos Big Kittle of the Seneca Nation of Indians [previously listed as Seneca Nation of New York] to George Tucker, who became an adopted member of the Bear Clan in 1918. In 1931, the Buffalo History Museum purchased these items from George Tucker. The three cultural items are one sash worn on all ceremonial occasions by Delos Big Kittle, one turtle Rattle, and one child's turtle rattle made by Delos Big Kittle's son, Richard Big Kittle. Museum documentation indicates that these cultural items are sacred objects owned by Delos Big Kittle. Richard Big Kittle of the Seneca Nation of Indians and a descendant of Delos Big Kittle, has requested repatriation of these three items. These items are important to Delos Big Kittle's descendants and can be used in the practice of traditional ceremonials.

Officials of the Buffalo History Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(C), the three cultural items described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents and can be used in the practice of traditional ceremonials by descendants of Delos Big Kittle.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the sacred objects and Richard Big Kittle.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Walter Mayer, Sr. Director of Museum Collections, The Buffalo History Museum, 1 Museum Court, Buffalo, NY 14216, telephone (716) 873–9644, email *wmayer@buffalhistory.org,* by February 22, 2022. After that date, if no additional claimants have come forward, transfer of control of the sacred objects to Richard Big Kittle may proceed.

The Buffalo History Museum is responsible for notifying Richard Big Kittle and the Cayuga Nation; Oneida Indian Nation [previously listed as Oneida Nation of New York]; Oneida Nation [previously listed as Oneida Tribe of Indians of Wisconsin]; Onondaga Nation; Saint Regis Mohawk Tribe [previously listed as St. Regis Band of Mohawk Indians of New York]; Seneca Nation of Indians [previous listed as Seneca Nation of New York]; Seneca-Cayuga Nation [previously listed as Seneca-Cayuga Tribe of Oklahoma]; Tonawanda Band of Seneca [previously listed as Tonawanda Band of Seneca Indians of New York]; and Tuscarora Nation that this notice has been published.

Dated: January 12, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–01046 Filed 1–19–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0033281; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Fort Lewis College, Durango, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Fort Lewis College has completed an inventory of associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the Fort Lewis College. If no additional requestors come forward, transfer of control of the associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Fort Lewis College at the address in this notice by February 22, 2022.

FOR FURTHER INFORMATION CONTACT: Dr. Kathleen Fine-Dare, NAGPRA Liaison, Fort Lewis College, 205 Center of

Southwest Studies, 1000 Rim Drive, Durango, CO 81301, telephone (970) 247–7438, email *fine_k@fortlewis.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of Fort Lewis College, Durango, CO. The associated funerary objects were removed from La Plata County and Dolores County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the associated funerary objects was made by Fort Lewis College, Center of Southwest Studies professional staff in partnership with NAGPRA archeological specialist Blythe Morrison and in eight separate written letter/email consultations with representatives of the Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Navajo Nation, Arizona, New Mexico, & Utah; Ohkay Owingeh, New Mexico [previously listed as Pueblo of San Juan]; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Santo Domingo Pueblo [previously listed as Kewa Pueblo, New Mexico and as Pueblo of Santo Domingo]; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe [previously listed as Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah]; Ysleta del Sur Pueblo [previously listed as Ysleta Del Sur Pueblo of Texas]; and the Zuni Tribe of the Zuni Reservation, New Mexico.

In addition, several face-to-face consultation meetings were held at Fort Lewis College to review the collections. On August 30, 2018, representatives of the Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Pueblo of Acoma, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of Tesuque, New Mexico; and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado were able to review the associated funerary objects (at that time they were still categorized as unassociated funerary objects included with the Homer Root Collection). On September 6–7, 2018 (Zuni Tribe of the Zuni Reservation, New Mexico); September 13, 2018 (Ute Indian Tribe of the Uintah & Ouray Reservation, Utah and Ysleta del Sur Pueblo [previously listed as Ysleta Del Sur Pueblo of Texas]); October 4, 2018 (Navajo Nation, Arizona, New Mexico, & Utah and Ute Mountain Ute Tribe [previously listed as Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah]); October 9, 2018 (Pueblo of Santa Clara, New Mexico); and May 14, 2019 (Pueblo of Laguna, New Mexico and Pueblo of San Ildefonso, New Mexico).

Hereafter all Indian Tribes listed in this section are referred to as ''The Consulted Tribes.''

History and Description of the Associated Funerary Objects

This notice concerns seven objects that are associated with human remains that were in the possession of the La Plata County Historical Society, Durango, Colorado. A Notice of Inventory Completion for the human remains was published in the **Federal Register** on April 4, 2018 (83 FR 14490–14492), and the human remains have been repatriated to the Hopi Tribe of Arizona.

In September of 1936, human remains representing, at minimum, 22 individuals were excavated from a burial site within the city limits of Durango, CO. The excavation was carried out at the Ignacio site (12:18) by members of the National Youth Administration under the supervision of Helen Sloan Daniels, an avocational archeological enthusiast, in anticipation of the creation of a gravel pit operated by the City of Durango. (In 2017, the site was given Smithsonian Site Number 5LP11284.) The site, which contained a pit structure, a midden, and several room blocks, has been identified as belonging to the late Basketmaker III or early Pueblo I period.

After being disinterred, the human remains were taken to the Durango Public Library for cleaning, display, and storage. At some unknown time, the human remains were transferred to the private residence of Helen Sloan Daniels in Durango, CO. In 1989, they were donated to the La Plata County Historical Society. In 1962, six of the associated funerary objects were donated to the Fort Lewis College Museum, and in 2001, they were transferred to the Fort Lewis College Center of Southwest Studies (CSWS).

These six associated funerary objects have been determined to be associated with the remains of four children that were in the possession of the La Plata County Historical Society. The six unassociated funerary objects are two Rosa Grayware jars, two Rosa Grayware pitchers, one Rosa Grayware bowl, and one Rosa Black-on-White bowl. Pottery attributes indicate that the objects were manufactured during the Basketmaker III/Pueblo I period, A.D. 500–900.

In 1937, human remains representing at minimum, 27 individuals were excavated from an archeological site on private land (''Sago School'') in Dove Creek, Dolores County, CO. National Youth Administration (NYA) workers, under the supervision of archeological enthusiast Lola Sanders, removed the burial items for the Durango Public Library Museum Project. At least one associated funerary object, a Mesa Verde Black-on-White bowl (1962:02111), was given to the Durango Public Library by Sanders. At an unknown date, Helen Sloan Daniels donated the bowl to the Fort Lewis College Museum. The bowl's current location unknown. The human remains of the 27 individuals with which it is associated are currently in the care of the La Plata County Historical Society. The one associated funerary object (FLC Catalogue #1962:02112) is a Mesa Verde Black-on-White mug. Pottery attributes indicate that the mug was manufactured during the Pueblo II period, A.D. 900–1150.

These associated funerary objects listed in this notice are most likely from Ancestral Puebloan sites dating from the Basketmaker III (A.D. 500) to the Pueblo III (A.D. 1300) periods. Consultation with members of the Hopi Tribe of Arizona and other Tribes have determined that these cultural objects are of Puebloan ancestry. In addition, cultural affiliation studies from Mesa Verde National Park, Fort Lewis College, Navajo Reservoir, Canyons of the Ancients, and the San Juan District establish cultural affiliation of the ancient Mesa Verde pueblos with the 21 federally recognized Pueblo Tribes of Arizona, New Mexico, and Texas. The preponderance of geographical, kinship, archeological, anthropological, biological, linguistic, oral tradition, and historical information, as well as other expert opinion, supports the conclusion that Ancestral Puebloan sites are culturally affiliated with modern

Puebloan Tribes. The style and dating of the associated funerary objects from the Ignacio site burials and the site in Montezuma County also strongly indicate that these are of Puebloan manufacture.

Determinations Made by Fort Lewis College

Officials of Fort Lewis College have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the seven objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American associated funerary objects and the Hopi Tribe of Arizona.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Dr. Kathleen Fine-Dare, NAGPRA Liaison, Fort Lewis College, 205 Center of Southwest Studies, 1000 Rim Drive, Durango, CO 81301, telephone (970) 247–7438, email *fine_k@fortlewis.edu,* by February 22, 2022. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to the Hopi Tribe of Arizona may proceed.

Fort Lewis College is responsible for notifying The Consulted Tribes that this notice has been published.

Dated: January 12, 2022.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2022–01044 Filed 1–19–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2022–0004; EEEE500000 223E1700D2 ET1SF0000.EAQ000; OMB Control Number 1014–0028]

Agency Information Collection Activities; Well Operations and Equipment

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 21, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by either of the following methods listed below:

- Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2022–0004 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *kye.mason@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Nicole Mason; 45600 Woodland Road, Sterling, VA 20166. Please reference OMB Control Number 1014–0028 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Nicole Mason by email at *kye.mason@bsee.gov* or by telephone at (703) 787–1607.

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency 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 response.

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 can 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.

Abstract: Regulations governing well operations and equipment are primarily covered in 30 CFR 250, subpart G and are the subject of this collection. In addition, BSEE also issues various Notices to Lessees (NTLs) and Operators to clarify and provide additional guidance on some aspects of the regulations, as well as forms to capture the data and information.

BSEE uses the information to ensure safe drilling, workover, completion, and decommissioning operations and to protect the human, marine, and coastal environment. BSEE analyzes and evaluates these information/requirements to reduce the likelihood of a similar Deepwater Horizon event and to reduce the risk of fatalities, injuries, and spills. BSEE also utilizes these requirements in the approval, disapproval, or modification process for well operations.

Specifically, BSEE uses the information in Subpart G to ensure:

- Certain well designs and operations have been reviewed by appropriate third parties/engineers/classification societies that, after one year, have been approved by BSEE;
- rig tracking data is available to locate rigs during major storms;
- casing or equipment repairs are acceptable and tested;
- up-to-date engineering documents are available;

• the Blowout Preventer (BOP) and associated components are fit for service for its intended use;

• that the BOP will function as intended;

• that BOP components are properly maintained and inspected;

• the proper engineering reviews and approvals for all BOP designs, repairs, and modifications are met.

Rig Movement Notification Report, Form BSEE–0144

We use the information to schedule inspections and verify that the equipment being used complies with approved permits. The information on this form is used by all 3 regions, but primarily in the Gulf of Mexico (GOM), to ascertain the precise arrival and departure of all rigs in OCS waters in the GOM. The accurate location of these rigs is necessary to facilitate the scheduling of inspections by BSEE personnel.

Information on form BSEE–0144:

• General Information—Identifies the date, lease operator, rig name/type/representative, and rig telephone number;

• Rig Arrival Information—Identifies the rig arrival date; what type of work will be scheduled; if the rig is new to OCS and location rig came from; relevant well information; duration of operations, and optional information;

• Rig Departure Information—Identifies the rig departure date, well status, relevant well information, being skidded, obstruction issues, and optional information;

• Rig Stacking Information—Identifies rig arrival/departure date, warm or cold stacked and location, any modification, repairs, or construction and the date, relevant well information, optional information, obstruction issues;

• Certification Statement declaring the information submitted is complete and accurate to the best of signatory's knowledge; and

• BSEE OCS Contact Information.

Title of Collection: 30 CFR 250, Subpart G, Well Operations and Equipment.

OMB Control Number: 1014–0028.

Form Number: Form BSEE–0144, Rig Movement Notification Report.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 43,408.

Estimated Completion Time per Response: Varies from 15 minutes to 2,160 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 160,842.

Respondent's Obligation: Responses to this collection of information are mandatory; while some are required to obtain or retain a benefit.

Frequency of Collection: Submissions are generally on occasion, daily, weekly, monthly, quarterly, biennially, and as a result of situations encountered depending upon the requirement.

Total Estimated Annual Nonhour Burden Cost: $867,500.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2022–00967 Filed 1–19–22; 8:45 am]

BILLING CODE 4310–VH–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2022–0003; EEEE500000 223E1700D2 ET1SF0000.EAQ000; OMB Control Number 1014–0019]

Agency Information Collection Activities; Oil and Gas Production Requirements

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 21, 2022.

ADDRESSES: Send your comments on this information collection request (ICR) by either of the following methods listed below:

• Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2022–0003 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.

• Email *kye.mason@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Kye Mason; 45600 Woodland Road, Sterling, VA 20166. Please reference OMB Control Number 1014–0019 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kye Mason by email at *kye.mason@bsee.gov* or by telephone at (703) 787–1607.

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct, or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency 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 response.

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 can 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.

Abstract: The regulations at 30 CFR part 250, subpart K, concern Oil and Gas Production Requirements (including the associated forms) and are the subject of this collection. This request also covers any related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations. The information collected under Subpart K is used in our efforts to conserve natural resources, prevent waste, and protect correlative rights, including the Government's royalty interest. Specifically, BSEE uses the information to:

- Evaluate requests to burn liquid hydrocarbons and vent and flare gas to ensure that these requests are appropriate;
- determine if a maximum production or efficient rate is required; and,
- review applications for downhole commingling to ensure that action does not result in harm to ultimate recovery.

The forms used in this ICR are:

Form BSEE–0126, Well Potential Test Report

BSEE uses this information for reservoir, reserves, and conservation analyses, including the determination of maximum production rates (MPRs) when necessary for certain oil and gas completions. This requirement implements the conservation provisions of the OCS Lands Act and 30 CFR 250. The information obtained from the well potential test is essential to determine if an MPR is necessary for a well and to establish the appropriate rate. It is not possible to specify an MPR in the absence of information about the production rate capability (potential) of the well. The form asks for, in either fill in the blanks or check marks:

- General information about the well and the company;
- pertinent information relating to the well test; and
- 24-hour rates pertaining to test production.

Form BSEE–0128, Semiannual Well Test Report

BSEE uses this information to evaluate the results of well tests to determine if reservoirs are being depleted in a manner that will lead to the greatest ultimate recovery of hydrocarbons. This information is collected to determine the capability of hydrocarbon wells and to evaluate and verify an operator's approved maximum production rate if assigned. The form was designed to present current well data on a semiannual basis to permit the updating of permissible producing rates, and to provide the basis for estimates of currently remaining recoverable gas reserves. The form requires, in either fill in the blanks or check marks:

- General information about the well;
- volumes;
- choke size;
- pressures;
- production method;
- API oil/condensate gravity; and
- date of test.

Title of Collection: 30 CFR part 250, subpart K, Oil and Gas Production Requirements.

OMB Control Number: 1014–0019.

Form Number: BSEE–0126—Well Potential Test Report, and BSEE–0128—Semiannual Well Test Report.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Potential respondents include Federal OCS oil, gas, and sulfur lessees and/or operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Currently there are approximately 60 Oil and Gas Drilling and Production Operators in the OCS. Not all the potential respondents will submit information in any given year, and some may submit multiple times.

Total Estimated Number of Annual Responses: 7,688.

Estimated Completion Time per Response: Varies from 1 hour to 100 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 46,466.

Respondent's Obligation: Most responses are mandatory, while others are required to obtain or retain benefits.

Frequency of Collection: On occasion, weekly, monthly, semi-annual, annual, and varies by section.

Total Estimated Annual Nonhour Burden Cost: $1,077,816.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Kirk Malstrom,

Chief, Regulations and Standards Branch.

[FR Doc. 2022–00966 Filed 1–19–22; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–545–546 and 731–TA–1291–1297 (Review) and 731–TA–808 (Fourth Review)]

Notice of Commission Determination To Conduct Full Five-Year Reviews; Hot-Rolled Steel Flat Products From Australia, Brazil, Japan, Korea, the Netherlands, Russia, Turkey, and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of 1930 to determine whether revocation of the countervailing duty orders on hot-rolled steel flat products from Brazil and Korea, and revocation of the antidumping duty orders on hot-rolled steel flat products from Australia, Brazil, Japan, Korea, the Netherlands, Russia, Turkey, and the United Kingdom would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: December 6, 2021.

FOR FURTHER INFORMATION CONTACT: Andres Andrade (202–205–2078), 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 reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of these reviews and rules of general application, consult the

Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On December 6, 2021, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response and the respondent interested party group responses from Australia, Brazil, Japan, the Netherlands, Turkey, and the United Kingdom to its notice of institution (86 FR 49057, September 1, 2021) were adequate and determined to conduct full reviews of the orders on hot-rolled steel flat products from these countries. The Commission further found that the respondent interested party group responses from Korea and Russia were inadequate but determined to conduct full reviews concerning the orders on hot-rolled steel flat products from Korea and Russia to promote administrative efficiency considering its determinations to conduct full reviews on the orders with respect to Australia, Brazil, Japan, the Netherlands, Turkey, and the United Kingdom. A record of the Commissioners' votes will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: January 14, 2022.

Jessica Mullan,

Acting Supervisory Attorney.

[FR Doc. 2022–01080 Filed 1–19–22; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligiblity To Apply for Trade Adjustment Assistance

In accordance with the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents notice of investigations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) started during the period of *December 1, 2021 through December 31, 2021.*

This notice includes instituted initial investigations following the receipt of validly filed petitions. Furthermore, if applicable, this notice includes investigations to reconsider negative initial determinations or terminated initial investigations following the receipt of a valid application for reconsideration.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. Any persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than ten days after publication in **Federal Register**.

Initial Investigations

The following are initial investigations commenced following the receipt of a properly filed petition.

TA–W No.	Subject firm	Location	Inv start date
98,129	Plexus Corporation	Nampa, ID	12/1/2021
98,130	WSP USA Inc	Ephrata, PA	12/1/2021
98,131	Flabeg Technical Glass	Naugatuck, CT	12/2/2021
98,132	Marelli North Carolina USA LLC	Sanford, NC	12/2/2021
98,133	TE Connectivity	Carrollton, TX	12/2/2021
98,134	Acco Brands USA LLC	Ogdensburg, NY	12/3/2021
98,135	General Motors	Rochester, NY	12/3/2021
98,136	Tenneco Inc	Kettering, OH	12/3/2021
98,137	Meridian Medical Management	Windsor, CT	12/6/2021
98,138	Freres Lumber Company, Inc.	Lyons, OR	12/8/2021
98,139	General Motors Toledo Transmission	Toledo, OH	12/8/2021
98,140	Kauffman Engineering	Lawrenceville, IL	12/8/2021
98,141	Kauffman Engineering	Lebanon, IN	12/8/2021
98,142	FCA US LLC	Belvidere, IL	12/8/2021
98,143	WSP Inc. USA	New York, NY	12/9/2021
98,144	Stoller	Cedar Rapids, IA	12/10/2021
98,145	Texas New Mexico Newspaper Partnership/El Paso Time	El Paso, TX	12/13/2021
98,146	Experis-Jefferson Wells/Manpower Group	Winston-Salem, NC	12/14/2021
98,147	Oracle America Inc.	Hillsboro, OR	12/14/2021
98,148	Philips North America LLC	Bothell, WA	12/15/2021
98,149	Westinghouse Electric Company LLC	Cranberry Township, PA	12/15/2021
98,150	Kenworth Truck Company	Chillicothe, OH	12/17/2021
98,151	Medline Industries, Inc.	Temecula, CA	12/17/2021
98,152	AutoMate	Albany, NY	12/22/2021
98,153	BitTitan, Inc.	Bellevue, WA	12/22/2021

A record of these investigations and petitions filed are available, subject to redaction, on the Department's website *https://www.dol.gov/agencies/eta/tradeact* under the searchable listing or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 7th day of January 2022.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2022–01019 Filed 1–19–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with Sections 223 and 284 (19 U.S.C. 2273 and 2395) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) issued during the period of *December 1, 2021 through December 31, 2021.*

This notice includes summaries of initial determinations such as Affirmative Determinations of Eligibility, Negative Determinations of Eligibility, and Determinations Terminating Investigations of Eligibility within the period. If issued in the period, this notice also includes summaries of post-initial determinations that modify or amend initial determinations such as Affirmative Determinations Regarding Applications for Reconsideration, Negative Determinations Regarding Applications for Reconsideration, Revised Certifications of Eligibility, Revised Determinations on Reconsideration, Negative Determinations on Reconsideration, Revised Determinations on remand from the Court of International Trade, and Negative Determinations on remand from the Court of International Trade.

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued.

TA–W No.	Subject firm	Location	Reason(s)
95,816	Noron Composite Technologies, Inc	Manistee, MI	Increased Aggregate Imports.
96,758	Forged Products, Inc	Houston, TX	ITC Determination.
96,827	Acme Industries	Elk Grove Village, IL	ITC Determination.
97,054	The McClatchy Company	Bellingham, WA	Shift in Services to a Foreign Country.
97,054A	The McClatchy Company	Sacramento, CA	Shift in Services to a Foreign Country.
97,054B	The McClatchy Company	Sweetwater, FL	Shift in Services to a Foreign Country.
97,054C	The McClatchy Company	Doral, FL	Shift in Services to a Foreign Country.
97,054D	The McClatchy Company	Belleville, IL	Shift in Services to a Foreign Country.
97,054E	The McClatchy Company	Wichita, KS	Shift in Services to a Foreign Country.
97,054F	The McClatchy Company	Lexington, KY	Shift in Services to a Foreign Country.
97,054G	The McClatchy Company	Kansas City, MO	Shift in Services to a Foreign Country.
97,054H	The McClatchy Company	Gulfport, MS	Shift in Services to a Foreign Country.
97,054I	The McClatchy Company	Charlotte, NC	Shift in Services to a Foreign Country.
97,054J	The McClatchy Company	Raleigh, NC	Shift in Services to a Foreign Country.
97,054K	The McClatchy Company	Bluffton, SC	Shift in Services to a Foreign Country.
97,054L	The McClatchy Company	Irving, TX	Shift in Services to a Foreign Country.
97,054M	The McClatchy Company	Fort Worth, TX	Shift in Services to a Foreign Country.
97,054N	The McClatchy Company	Kennewick, WA	Shift in Services to a Foreign Country.
97,054O	The McClatchy Company	Tacoma, WA	Shift in Services to a Foreign Country.
97,054P	The McClatchy Company	Olympia, WA	Shift in Services to a Foreign Country.
98,045	Occidental Chemical Corporation	Niagara Falls, NY	Increased Customer Imports.
98,112	Nonmetallic Machinery Assembly, Inc	Erie, PA	Upstream Supplier.

Negative Determinations for Trade Adjustment Assistance

The following investigations revealed that the eligibility criteria for TAA have not been met for the reason(s) specified.

TA–W No.	Subject firm	Location	Reason(s)
96,982	Pendleton Woolen Mills, Inc	Pendleton, OR	No Sales or Production Decline or Other Basis.
97,004	Doyon Drilling, Inc	Anchorage, AK	No Shift in Production or Other Basis.
97,005	ExxonMobil Alaska Production Inc. (''EMAP'')	Anchorage, AK	No Sales or Production Decline or Other Basis.
97,017	Peak Oilfield Service Company, LLC	Prudhoe Bay, AK	No Shift in Services or Other Basis.
97,018	Schlumberger Technology Corporation	Prudhoe Bay, AK	No Shift in Production or Other Basis.
97,022	ConocoPhillips Alaska	Anchorage, AK	No Shift in Production or Other Basis.
97,028	A-dec, Inc.	Newberg, OR	No Sales or Production Decline or Other Basis.
98,049	Mondelez Global LLC	Aurora, CO	Predominant Cause of Layoffs Unrelated to Imports, Shift in Production to Beneficiary Country, or Increase in Imports Following a Shift.
98,088	Caterpillar Inc.	Morton, IL	Workers Do Not Produce an Article.
98,093	Wells Fargo Bank N.A	Columbia, MD	Workers Do Not Produce an Article.
98,107	Wells Fargo Bank N.A	Orlando, FL	Workers Do Not Produce an Article

Determinations Terminating Investigations for Trade Adjustment Assistance

The following investigations were terminated for the reason(s) specified.

TA–W No.	Subject firm	Location	Reason(s)
98,142	FCA US LLC	Belvidere, IL	Ongoing Investigation in Process.

I hereby certify that the aforementioned determinations were issued during the period of *December 1, 2021 through December 31, 2021.* These determinations are available on the Department's website *https://www.dol.gov/agencies/eta/tradeact* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 7th day of January 2022.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2022–01018 Filed 1–19–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Information Advisory Council Meeting; Correction

AGENCY: Employment and Training Administration, Labor.

ACTION: Meeting; correction.

SUMMARY: The Employment and Training Administration, Labor, published a document in the **Federal Register** of December 16, 2021, regarding the February meeting of the Workforce Information Advisory Council (WIAC or Advisory Council). The meeting date has since changed.

FOR FURTHER INFORMATION CONTACT: Steven Rietzke, Chief, Division of National Programs, Tools, and Technical Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–4510, 200 Constitution Ave. NW, Washington, DC 20210; Telephone: 202–693–3912; Email: *WIAC@dol.gov.* Mr. Rietzke is the WIAC Designated Federal Officer.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of December 16, 2021, in FR Doc #2021–27189, on page 71525, in the third column, correct the **DATES** caption to read:

DATES: The meeting will take place February 3, 2022. Each meeting will begin at 12:00 p.m. EST and conclude at approximately 4:00 p.m. EST. Public statements and requests for special accommodations or to address the Advisory Council must be received by February 1, 2022, for the February 3, 2022, meeting.

Angela Hanks,

Acting Assistant Secretary for Employment and Training Administration.

[FR Doc. 2022–01025 Filed 1–19–22; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Comment Request; DOL Generic Solution for Funding Opportunity Announcements

ACTION: Notice; request for comments.

AGENCY: Office of the Assistant Secretary for Administration and Management, Labor.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), the DOL is soliciting public comments regarding the proposed extension of this Office of the Assistant Secretary for Administration and Management (OASAM)-sponsored information collection for the authority to continue the information collection request (ICR) titled, ''DOL Generic Solution for Funding Opportunity Announcements,'' currently approved under OMB Control Number 1225–0086.

DATES: Consideration will be given to all written comments received by March 21, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Mara Blumenthal by email at *DOL_PRA_PUBLIC@dol.gov.*

Electronic submission: You may submit comments and attachments electronically at *DOL_PRA_PUBLIC@dol.gov,* identified by OMB Control Number 1225–0086.

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.*

SUPPLEMENTARY INFORMATION: Periodically the DOL solicits grant applications by issuing a Funding Opportunity Announcement. To ensure grants are awarded to the applicant(s) best suited to perform the functions of the grant, applicants are generally required to submit a two-part application. The first part of DOL grant applications consists of submitting Standard Form 424, Application for Federal Assistance. The second part of a grant application usually requires a technical proposal demonstrating the applicant's capabilities in accordance with a statement of work and/or selection criteria. This information collection is subject to the PRA.

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–OASAM.

Type of Review: Extension.

Title of Collection: DOL Generic Solution for Funding Opportunity Announcements.

OMB Control Number: 1225–0086.

Affected Public: State, Local, and Tribal Governments; Private Sector—Businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 8,000.

Frequency: On Occasion.

Total Estimated Number of Responses: 8,000.

Estimated Average Time per Response: 20 hours.

Total Estimated Annual Time Burden: 160,000 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3506(c)(2)(A))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2022–01016 Filed 1–19–22; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Authorization for Release of Medical Information for Black Lung Benefits

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Office of Workers Compensation Programs (OWCP)-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 22, 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.* 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: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: The Black Lung Benefits Act, as amended, 30 U.S.C. 901 *et seq.,* and 20 CFR 725.405 require that all relevant medical evidence be considered before a decision can be made regarding a claimant's eligibility for benefits. By signing the CM–936 form, the claimant authorizes physicians, hospitals, medical facilities or organizations, and the National Institute for Occupational Safety and Health to release medical information about the miner to the Department of Labor's Office of Workers' Compensation Programs. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 13, 2021 (86 FR 50909).

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–OWCP.

Title of Collection: Authorization for Release of Medical Information for Black Lung Benefits.

OMB Control Number: 1240–0034.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 5,000.

Total Estimated Number of Responses: 5,000.

Total Estimated Annual Time Burden: 417 hours.

Total Estimated Annual Other Costs Burden: 0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2022–01017 Filed 1–19–22; 8:45 am]

BILLING CODE 4510–CK–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Report of Issuance of Policy

AGENCY: Division of Federal Employee's, Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Report of Issuance of Policy.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by March 21, 2022.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained for free by contacting Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

Submit written comments about this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210; or by email at *suggs.anjanette@dol.gov.* Please note that comments submitted after the comment period will not be considered.

FOR FURTHER INFORMATION CONTACT: Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the OMB for final approval. This program helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The Office of Workers' Compensation Programs administers the Longshore and Harbor Workers' Compensation Act. The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. In addition, several acts extend the Longshore Act's coverage to certain other employees.

Authorized insurance carriers are required to report the issuance of policies and endorsements under the Longshore and Harbor Workers' Compensation Act and its extensions, the Defense Base Act, Outer Continental Shelf Lands Act and Non-Appropriated Fund Instrumentalities Act, to the Department of Labor's Office of Workers' Compensation Programs (OWCP). 20 CFR 703.116. Carriers use the form LS–570 for this purpose. Filing the form LS–570 with OWCP's Division of Federal Employees', Longshore and Harbor Workers' Compensation binds the carrier to full liability for the named employer's obligations under the Act or its extensions.

Legal authority for this information collection is found at 33 U.S.C. 932(a) and 33 U.S.C. 939.

Regulatory authority is found at 20 CFR 703.116 and 20 CFR 703.118.

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 under the PRA 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 Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB No. 1240–0004.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- 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.
- 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.
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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.

Agency: DOL-Office of Workers' Compensation Programs, DFELHWC.

Type of Review: Extension of currently approved collection.

Title of Collection: Report of Issuance of Policy.

Form: LS–570, Carrier's Report of Issuance of Policy.

OMB Control Number: 1240–0004.

Affected Public: Private Sector.

Estimated Number of Respondents: 400.

Frequency: On occasion.

Total Estimated Annual Responses: 1,500.

Estimated Average Time per Response: 1 minutes.

Estimated Total Annual Burden Hours: 25 hours.

Total Estimated Annual Other Cost Burden: $15.25.

(Authority: 44 U.S.C. 3506(c)(2)(A))

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2022–01024 Filed 1–19–22; 8:45 am]

BILLING CODE 4510–CF–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Office of Government Information Services

[NARA–2022–020]

Meeting; Chief Freedom of Information Act Officers Council

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA), Office of Information Policy (OIP), U.S. Department of Justice (DOJ).

ACTION: Notice of meeting.

SUMMARY: We are announcing a public meeting with the co-chairs of the Chief Freedom of Information Act (FOIA) Officers Council, the Director of OGIS, and the Director of OIP.

DATES: The meeting will be on Wednesday, February 2, 2022, from 2:00 p.m. to 3:00 p.m. EST. Please register for the meeting no later than 11:59 p.m. EST on Monday, January 31, 2022 (see registration information below).

ADDRESSES: The February 2, 2022, meeting will be a virtual meeting. We will send access instructions to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Martha Murphy, by email at *CFO-Council@nara.gov* with the subject line ''Chief FOIA Officers Council Requester Meeting,'' or by telephone at 202.741.5770.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act directs the Chief FOIA Officers Council to ''[d]evelop recommendations for increasing compliance and efficiency; disseminate information about agency experiences, ideas, best practices, and innovative approaches; identify, develop, and coordinate initiatives to increase transparency and compliance; and promote the development and use of common performance measures for agency compliance.'' (5 U.S.C. 552(k)(5)(A)). In performing these duties, the Council ''shall consult on a regular basis with members of the public who make [FOIA] requests.'' (5 U.S.C. 552(k)(5)(B)). This meeting fulfills that requirement and is open to the public. Additional details about the Chief FOIA Officers Council and the

meeting, including the agenda, are available on OGIS's website at *https://www.archives.gov/ogis/about-ogis/chief-foia-officers-council* and OIP's website at *https://www.justice.gov/oip/chief-foia-officers-council.*

Procedures: In order to participate, you must register through Eventbrite at *https://cfo-council-meeting-feb-2-2022.eventbrite.com* in advance (see deadline in **DATES** section above). You must include an email address so that we can provide you access information. To request additional accommodations (*e.g.,* a transcript or close captioning), email *CFO-Council@nara.gov* or call 202–741–5770.

Alina M. Semo,

Director, Office of Government Information Services.

[FR Doc. 2022–01086 Filed 1–19–22; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Infrastructure Programs Subject to the Build America, Buy America Act

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice.

SUMMARY: Pursuant to the Build America, Buy America Act, Title IX of Division G of the Infrastructure Investment and Jobs Act of 2021, this notice identifies each Federal financial assistance program for infrastructure that the National Endowment for the Humanities (NEH) administers.

FOR FURTHER INFORMATION CONTACT: Richard Brundage, Director of Grant Management, National Endowment for the Humanities, 400 7th Street SW, Washington, DC 20506; (202) 606–8204; *rbrundage@neh.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 70913 of the Build America, Buy America Act, Title IX of Division G of the Infrastructure Investment and Jobs Act of 2021, Public Law 117–58, 135 Stat. 429 (the IIJA), directs the head of each Federal agency to submit to the Office of Management and Budget (OMB) and to Congress, including a separate notice to each appropriate congressional committee, a report that identifies each Federal financial assistance program for infrastructure administered by the Federal agency; and to publish the report in the **Federal Register**.

II. Identification of Agency Domestic Content Procurement Preferences

Except for the Uniform Administrative Requirements at 2 CFR 200.322, no statutes, appropriations acts, or other Federal laws, including those specifically referenced in section 70913(b)(2) of the IIJA, provide domestic content procurement preferences applicable to NEH awards.

2 CFR 200.322 encourages Federal award recipients, to the extent permitted by law, to maximize their use of goods, products, and materials produced in the United States when procuring goods and services under Federal awards. This preference is applicable to all NEH awards. No exceptions or waivers have been granted by NEH.

III. Description of Agency Programs Supporting Infrastructure Projects

NEH has identified two Federal Assistance Listings under which it supports infrastructure projects: Promotion of the Humanities Challenge Grants (Federal Assistance Listing 45.130), and the Promotion of the Humanities Division of Preservation and Access (Federal Assistance Listing 45.149).

1. Infrastructure and Capacity Building Challenge Grants

The Office of Challenge Programs' Infrastructure and Capacity Building Challenge Grants: Capital Projects program supports the design, purchase, construction, restoration, or renovation of facilities for humanities activities. This includes the purchase and installation of related moveable and permanently affixed equipment for exhibiting, maintaining, monitoring, and protecting collections (whether on exhibit or in storage), and for critical building systems, such as electrical, heating ventilation and air conditioning, security, life safety, lighting, utilities, telecommunications, and energy management.

The Infrastructure and Capacity Building Challenge Grants: Digital Infrastructure program supports the maintenance, modernization, and sustainability of existing digital scholarly projects and platforms.

NEH awarded 69 Challenge Grants between fiscal years 2019 and 2021 (38 in FY 2019, 21 in FY 2020, and 10 in FY 2021), and awarded a total of $24,355,694 in grant funding ($14,708,445 in FY 2019, $5,581,778 in FY 2020, and $4,065,471 in FY 2021).

2. Sustaining Cultural Heritage Collections

The Division of Preservation and Access's Sustaining Cultural Heritage Collections program helps cultural institutions meet the complex challenge of preserving large and diverse holdings of humanities materials for future generations by supporting sustainable conservation measures that mitigate deterioration, prolong the useful life of collections, and support institutional resilience. This includes building environmental controls as part of preventive conservation.

NEH awarded 45 Sustaining Cultural Heritage Collections awards between fiscal years 2019 and 2021 (18 in FY 2019, 14 in FY 2020, and 13 in FY 2021), and awarded a total of $6,953,645 in grant funding ($2,678,805 in FY 2019, $1,876,479 in FY 2020, and $2,398,361 in FY 2021).

III. Identification of Deficient Agency Programs

The NEH infrastructure programs listed in Section II (Infrastructure and Capacity Building Challenge Grants and Sustaining Cultural Heritage Collections) are inconsistent with section 70914 of the IIJA. NEH will work with OMB to ensure appropriate policies and procedures are in place to comply with the requirements of section 70914 of the IIJA by May 14, 2022.

Dated: January 14, 2022.

Samuel Roth,

Attorney-Advisor, National Endowment for the Humanities.

[FR Doc. 2022–01077 Filed 1–19–22; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, February 8, 2022.

PLACE: Virtual.

STATUS: The one item may be viewed by the public through webcast only.

MATTER TO BE CONSIDERED:

67427 Highway Accident Report—Multivehicle Crash Near Mt. Pleasant Township, Pennsylvania, January 5, 2020.

CONTACT PERSON FOR MORE INFORMATION: Candi Bing at (202) 590–8384 or by email at *bingc@ntsb.gov.*

Media Information Contact: Eric Weiss by email at *eric.weiss@ntsb.gov* or at (202) 314–6100.

This meeting will take place virtually. The public may view it through a live

or archived webcast by accessing a link under ''Webcast of Events'' on the NTSB home page at *www.ntsb.gov.*

There may be changes to this event due to the evolving situation concerning the novel coronavirus (COVID–19). Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Friday, January 14, 2022.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2022–01138 Filed 1–18–22; 11:15 am]

BILLING CODE 7533–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–218, OMB Control No. 3235–0242]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street, NE, Washington, DC 20549–2736

Extension:
Rule 206(4)–3

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for approval of extension of the previously approved collection of information discussed below.

Rule 206(4)–3 (17 CFR 275.206(4)–3) under the Investment Advisers Act of 1940, which is entitled ''Cash Payments for Client Solicitations,'' provides restrictions on cash payments for client solicitations. The rule requires that an adviser pay all solicitors' fees pursuant to a written agreement. When an adviser will provide only impersonal advisory services to the prospective client, the rule imposes no disclosure requirements. When the solicitor is affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, indicate to the prospective client that he is affiliated with the adviser. When the solicitor is not affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, provide the prospective client with a copy of the adviser's brochure and a disclosure document containing information specified in rule 206(4)–3. Amendments to rule 206(4)–3, adopted in 2010 in connection with rule 206(4)–5, specify that solicitation activities involving a government entity, as defined in rule 206(4)–5, are subject to the additional limitations of rule 206(4)–5. In December 2020, the Commission adopted a single marketing rule which merged certain existing provisions of rule 206(4)–3 into amendments to rule 206(4)–1. In light of these 2020 amendments, the Commission has rescinded rule 206(4)–3, effective November 2, 2022. Notwithstanding the rescission of rule 206(4)–3, the Office of Management and Budget (the ''OMB'') has requested that the Commission submit documents in connection with the extension of rule 206(4)–3 for the period covering February 28, 2022 to November 2, 2022, the effective date of the discontinuance of rule 206(4)–3.

To the extent that the OMB has requested this collection of information, the information rule 206(4)–3 requires is necessary to inform advisory clients about the nature of the solicitor's financial interest in the recommendation so the prospective clients may consider the solicitor's potential bias, and to protect clients against solicitation activities being carried out in a manner inconsistent with the adviser's fiduciary duty to clients. Rule 206(4)–3 is applicable to all Commission registered investment advisers. The Commission believes that approximately 3,829 of these advisers have cash referral fee arrangements. The rule requires approximately 7.04 burden hours per year per adviser and results in a total of approximately 26,956 total burden hours (7.04 × 3,829) for all advisers.

The disclosure requirements of rule 206(4)–3 do not require recordkeeping or record retention. The collections of information requirements under the rules are mandatory. Information subject to the disclosure requirements of rule 206(4)–3 is not submitted to the Commission. The disclosures pursuant to the rule are not kept confidential. 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 public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* 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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01051 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–641, OMB Control No. 3235–0685]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: US Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rules 3a68–2 and 3a68–4(c)

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''SEC'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for the following rules: Rules 3a68–2 and 3a68–4(c) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 3a68–2 creates a process for interested persons to request a joint interpretation by the SEC and the Commodity Futures Trading Commission (''CFTC'') (together with the SEC, the ''Commissions'') regarding whether a particular instrument (or class of instruments) is a swap, a security-based swap, or both (*i.e.,* a mixed swap). Under Rule 3a68–2, a person provides to the Commissions a copy of all material information

regarding the terms of, and a statement of the economic characteristics and purpose of, each relevant agreement, contract, or transaction (or class thereof), along with that person's determination as to whether each such agreement, contract, or transaction (or class thereof) should be characterized as a swap, security-based swap, or both (*i.e.,* a mixed swap). The Commissions also may request the submitting person to provide additional information.

The SEC expects 25 requests pursuant to Rule 3a68–2 per year. The SEC estimates the total paperwork burden associated with preparing and submitting each request would be 20 hours to retrieve, review, and submit the information associated with the submission. This 20 hour burden is divided between the SEC and the CFTC, with 10 hours per response regarding reporting to the SEC and 10 hours of response regarding third party disclosure to the CFTC.[1] The SEC estimates this would result in an aggregate annual burden of 500 hours (25 requests × 20 hours/request).

The SEC estimates that the total costs resulting from a submission under Rule 3a68–2 would be approximately $12,000 for outside attorneys to retrieve, review, and submit the information associated with the submission. The SEC estimates this would result in aggregate costs each year of $300,000 (25 requests × 30 hours/request × $400).

Rule 3a68–4(c) establishes a process for persons to request that the Commissions issue a joint order permitting such persons (and any other person or persons that subsequently lists, trades, or clears that class of mixed swap) to comply, as to parallel provisions only, with specified parallel provisions of either the Commodity Exchange Act (''CEA'') or the Securities Exchange Act of 1934 (''Exchange Act''), and related rules and regulations (collectively ''specified parallel provisions''), instead of being required to comply with parallel provisions of both the CEA and the Exchange Act.

The SEC expects ten requests pursuant to Rule 3a68–4(c) per year. The SEC estimates that nine of these requests will have also been made in a request for a joint interpretation pursuant to Rule 3a68–2, and one will not have been. The SEC estimates the total burden for the one request for which the joint interpretation pursuant to 3a68–2 was not requested would be 30 hours, and the total burden associated with the other nine requests would be 20 hours per request because some of the information required to be submitted pursuant to Rule 3a68–4(c) would have already been submitted pursuant to Rule 3a68–2. The burden in both cases is evenly divided between the SEC and the CFTC.

The SEC estimates that the total costs resulting from a submission under Rule 3a68–4(c) would be approximately $20,000 for the services of outside attorneys to retrieve, review, and submit the information associated with the submission of the one request for which a request for a joint interpretation pursuant to Rule 3a68–2 was not previously made (1 request × 50 hours/request × $400). For the nine requests for which a request for a joint interpretation pursuant to Rule 3a68–2 was previously made, the SEC estimates the total costs associated with preparing and submitting a party's request pursuant to Rule 3a68–4(c) would be $6,000 less per request because, as discussed above, some of the information required to be submitted pursuant to Rule 3a68–4(c) already would have been submitted pursuant to Rule 3a68–2. The SEC estimates this would result in an aggregate cost each year of $126,000 for the services of outside attorneys (9 requests × 35 hours/request × $400).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01055 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

[1] The burdens imposed by the CFTC are included in this collection of information.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–247, OMB Control No. 3235–0259]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 19h–1

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 19h–1 (17 CFR 240.19h–1), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 19h–1 prescribes the form and content of notices and applications by self-regulatory organizations (''SROs'') regarding proposed admissions to, or continuances in, membership, participation or association with a member of any person subject to a statutory disqualification.

The Commission uses the information provided in the submissions filed pursuant to Rule 19h–1 to review decisions by SROs to permit the entry into or continuance in the securities business of persons who have committed serious misconduct. The filings submitted pursuant to the Rule also permit inclusion of an application to the Commission for consent to associate with a member of an SRO notwithstanding a Commission order barring such association.

The Commission reviews filings made pursuant to the Rule to ascertain whether it is in the public interest to permit the employment in the securities business of persons subject to statutory disqualification. The filings contain information that is essential to the staff's review and ultimate determination on whether an association or employment is in the public interest and consistent with investor protection.

It is estimated that approximately 20 respondents will make submissions pursuant to this Rule annually. With respect to submissions for Rule 19h–1(a) notices, and based upon past submissions, the staff estimates that respondents will make a total of 11 submissions per year. The staff

estimates that the average number of hours necessary to complete a submission pursuant to Rule 19h–1(a) notices is 80 hours (for a total annual burden for all respondents in the amount of 17,600 hours). With respect to submissions for Rule 19h–1(a)(4) notifications, and based upon past submissions, the staff estimates that respondents will make a total of 9 submissions per year. The staff estimates that the average number of hours necessary to complete a submission pursuant to Rule 19h–1(a)(4) notifications is 80 hours (for a total annual burden for all respondents in the amount of 14,400 hours). With respect to submissions for Rule 19h–1(b), and based upon past submissions, the staff estimates that respondents will make a total of 28 submissions per year. The staff estimates that the average number of hours necessary to complete a submission pursuant to Rule 19h–1(b) is 13 hours (for a total annual burden for all respondents in the amount of 7,280 hours). With respect to submissions for Rule 19h–1(d), and based upon past submissions, the staff estimates that respondents will make a total of 5 submissions per year. The staff estimates that the average number of hours necessary to complete a submission pursuant to Rule 19h–1(d) is 80 hours (for a total annual burden for all respondents in the amount of 8,000 hours). The aggregate annual burden for all respondents is thus approximately 47,280 hours (17,600 +14,400 + 7,280 + 8,000).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01059 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–653, OMB Control No. 3235–0703]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Regulation SCI, Form SCI

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Regulation Systems Compliance and Integrity (''Regulation SCI'') (17 CFR 242.1000–1007) and Form SCI (17 CFR 249.1900) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Regulation SCI requires certain key market participants to, among other things: (1) Have comprehensive policies and procedures in place to help ensure the robustness and resiliency of their technological systems, and also that their technological systems operate in compliance with the federal securities laws and with their own rules; and (2) provide certain notices and reports to the Commission to improve Commission oversight of securities market infrastructure.

Regulation SCI advances the goals of the national market system by enhancing the capacity, integrity, resiliency, availability, and security of the automated systems of entities important to the functioning of the U.S. securities markets, as well as reinforcing the requirement that such systems operate in compliance with the Exchange Act and rules and regulations thereunder, thus strengthening the infrastructure of the U.S. securities markets and improving its resilience when technological issues arise. In this respect, Regulation SCI establishes an updated and formalized regulatory framework, thereby helping to ensure more effective Commission oversight of such systems.

Respondents consist of national securities exchanges and associations, registered clearing agencies, exempt clearing agencies, plan processors, and alternative trading systems. There are currently 47 respondents, and the Commission staff estimates that, on average, 2 new respondents may become SCI entities each year, 1 of which would be a self-regulatory organization (''SRO''). Accordingly, Commission staff estimates that over the next three years there will be an average of 49 respondents per year.

In addition, in December 2020, the Commission adopted amendments to Regulation SCI in connection with updates to the national market system for the collection, consolidation, and dissemination of information with respect to quotations for and transactions in national market system (''NMS'') stocks (''Infrastructure Amendments''). Specifically, the Commission adopted a definition of ''SCI competing consolidator'' that will subject competing consolidators to Regulation SCI, after a transition period, if they are above a specified consolidated market data gross revenue threshold.[1] The Infrastructure Amendments increased the number of respondents to the collections of information in Regulation SCI, and the Commission estimates that seven competing consolidators will meet this definition and be subject to the requirements of Regulation SCI.[2]

Rule 1001(a) requires each SCI entity to establish, maintain, and enforce written policies and procedures reasonably designed to ensure that its SCI systems and, for purposes of security standards, indirect SCI systems, have levels of capacity, integrity, resiliency, availability, and security, adequate to maintain the SCI entity's operational capability and promote the maintenance of fair and orderly markets. The Commission staff estimates that the total annual initial recordkeeping burden for 7 new respondents will be 4,511 hours, and the annual ongoing recordkeeping burden for all 54 respondents will be, on average, 12,528 hours. The Commission staff estimates

[1] *See* Securities Exchange Act Release No. 34–90610 (December 9, 2020), 86 FR 18596 (April 9, 2021) (File No. S7–03–20) (''Infrastructure Adopting Release'').

[2] Some of these respondents were estimated to incur no, or only part of, the estimated initial burdens because they were already subject to Regulation SCI (*i.e.,* as plan processors, SROs or affiliates of SROs).

that the 7 new respondents would incur, on average, an annual initial internal cost of compliance of $1,513,382, as well as outside legal or consulting costs of $305,500. In addition, all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $4,205,412.

Rule 1001(b) requires each SCI entity to establish, maintain, and enforce written policies and procedures reasonably designed to ensure that its SCI systems operate in a manner that complies with the Exchange Act and the rules and regulations thereunder and the entity's rules and governing documents, as applicable. The Commission staff estimates that the total annual initial recordkeeping burden for 7 new respondents will be 1,755 hours, and the annual ongoing recordkeeping burden for all respondents will be, on average, 8,010 hours. The Commission staff estimates that the 7 new respondents would incur an initial internal cost of compliance of $660,270, as well as outside legal or consulting costs of $175,500. In addition, all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $2,539,890.

Rule 1001(c) requires each SCI entity to establish, maintain, and enforce reasonably designed written policies and procedures that include the criteria for identifying responsible SCI personnel, the designation and documentation of responsible SCI personnel, and escalation procedures to quickly inform responsible SCI personnel of potential SCI events. The Commission staff estimates that the total annual initial recordkeeping burden for 7 new respondents will be 741 hours, and the annual ongoing recordkeeping burden for all respondents will be, on average, 2,106. The Commission staff estimates that the 7 new respondents would incur an initial internal cost of compliance of $276,432, and all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $839,592.

Rule 1004 requires each SCI entity to establish standards for the designation of certain members or participants for BC/DR plan testing, to designate members or participants in accordance with these standards, to require participation by designated members or participants in such testing at least annually, and to coordinate such testing on an industry- or sector-wide basis with other SCI entities. The Commission staff estimates that the total annual initial recordkeeping burden for 9 new respondents will be 2,700 hours, and the annual ongoing recordkeeping burden for all respondents that are not plan processors will be, on average, 7,290 hours. The Commission staff estimates that the 7 new respondents would incur an initial internal cost of compliance of $804,735. In addition, all respondents that are not plan processors will incur, on average, an estimated ongoing annual internal cost of compliance of $1,939,950. In addition, the Commission staff estimates that the 2 plan processor respondents will incur an estimated ongoing annual cost of $108,000 for outside legal services ($54,000 per plan processor respondent × 2 respondents).

Rule 1002(b)(1) requires each SCI entity, upon any responsible SCI personnel having a reasonable basis to conclude that an SCI event has occurred, to notify the Commission immediately. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 432 hours. The Commission staff estimates that respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $133,030.

Rule 1002(b)(2) requires each SCI entity, within 24 hours of any responsible SCI personnel having a reasonable basis to conclude that the SCI event has occurred, to submit a written notification to the Commission pertaining to the SCI event on a good faith, best efforts basis. These notifications are required to be submitted on Form SCI. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 6,480 hours. The Commission staff estimates that respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $2,134,890.

Rule 1002(b)(3) requires each SCI entity to provide updates to the Commission pertaining to an SCI event on a regular basis, or at such frequency as reasonably requested by a representative of the Commission, until the SCI event is resolved and the SCI entity's investigation of the SCI event is closed. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 567 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $177,106.50.

Rule 1002(b)(4) requires each SCI entity to submit written interim reports, as necessary, and a written final report regarding an SCI event to the Commission. These reports are required to be submitted on Form SCI. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 9,450 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $3,297,510.

Rule 1002(b)(5) requires each SCI entity to submit to the Commission quarterly reports containing a summary description of any systems disruption or systems intrusion that has had, or the SCI entity reasonably estimates would have, no or a de minimis impact on the SCI entity's operations or on market participants. These reports are required to be submitted on Form SCI. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 8,640 hours. The Commission staff estimates that respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $2,919,348.

In addition, the Commission staff estimates that all 54 respondents will incur, on average, annual costs of $313,200 for outside legal advice in preparation of certain notifications required by Rule 1002(b).

Rule 1002(c)(1)(i) requires each SCI entity, promptly after any responsible SCI personnel has a reasonable basis to conclude that an SCI event (other than a systems intrusion) has occurred, to disseminate certain information to its members or participants. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 1,134 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $741,557.50.

Rule 1002(c)(1)(ii) requires each SCI entity, when known, to promptly disseminate additional information about an SCI event (other than a systems intrusion) to its members or participants. Rule 1002(c)(1)(iii) requires each SCI entity to provide to its members or participants regular updates of any information required to be disseminated under Rules 1002(c)(1)(i) and (ii) until the SCI event is resolved. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 6,318 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $2,496,096.

Rule 1002(c)(2) requires each SCI entity to disseminate certain information regarding a systems intrusion to its members or participants, and provides an exception when the SCI entity determines that dissemination of

such information would likely compromise the security of its SCI systems or indirect SCI systems, or an investigation of the systems intrusion, and documents the reasons for such determination. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 540 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $212,827.25.

In addition, the Commission staff estimates that all 54 respondents will incur, on average, annual costs of $179,280 for outside legal advice in preparation of certain notifications required by Rule 1002(c).

Rule 1003(a)(1) requires each SCI entity to submit to the Commission quarterly reports describing completed, ongoing, and planned material changes to its SCI systems and security of indirect SCI systems during the prior, current, and subsequent calendar quarters. These reports are required to be submitted on Form SCI. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 27,000 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $8,063,820.

Rule 1003(a)(2) requires each SCI entity to promptly submit a supplemental report notifying the Commission of a material error in or material omission from a report previously submitted under Rule 1003(a)(1). These reports are required to be submitted on Form SCI. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 810 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $256,716.

Rule 1003(b)(1) requires each SCI entity to conduct an SCI review of its compliance with Regulation SCI not less than once each calendar year, with an exception for penetration test reviews, which are required to be conducted not less than once every three years. Rule 1003(b)(1) also provides an exception for assessments of SCI systems directly supporting market regulation or market surveillance, which are required to be conducted at a frequency based on the risk assessment conducted as part of the SCI review, but in no case less than once every three years. Rule 1003(b)(2) requires each SCI entity to submit a report of the SCI review to senior management no more than 30 calendar days after completion of the review. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 37,260 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $11,934,810.

Rule 1003(b)(3) requires each SCI entity to submit the report of the SCI review to the Commission and to its board of directors or the equivalent of such board, together with any response by senior management, within 60 calendar days after its submission to senior management. These reports are required to be submitted on Form SCI. The Commission staff estimates that the total annual ongoing burden for all 54 respondents will be, on average, 54 hours. The Commission staff estimates that all respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $22,248.

In addition, the Commission staff estimates that all respondents will incur, on average, annual costs of $2,700,000 for outside legal advice in preparation of certain notifications required by Rule 1003(b).

Rule 1006 requires each SCI entity, with a few exceptions, to file any notification, review, description, analysis, or report to the Commission required under Regulation SCI electronically on Form SCI through the EFFS. An SCI entity will submit to the Commission an EAUF to register each individual at the SCI entity who will access the EFFS system on behalf of the SCI entity. The Commission staff estimates that the total annual initial burden for 7 new respondents will be 1.95 hours, and the annual ongoing burden for all respondents will be, on average, 8.1 hours. The Commission staff estimates that the 7 new respondents would incur an initial internal cost of compliance of $806. In addition, all 54 respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $3,348, as well as outside costs to obtain a digital ID of $2,700.

Rule 1002(a) requires each SCI entity, upon any responsible SCI personnel having a reasonable basis to conclude that an SCI event has occurred, to begin to take appropriate corrective action. The Commission staff estimates that the total annual initial recordkeeping burden for 7 new respondents will be 741 hours, and the annual ongoing recordkeeping burden for all 54 respondents will be, on average, 2,106 hours. The Commission staff estimates that the 7 new respondents would incur an initial internal cost of compliance of $276,432. In addition, all 54 respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $831,438.

Rule 1003(a)(1) requires each SCI entity to establish reasonable written criteria for identifying a change to its SCI systems and the security of indirect SCI systems as material. The Commission staff estimates that the total annual initial recordkeeping burden for 7 new respondents will be 741 hours, and the annual ongoing recordkeeping burden for all 54 respondents will be, on average, 1,458 hours. The Commission staff estimates that the 7 new respondents would incur an initial internal cost of compliance of $276,432. In addition, all 54 respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $622,944.

Regulation SCI also requires SCI entities to identify certain types of events and systems. The Commission staff estimates that the total annual initial recordkeeping burden for 7 new respondents will be 1,287 hours, and the annual ongoing recordkeeping burden for all 54 respondents will be, on average, 2,106 hours. The Commission staff estimates that the 7 new respondents would incur an initial internal cost of compliance of $453,089. In addition, all 54 respondents will incur, on average, an estimated ongoing annual internal cost of compliance of $831,438.

Rules 1005 and 1007 establish recordkeeping requirements for SCI entities other than SROs. The Commission staff estimates that for 6 new respondents that are not SROs the average annual initial burden would be 935 hours, and the annual ongoing burden for all 18 respondents will be, on average, 450 hours. The Commission staff estimates that 6 new respondents would incur an estimated internal initial internal cost of compliance of $64,515, as well as a one-time cost of $5,400 to modify existing recordkeeping systems. In addition, all 18 respondents will incur, on average, an estimated ongoing internal cost of compliance of $31,050.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and

recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01058 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–523, OMB Control No. 3235–0585]

Submission for OMB Review; Comment Request; Extension: Rule 206(4)–7

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Investment Advisers Act rule 206(4)–7, 17 CFR Sec. 275.206(4)–7, Compliance procedures and practices.'' This collection of information is found at 17 CFR 275.206(4)–7, and is mandatory. Rule 206(4)–7 under the Investment Advisers Act of 1940 (''Advisers Act'') requires each investment adviser registered with the Commission to (1) adopt and implement written policies and procedures reasonably designed to prevent violations of the Advisers Act and its rules, (2) review those compliance policies and procedures annually, and (3) designate a chief compliance officer who is responsible for administering the compliance policies and procedures. The rule is designed to protect investors by fostering better compliance with the securities laws. The collection of information under rule 206(4)–7 is necessary to help ensure that investment advisers maintain comprehensive internal programs that promote the advisers' compliance with the Advisers Act and its rules. The Commission's examination and oversight staff may review the information collected to assess investment advisers' compliance programs. Responses provided to the Commission pursuant to the rule in the context of the Commission's examination and oversight program are generally kept confidential. 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 control number.

The respondents to this information collection are investment advisers registered with the Commission. Updated data indicate that there were 14,376 advisers registered with the Commission as of August 2021. Each respondent would produce one response, per year. Commission staff has estimated that compliance with rule 206(4)–7 imposes an annual burden of approximately 90 hours per response. Based on this figure, Commission staff estimates a total annual burden of 1,293,840 hours for this collection of information.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (1) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (2) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John R. Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* 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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01061 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–586, OMB Control No. 3235–0647]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 204

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 204 (17 CFR 242.204), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 204(a) provides that a participant of a registered clearing agency must deliver securities to a registered clearing agency for clearance and settlement on a long or short sale in any equity security by settlement date, or if a participant of a registered clearing agency has a fail to deliver position at a registered clearing agency in any equity security for a long or short sale transaction in the equity security, the participant shall, by no later than the beginning of regular trading hours on the applicable close-out date, immediately close out its fail to deliver positions by borrowing or purchasing securities of like kind and quantity. For a short sale transaction, the participant must close out a fail to deliver by no later than the beginning of regular trading hours on the settlement day following the settlement date. If a participant has a fail to deliver that the participant can demonstrate on its books and records resulted from a long sale, or that is attributable to bona-fide market making activities, the participant must close out the fail to deliver by no later than the beginning of regular trading hours on the third consecutive settlement day following the settlement date. Rule 204 is intended to help further the Commission's goal of reducing fails to deliver by maintaining the reductions in fails to deliver achieved by the adoption of temporary Rule 204T, as well as other actions taken by the Commission. In addition, Rule 204 is intended to help further the Commission's goal of addressing

potentially abusive ''naked'' short selling in all equity securities.

The information collected under Rule 204 will continue to be retained and/or provided to other entities pursuant to the specific rule provisions and will be available to the Commission and self-regulatory organization (''SRO'') examiners upon request. The information collected will continue to aid the Commission and SROs in monitoring compliance with these requirements. In addition, the information collected will aid those subject to Rule 204 in complying with its requirements. These collections of information are mandatory.

Several provisions under Rule 204 will impose a ''collection of information'' within the meaning of the Paperwork Reduction Act.

I. *Allocation Notification Requirement:* As of December 31, 2020, there were 3,551 registered broker-dealers.[1] Each of these broker-dealers could clear trades through a participant of a registered clearing agency and, therefore, become subject to the notification requirements of Rule 204(d). If a participant allocates a fail to deliver position to a broker or dealer pursuant to Rule 204(d), the broker or dealer that has been allocated the fail to deliver position in an equity security must determine whether such fail to deliver position was closed out in accordance with Rule 204(a). If such broker or dealer does not comply with the provisions of Rule 204(a), such broker or dealer must immediately notify the participant that it has become subject to the requirements of Rule 204(b). The Commission estimates that a broker or dealer could have to make such determination and notification with respect to approximately 2.1 equity securities per day.[2] The Commission estimates a total of 1,886,646 potential notifications in accordance with Rule 204(d) across all registered broker-dealers that could be allocated responsibility to close out a fail to deliver position per year (3,551 registered broker-dealers notifying participants once per day [3] on 2.1 equity securities, multiplied by 253 trading days in 2020). The total estimated annual burden hours per year will be approximately 301,864 burden hours (1,886,646 multiplied by 0.16 hours/notification [4]).

II. *Demonstration Requirement for Fails to Deliver on Long Sales:* As of December 31, 2020, there were 127 participants of NSCC that were registered as broker-dealers. If a participant of a registered clearing agency has a fail to deliver position in an equity security at a registered clearing agency and determined that such fail to deliver position resulted from a long sale, the Commission estimates that a participant of a registered clearing agency will have to make such determination with respect to approximately 29 securities per day.[5] The Commission estimates a total of 931,799 potential demonstrations in accordance with Rule 204(a)(1) across all broker-dealer participants per year (127 participants checking for compliance once per day on 29 securities, multiplied by 253 trading days in 2020). The total approximate estimated annual burden hour per year will be approximately 149,088 burden hours (931,799 multiplied by 0.16 hours/demonstration [6]).

III. *Pre-Borrow Notification Requirement:* As of December 31, 2020, there were 27 participants of NSCC that were registered as broker-dealers. If a participant of a registered clearing agency has a fail to deliver position in an equity security, the participant must determine whether the fail to deliver position was closed out in accordance with Rule 204(a). The Commission estimates that a participant of a registered clearing agency will have to make such determination with respect to approximately 59 equity securities per day.[7] The Commission estimates a total of 1,895,729 potential notifications in accordance with Rule 204(c) across all participants per year (127 broker-dealer participants notifying broker-dealers once per day on 59 securities, multiplied by 253 trading days in 2020). The total estimated annual burden hours per year will be approximately 303,317 burden hours (1,895,729 multiplied by 0.16 hours/notification [8]).

IV. *Certification Requirement:* As of December 31, 2020, there were 3,551 registered broker-dealers. Each of these broker-dealers may clear trades through a participant of a registered clearing agency. If the broker-dealer determines that it has not incurred a fail to deliver position on settlement date for a long or short sale in an equity security for which the participant has a fail to deliver position at a registered clearing agency or has purchased or borrowed securities in accordance with the pre-fail credit provision of Rule 204(e), the Commission estimates that a broker-dealer could have to make such determination with respect to approximately 2.1 securities per day.[9] The Commission estimates that each such registered broker-dealer could have to certify to a participant that the broker-dealer has not incurred a fail to deliver position on settlement date for a long or short sale in an equity security for which the participant has a fail to deliver position at a registered clearing agency or, alternatively, that the broker-dealer is in compliance with the requirements set forth in the pre-fail credit provision of Rule 204(e), 1,886,646 times per year (3,551 registered broker-dealers certifying once per day on 2.1 securities, multiplied by 253 trading days in 2020). The total approximate estimated annual burden hours per year will be approximately 301,864 burden hours (1,886,646 multiplied by 0.16 hours/certification [10]).

V. *Pre-Fail Credit Demonstration Requirement:* As of December 31, 2020, there were 3,551 registered broker-dealers. If a broker-dealer purchased or borrowed securities in accordance with the conditions specified in Rule 204(e) and determined that it had a net long position or net flat position on the settlement day for which the broker-dealer is claiming pre-fail credit, the Commission estimates that a broker-dealer could have to make such a determination with respect to approximately 2.1 securities per day.[11] The Commission estimates that the total number of times per year that such registered broker-dealers could have to demonstrate on their respective books

[1] The Commission's Division of Economic and Risk Analysis (''DERA'') estimates that there were approximately 3,551 registered broker-dealers as of December 31, 2020.

[2] DERA estimates that there were approximately 7,450 average daily fail to deliver positions during 2020. Across 3,551 registered broker-dealers, the number of securities per registered broker-dealer per trading day is approximately 2.1 (7,450 ÷ 3,551) equity securities.

[3] Because failure to comply with the close-out requirements of Rule 204(a) is a violation of the rule, the Commission believes that a broker or dealer would make the notification to a participant that it is subject to the borrowing requirements of Rule 204(b) at most once per day.

[4] *See* Amendments to Regulation SHO, Exchange Act Release No. 60388 (July 27, 2009), 74 FR 38265 (July 31, 2009) (''Rule 204 Adopting Release'') (making permanent the amendments to Regulation SHO contained in Interim Final Temporary Rule 204T and incorporating by reference the time estimates from the Rule 204T Adopting Release for compliance with the notification, demonstration, and certification requirements of Rule 204).

[5] DERA estimates that during 20120 approximately 49.2% of trade volume was long. DERA estimates that there were approximately 7,450 average daily fail to deliver positions during 2020. Across 127 broker-dealer participants of the NSCC, the number of securities per participant per day is approximately 59 (7,450 ÷ 127) equity securities. 49.2% of 59 equity securities per trading day equals approximately 29 securities per day.

[6] *See supra* note 4.

[7] *See supra* note 5.

[8] *See supra* note 4.

[9] *See supra* note 2.

[10] *See supra* note 4.

[11] *See supra* note 2.

and records that the broker-dealer has a net long position or net flat position on the settlement day for which the broker-dealer is claiming pre-fail credit is 1,886,646 times per year (3,551 registered broker-dealers checking for compliance once per day on 2.1 equity securities, multiplied by 253 trading days in 2020). The total approximate estimated annual burden hours per year will be 301,864 burden hours (1,886,646 multiplied by 0.16 hours/demonstration [12]).

The total aggregate annual burden for the collection of information undertaken pursuant to all five provisions is thus 1,357,997 hours per year (301,864 + 149,088 + 303,317 + 301,864 + 301,864).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *MBX.OMB.OIRA.SEC_desk_officer@OMB.EOP.GOV* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01057 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 34470; 812–15284]

Oaktree Fund Advisors, LLC and Oaktree Strategic Credit Fund

January 14, 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: Oaktree Fund Advisors, LLC. (''OFA''), Oaktree Strategic Credit Fund (''OSCF'').

FILING DATE: The application was filed on November 30, 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 on any application by emailing the SEC's Secretary at *Secretarys-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 Commission by 5:30 p.m. on February 8, 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 emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: c/o William G. Farrar, by email to *farrarw@sullcrom.com.*

FOR FURTHER INFORMATION CONTACT: Lisa Reid Ragen, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and condition, please refer to Applicants' application, dated November 30, 2021, which may be obtained via the Commission's website by searching for the file number, using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01053 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93972; File No. SR–MIAX–2021–58]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt Exchange Rule 532, Order and Quote Price Protection Mechanisms and Risk Controls

January 13, 2022.

On November 16, 2021, Miami International Securities Exchange, LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt a new Managed Protection Override feature, a new Max Put Price Protection feature, and a new MIAX Strategy Price Protection, which will be included in new Exchange Rule 532, ''Order and Quote Price Protection Mechanisms and Risk Controls.'' The proposed rule change was published for comment in the **Federal Register** on December 3, 2021.[3] The Commission has received no comment letters regarding the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for the proposed rule change is January 17, 2022.

The Commission is extending the 45-day period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and act on the proposed rule change. Accordingly, pursuant to

[12] *See supra* note 4.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 93676 (November 29, 2021), 86 FR 68695.

[4] 15 U.S.C. 78s(b)(2).

Section 19(b)(2) of the Act,[5] the Commission designates March 3, 2022, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change (File No. SR–MIAX–2021–58).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00978 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93982; File No. SR–BOX–2022–03]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC (''BOX'') Facility

January 14, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 12, 2022, BOX Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the BOX Options Fee Schedule at Section VI, Regulatory Fees to reflect adjustments to sub-section B. FINRA Fees and sub-section C. Registration and Continuing Education Fees.[5]

While changes to the fee schedule pursuant to this proposal will be effective upon filing, the Exchange has designated that the proposed annual Maintaining Qualifications Program (''MQP'') fee will be implemented on January 31, 2022[6] and the proposed revised fee for the Regulatory Element will be implemented on January 1, 2023.[7]

The text of the proposed changes is attached [sic] as Exhibit 5.

The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on the BOX Options Market at Section VI.B. (FINRA Fees) and Section VI.C. (Registration and Continuing Education) to make clarifying changes to the section and reflect adjustments to FINRA Registration Fees.[8] The FINRA fees are collected and retained by FINRA via Web CRD for the registration of employees of BOX Participants that are not FINRA members (''Non-FINRA members''). The Exchange is merely listing these fees on its Pricing Schedule. The Exchange does not collect or retain these fees. Today, Sections VI.B. and VI.C., of the BOX Options Fee Schedule, provide a list of FINRA Web CRD Fees, Fingerprint Processing Fees, and Continuing Education Fees. The Exchange proposes to amend the introductory paragraph of Section VI.B. to add a sentence to make it clear that FINRA collects the fees listed within this section. The Exchange also proposes to add the heading, General Registration Fees, before the list of fees collected by FINRA. The fees listed within Section VI.B., reflect fees set by FINRA. Specifically, with respect to the General Registration Fees, the Exchange proposes to increase the $100 fee to $125 for each initial Form U4 filed for the registration of a representative or principal. This amendment is made in accordance with a recent FINRA rule change to adjust to its fees.[9] The Exchange is proposing additional technical and conforming amendments to the Fee Schedule, including updating the footnote numbering in Section VII, Billing, and Section VIII, Participant Fees.

The proposed rule change also makes non-substantive clarifying changes to certain provisions of the Fee Schedule at Section VI, Regulatory Fees, VI.B. (FINRA Fees) and VI.C. (Registration and Continuing Education). The Exchange proposes to add clarifying language to Section VI.B. Specifically, the Exchange is proposing to add

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* Securities Exchange Act Release No. 90176 (October 14, 2020), 85 FR 66592 (October 20, 2020) (SR–FINRA–2020–032) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adjust FINRA Fees To Provide Sustainable Funding for FINRA's Regulatory Mission). *See also* SR–FINRA–2021–034.

[6] The Exchange notes that this proposed implementation date coincides with the date FINRA proposes to implement the MQP Fee, as eligible individuals can begin making their election to participate in the MQP on January 31, 2022. The annual MQP fee is set forth in proposed Section 4(f)(2) of Schedule A to the FINRA By-Laws. *See* SR–FINRA–2021–034. *See also* FINRA Rule 1240(c) (Continuing Education Program for Persons Maintaining Their Qualification Following the Termination of a Registration Category).

[7] The Exchange notes that this proposed implementation date coincides with the date FINRA has designated the proposed annual Regulatory Element fee to go into effect. FINRA has designated January 1, 2023 as the effective date of the transition to the annual Regulatory Element requirement. *See* SR–FINRA–2021–034. The Regulatory Element Fee is set forth in Section 4(f)(1) of Schedule A to the FINRA By-Laws. *See* SR–FINRA–2021–034. *See also* See also FINRA Rule 1240(a) (Regulatory Element).

[8] FINRA operates Web CRD, the central licensing and registration system for the U.S. securities industry. FINRA uses Web CRD to maintain the qualification, employment and disciplinary histories of registered associated persons of broker-dealer.

[9] FINRA noted in its rule change that it was adjusting its fees to provide sustainable funding for FINRA's regulatory mission. *See* Securities Exchange Act Release No. 90176 (October 14, 2020), 85 FR 66592 (October 20, 2020) (SR–FINRA–2020–032).

footnote 26 to clarify that the FINRA Web CRD Processing Fee is paid directly to FINRA for each initial Form U4 filed for the registration of a representative or principal. The Exchange is also proposing to adopt footnote 27, to make clear that the FINRA Disclosure Processing Fee is paid directly to FINRA for the additional processing of each initial or amended Form U4, Form U5 or Form BD that includes the initial reporting, amendment, or certification of one of more disclosure events or proceedings. The Exchange proposes to add language to make it clear that the FINRA Annual System Processing Fee is assessed only during renewals and that the Fingerprinting Fees are processing fees.

The Exchange also proposes to amend Section VI.C., to reflect the current fees assessed by FINRA and add clarifying language to provide more transparency to the FINRA Fees listed within the BOX Fee Schedule. The Exchange proposes to decrease the $55 fee per session to $18 per session. This fee is assessed to each individual who completes the Regulatory Element of the Continuing Education requirements pursuant to FINRA rules. This amendment is made in accordance with a recent FINRA rule change to adjust to its fees.[10]

The Exchange proposes to remove the reference to the S101 within Section VI.C.2., the Continuing Education Fee and the corresponding footnote 29. This amendment will clarify that the Continuing Education Fees that FINRA assesses applies to each individual who is required to complete the Regulatory Element of the Continuing Education requirements. The Exchange also proposes to add clarifying language to footnote 28 to make it clear that the referenced $120 fee to be paid to FINRA includes the fees for the Securities Industry Essentials Exam, and the Series 57 exam.

The Exchange proposes to add Section VI.C.3., Maintaining Qualifications Program Fee, to adopt the proposed annual MQP Fee of $100. The Exchange also proposes to adopt footnote 30 to specify that the MQP Fee will be paid directly to FINRA and will be assessed annually to each individual electing to participate in the continuing education program under FINRA Rule 1240(c). This amendment is made in accordance with a recent FINRA rule change to adjust to its fees.[11]

The FINRA Web CRD Fees are user-based and there is no distinction in the cost incurred by FINRA if the user is a FINRA member or a Non-FINRA member. Accordingly, the proposed fees mirror those currently assessed by FINRA.[12]

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes it is reasonable to increase the $100 fee for each initial Form U4 filed for the registration of a representative or principal to $125 in accordance with an adjustment to FINRA's fees.[14] The Exchange's rule text will reflect the current registration rate that will be assessed by FINRA as of January 2, 2022. Additionally, adding language that makes it clear that FINRA will bill and collect these general registration fees will bring greater transparency to the FINRA fees as listed within the BOX Fee Schedule. The Exchange believes it is reasonable to decrease the $55 per session fee to $18 per session in accordance with a recent FINRA rule change to adjust to its fees.[15] Also, amending the Continuing Education Fees to remove the reference to the S101 will bring greater clarity to the Continuing Education fees currently assessed by FINRA and listed within the BOX Fee Schedule. Noting that the fees are paid directly to FINRA and the addition of the other proposed clarifying changes will provide more information to Participants regarding the fees for Continuing Education. The Exchange also believes it is reasonable to add Section VI.C.3. to list the proposed MQP Fee of $100 in accordance with a recent FINRA rule change to adjust to its fees.[16] Finally, making clear that the FINRA Annual System Processing Fee is assessed only during renewals, the Fingerprinting Fees are processing fees, and that Series 57 Exam fee includes the fee for the Securities Industry Essentials Exam, will provide greater transparency regarding the fees collected by FINRA and listed in the BOX Fee Schedule. The proposed fees are identical to those adopted by FINRA for use of Web CRD for disclosure and the registration of FINRA members and their associated persons. These costs are borne by FINRA when a Non-FINRA member uses Web CRD.

The Exchange believes that its proposal to increase the $100 fee for each initial Form U4 filed for the registration of a representative or principal to $125 is equitable and not unfairly discriminatory as the amendment will reflect the current fee that will be assessed by FINRA to all Participants who require Form U4 filings as of January 2, 2022. The Exchange also believes that its proposal to decrease the Continuing Education fee from $55 per session to $18 per session is not unfairly discriminatory as the amendment will reflect the current fee that will be assessed by FINRA to all Participants who complete the Regulatory Element of the Continuing Education requirements pursuant to FINRA rules. Additionally, reflecting the current Continuing Education Fees for the S101 or S201 is equitable and not unfairly discriminatory as FINRA currently assesses these rates to all Participants that are required to have those registrations. The Exchange also believes that its proposal to list the MQP Fee of $100 is not unfairly discriminatory as the amendment will reflect the annual fee that will be assessed by FINRA to all Participants who elect to participate in the MQP pursuant to FINRA rules. Finally, making clear that FINRA will bill and collect these fees will bring greater

[10] *See* SR–FINRA–2021–034 (December 30, 2021). FINRA notes that the proposed $18 annual fee is comparable to the current $55 fee over a three-year period.

[11] *See* SR–FINRA–2021–034 (December 30, 2021). FINRA notes that the proposed MQP is a voluntary program.

[12] The Exchange notes that other options exchanges have recently filed similar proposals to increase the fee from $100 to $125 for each initial Form U4 filed for the registration of a representative or principal in accordance with a recent FINRA rule change to adjust to its fees. *See* Securities Exchange Release No. 34–93582 (November 16, 2021), 86 FR 66373 (November 22, 2021) (SR–ISE–2021–24) (Notice of Filing and Immediate Effectiveness). *See also* Securities Exchange Release No. 34–93583 (November 16, 2021), 86 FR 66356 (November 22, 2021) (SR–GEMX–2021–10) (Notice of Filing and Immediate Effectiveness). *See also* Securities Exchange Release No. 34–93602 (November 17, 2021), 86 FR 66604 (November 23, 2021) (SR–NASDAQ–2021–087) (Notice of Filing and Immediate Effectiveness). *See also* Securities Exchange Release No. 34–93584 (November 16, 2021), 86 FR 66363 (November 22, 2021) (SR–MRX–2021–11) (Notice of Filing and Immediate Effectiveness). *See also* Securities Exchange Release No. 34–93587 (November 16, 2021), 86 FR 66375 (November 22, 2021) (SR–BX–2021–052) (Notice of Filing and Immediate Effectiveness). *See also* Securities Exchange Release No. 34–93577 (November 15, 2021), 86 FR 64976 (November 19, 2021) (SR–PHLX–2021–68) (Notice of Filing and Immediate Effectiveness).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See supra* note 5.

[15] *See supra* note 10.

[16] *See supra* note 11.

transparency to FINRA's fees as listed within the BOX Fee Schedule. Further, the proposal is also equitable and not unfairly discriminatory because the Exchange will not be collecting or retaining these fees, therefore, the Exchange will not be in a position to apply them in an inequitable or unfairly discriminatory manner.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that this proposal creates an unnecessary or inappropriate inter-market burden on competition as FINRA's fees apply to all market participants. Additionally, the Exchange does not believe that this proposal creates an unnecessary or inappropriate intra-market burden on competition as the increased fee for each initial Form U4 filed for the registration of a representative or principal will be assessed by FINRA to all Participants who require Form U4 filings as of January 2, 2022.

The Exchange does not believe that this proposal creates an unnecessary or inappropriate intra-market burden on competition as the decreased Continuing Education fee from will be assessed by FINRA to all Participants who complete the Regulatory Element of the Continuing Education requirements pursuant to FINRA rules. Also, clarifying that the Continuing Education Fees apply to all individual required to complete the Regulatory Element of the Continuing Education requirements does not impose an undue burden on competition as FINRA currently assesses these rates to all Participants that are required to have those registrations. The Exchange also does not believe that its proposal to list the proposed annual MQP Fee of $100 creates an unnecessary or inappropriate intra-market burden on competition as this annual fee that will be assessed by FINRA to all Participants who elect to participate in the MQP pursuant to FINRA rules. Additionally, making clear that FINRA will bill and collect these fees will bring greater transparency to the FINRA fees listed within the BOX Fee Schedule. Finally, clarifying that the FINRA Annual System Processing Fee is assessed only during renewals, the Fingerprinting Fees are processing fees, and that Series 57 exam fee includes the fee for the Securities Industry Essentials Exam, will provide more information to Participants regarding the fees collected by FINRA and listed within the BOX Fee Schedule. Further, the proposal does not impose an undue burden on competition because the Exchange will not be collecting or retaining these fees, therefore, the Exchange will not be in a position to apply them in an inequitable or unfairly discriminatory manner.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action Effectiveness

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [17] and Rule 19b–4(f)(2) thereunder,[18] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2022–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2022–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2022–03 and should be submitted on or before February 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01069 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 240.19b–4(f)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–441, OMB Control No. 3235–0497]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 15c3–4

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information

provided for in Rule 15c3–4 (17 CFR 240.15c3–4) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15c3–4 requires certain broker-dealers that are registered with the Commission as OTC derivatives dealers, or who compute their net capital charges under Appendix E to Rule 15c3–1 (17 CFR 240.15c3–1) (''ANC firms''), to establish, document, and maintain a system of internal risk management controls. In addition, security-based swap dealers (''SBSDs'') that are subject to Rule 18a–1 (17 CFR 240.18a–1) must comply with Rule 15c3–4 as if they were OTC derivatives dealers. The Rule sets forth the basic elements for an OTC derivatives dealer, an ANC firm, or an SBSD to consider and include when establishing, documenting, and reviewing its internal risk management control system, which is designed to, among other things, ensure the integrity of an OTC derivatives dealer's, an ANC firm's, or an SBDS's risk measurement, monitoring, and management process, to clarify accountability at the appropriate organizational level, and to define the permitted scope of the firm's activities and level of risk. The Rule also requires that management of an OTC derivatives dealer, ANC firm, or SBSD must periodically review, in accordance with written procedures, the firm's business activities for consistency with its risk management guidelines.

The staff estimates that the average amount of time a new firm subject to Rule 15c3–4 will spend establishing and documenting its risk management control system is approximately 2,000 hours (666.666667 hours per year when annualized over three years) and that, on average, an existing firm subject to Rule 15c3–4 will spend approximately 200 hours each year to maintain (*e.g.,* reviewing and updating) its risk management control system. Currently, five firms are registered with the Commission as OTC derivatives dealers, five as ANC firms, and one as an SBSD. The staff estimates that approximately two new additional entities may register as OTC derivatives dealers, one new entity may register as an ANC firm, and two new entities may register as SBSDs subject to the requirements of Rule 15c3–4 within the next three years. Thus, the estimated annual burden would be approximately 2,200 hours for the eleven existing firms (five OTC derivatives dealers, five ANC firms, and one SBSD) currently required to comply with Rule 15c3–4 to maintain their risk management control systems,[1] 3,333 hours for the five new firms (two new OTC derivatives dealers, one new ANC firm, and two new SBSDs) to establish and document their risk management control systems,[2] and 1,000 hours for the five new firms (two new OTC derivatives dealers, one new ANC firm, and two new SBSDs) to maintain their risk management control systems.[3] Accordingly, the staff estimates the total annual burden associated with Rule 15c3–4 for the 16 respondents (nine OTC derivatives dealers, six ANC firms, and five SBSDs) will be approximately 6,533 hours per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

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.

Please direct your written comments to: David Bottom, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@SEC.gov.*

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01056 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–221, OMB Control No. 3235–0232]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form 1–E, Regulation E

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Form 1–E (17 CFR 239.200) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) (''Securities Act'') is the form that a small business investment company (''SBIC'') or business development company (''BDC'') uses to notify the Commission that it is claiming an exemption under Regulation E from registering its securities under the Securities Act. Rule 605 of Regulation E (17 CFR 230.605) under the Securities Act requires an SBIC or BDC claiming such an exemption to file an offering circular with the Commission that must also be provided to persons to whom an offer is made. Form 1–E requires an issuer to provide the names and addresses of the issuer, its affiliates, directors, officers, and counsel; a description of events which would make the exemption unavailable; the jurisdictions in which the issuer intends to offer the securities; information about unregistered securities issued or sold by the issuer within one year before filing the notification on Form 1–E; information as to whether the issuer is presently offering or contemplating offering any other securities; and exhibits, including copies of the rule 605 offering circular and any underwriting contracts.

The Commission uses the information provided in the notification on Form 1–E and the offering circular to determine whether an offering qualifies for the exemption under Regulation E. The Commission estimates that, each year, one issuer files one notification on Form 1–E, together with offering circulars, with the Commission.[1] Based on the Commission's experience with disclosure documents, we estimate that the burden from compliance with Form 1–E and the offering circular requires approximately 100 hours per filing. The annual burden hours for compliance with Form 1–E and the offering circular would be 200 hours (2 responses × 100 hours per response). Estimates of the burden hours are made solely for the

[1] (200 hours × 11 firms) = 2200.

[2] ((2,000 hours/3 years) × 5 firms) = 3,333.

[3] (200 hours × 5 firms) = 1,000.

[1] According to Commission records, one issuer filed two notifications on Form 1–E, together with offering circulars, during 2013 and 2014.

purposes of the PRA, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

Compliance with the information collection requirements of the rules is necessary to obtain the benefit of relying on the rules. The information provided on Form 1–E and in the offering circular will not be kept confidential. 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 public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* 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.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01052 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–401, OMB Control No. 3235–0459]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 3a–4

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 3a–4 (17 CFR 270.3a–4) under the Investment Company Act of 1940 (15 U.S.C. 80a) (''Investment Company Act'' or ''Act'') provides a nonexclusive safe harbor from the definition of investment company under the Act for certain investment advisory programs. These programs, which include ''wrap fee'' programs, generally are designed to provide professional portfolio management services on a discretionary basis to clients who are investing less than the minimum investments for individual accounts usually required by the investment adviser but more than the minimum account size of most mutual funds. Under wrap fee and similar programs, a client's account is typically managed on a discretionary basis according to pre-selected investment objectives. Clients with similar investment objectives often receive the same investment advice and may hold the same or substantially similar securities in their accounts. Because of this similarity of management, some of these investment advisory programs may meet the definition of investment company under the Act.

In 1997, the Commission adopted rule 3a–4, which clarifies that programs organized and operated in accordance with the rule are not required to register under the Investment Company Act or comply with the Act's requirements.[1] These programs differ from investment companies because, among other things, they provide individualized investment advice to the client. The rule's provisions have the effect of ensuring that clients in a program relying on the rule receive advice tailored to the client's needs.

For a program to be eligible for the rule's safe harbor, each client's account must be managed on the basis of the client's financial situation and investment objectives and in accordance with any reasonable restrictions the client imposes on managing the account. When an account is opened, the sponsor[2] (or its designee) must obtain information from each client regarding the client's financial situation and investment objectives, and must allow the client an opportunity to impose reasonable restrictions on managing the account.[3] In addition, the sponsor (or its designee) must contact the client annually to determine whether the client's financial situation or investment objectives have changed and whether the client wishes to impose any reasonable restrictions on the management of the account or reasonably modify existing restrictions. The sponsor (or its designee) must also notify the client quarterly, in writing, to contact the sponsor (or its designee) regarding changes to the client's financial situation, investment objectives, or restrictions on the account's management.

Additionally, the sponsor (or its designee) must provide each client with a quarterly statement describing all activity in the client's account during the previous quarter. The sponsor and personnel of the client's account manager who know about the client's account and its management must be reasonably available to consult with the client. Each client also must retain certain indicia of ownership of all securities and funds in the account.

The Commission staff estimates that 27,979,460 clients participate each year in investment advisory programs relying on rule 3a–4.[4] Of that number, the staff estimates that 2,127,147 are new clients and 25,852,313 are continuing clients.[5] The staff estimates that each year the investment advisory program sponsors' staff engage in 1.5 hours per new client and 1 hour per continuing client to

[1] Status of Investment Advisory Programs Under the Investment Company Act of 1940, Investment Company Act Rel. No. 22579 (Mar. 24, 1997) [62 FR 15098 (Mar. 31,1997)] (''Adopting Release''). In addition, there are no registration requirements under section 5 of the Securities Act of 1933 for programs that meet the requirements of rule 3a–4. *See* 17 CFR 270.3a–4, introductory note.

[2] For purposes of rule 3a–4, the term ''sponsor'' refers to any person who receives compensation for sponsoring, organizing or administering the program, or for selecting, or providing advice to clients regarding the selection of, persons responsible for managing the client's account in the program.

[3] Clients specifically must be allowed to designate securities that should not be purchased for the account or that should be sold if held in the account. The rule does not require that a client be able to require particular securities be purchased for the account.

[4] These estimates are based on an analysis of the number of individual clients from Form ADV Item 5D(a)(1) and (b)(1) of advisers that report they provide portfolio management to wrap programs as indicated in Form ADV Item 5I(2)(b) and (c), and the number of individual clients of advisers that identify as internet advisers in Form ADV Item 2A(11). From analysis comparing reported individual client assets in Form ADV Item 5D(a)(3) and 5D(b)(3) to reported wrap portfolio manager assets in Form ADV Item 5I(2)(b) and (c), we discount the estimated number of individual clients of non-internet advisers providing portfolio management to wrap programs by 10%.

[5] These estimates are based on the number of new clients expected due to average year-over-year growth in individual clients from Form ADV Item 5D(a)(1) and (b)(1) (about 8%) and an assumed rate of yearly client turnover of 10%.

prepare, conduct and/or review interviews regarding the client's financial situation and investment objectives as required by the rule.[6] Furthermore, the staff estimates that each year the investment advisory program sponsors' staff spends 1 hour per client to prepare and mail quarterly client account statements, including notices to update information.[7] Based on the estimates above, the Commission estimates that the total annual burden of the rule's paperwork requirements is 57,022,493 hours.[8]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. 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 control number.

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to David Bottom, c/o John R. Pezzullo, Director/Chief Information Officer, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01060 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

[6] These estimates are based upon consultation with investment advisers that operate investment advisory programs that rely on rule 3a–4.

[7] The staff bases this estimate in part on the fact that, by business necessity, computer records already will be available that contain the information in the quarterly reports.

[8] This estimate is based on the following calculation: (25,852,313 continuing clients × 1 hour) + (2,127,147 new clients × 1.5 hours) + (27,979,460 total clients × (0.25 hours × 4 statements)) = 57,022,493 hours.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93973; File No. SR–NYSEAMER–2021–54]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend the NYSE American Equities Price List and Fee Schedule

January 13, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 30, 2021, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain Standard Rates and requirements for transaction fees and credits that add and remove liquidity in securities at or above $1 and reformat the section of the NYSE American Equities Price List and Fee Schedule (''Price List'') setting forth transactions fees for all transactions other than transactions using Retail Order Rates, transactions in securities below $1, and transactions by an Electronic Designated Market Makers (''eDMM'') in assigned securities. The Exchange proposes to implement the fee changes effective January 3, 2022. The proposed change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Standard Rates for transaction fees and credits that add and remove liquidity in securities at or above $1 and reformat the section of the Price List setting forth transactions fees for all transactions other than transactions using Retail Order Rates, transactions in securities below $1, and transactions by an eDMM in assigned securities.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing and liquidity-removing orders by offering further incentives for ETP Holders to send additional adding and removing liquidity to the Exchange.

The Exchange proposes to implement the fee changes effective January 3, 2022.

Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, cash equity trading is currently dispersed across 16

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (File No. S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

exchanges,[6] numerous alternative trading systems,[7] and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 17% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of cash equity order flow. More specifically, the Exchange currently has less than 1% market share of executed volume of cash equities trading.[9]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products. While it is not possible to know a firm's reason for shifting order flow, the Exchange believes that one such reason is because of fee changes at any of the registered exchanges or non-exchange venues to which the firm routes order flow.

In response to this competitive environment, the Exchange has established incentives for ETP Holders who submit orders that provide liquidity on the Exchange. The proposed fee change is designed to attract additional order flow to the Exchange by incentivizing ETP Holders to send additional adding liquidity to the Exchange to qualify for the liquidity removing tiers and fees. The Exchange has also established incentives for ETP Holders to remove liquidity from the Exchange. In addition, as detailed below, the proposed higher credits for Mid-Point Liquidity Orders (''MPL Orders'') [10] adding liquidity to the Exchange are intended to create incentives for price improving liquidity and increasing the quality of order execution on the Exchange's market, which benefits all market participants, insofar as MPL Orders provide opportunities for market participants to interact with orders priced at the midpoint of the Protected Best Bid and Offer (''PBBO'').[11]

Proposed Rule Change

Currently, for transactions in securities priced at or above $1.00, other than transactions by eDMMs in assigned securities, the Exchange offers the following credits for displayed orders that add liquidity to the Exchange:

- Displayed orders and MPL Orders that add liquidity to the Exchange where the ETP Holder has an average daily volume (''ADV'') of at least 2,500,000 shares (''Adding ADV'') [12] currently receive a credit of $0.0026 per share.
- Displayed orders and MPL Orders that add liquidity to the Exchange where an ETP Holder has Adding ADV of at least 750,000 shares currently receive a $0.0025 credit per displayed and MPL share. Where an ETP Holder does not have an Adding ADV of at least 750,000 shares, such orders currently receive a $0.0024 per share.
- Orders that add displayed liquidity to the Exchange and that set a new best bid or offer (''BBO'') on NYSE American [13] where an ETP Holder has an Adding ADV of at least 2,500,000 shares currently receive a $0.0027 per share credit. Where an ETP Holder does not have an Adding ADV of at least 2,500,000 shares, such orders currently receive a $0.0026 per share credit.
- The current fee for orders removing liquidity from the Exchange where an ETP Holder has an Adding ADV of at least 10,000 shares is $0.0026 per share. Where an ETP Holder does not have an Adding ADV of at least 10,000 shares, the Exchange charges $0.0030 per share for all executions that remove liquidity from the Exchange.

The Exchange proposes to restructure its tier requirements, credits, and fees in order to attract liquidity to the Exchange. The Exchange has not made substantial changes to its pricing in several years and believes that some of the current tier requirements, credits, and fees no longer incentivize ETP Holders to send liquidity to the Exchange, and therefore should be modified. In addition, the Exchange believes that harmonizing the tier requirements for orders that add liquidity and orders that remove liquidity from the Exchange will make its Price List clearer and more transparent for ETP Holders. The Exchange believes that this combination of changes, taken together, will cause ETP Holders to send more liquidity to the Exchange.

Specifically, the Exchange proposes to revise these fees and credits by: (a) Reorganizing the fees as ''Tier 1,'' ''Tier 2,'' or ''Non-Tier''; (b) adjusting the Adding ADV levels required to qualify for Tier 1 and Tier 2 fees and credits and harmonizing such levels for orders adding liquidity and orders removing liquidity; (c) proposing separate fees and credits for MPL Orders adding liquidity; and (d) adjusting the fees and credits available for ETP Holders qualifying for proposed Tier 1, Tier 2, and Non-Tier rates, as follows.

The Exchange proposes to define a ''Tier 1,'' pursuant to which it would make its best rates available to ETP Holders with Adding ADV of at least 3,500,000 shares. This Adding ADV requirement of 3,500,000 shares is an increase from the current Adding ADV level of 2,500,000 shares required for ETP Holders to access the Exchange's best rates for orders adding liquidity, and from the current Adding ADV level of 10,000 shares required for ETP Holders to access the Exchange's best rates for orders removing liquidity. As proposed, ETP Holders that qualify for Tier 1 would be eligible for the following rates:

- A credit of $0.0026 per share for orders adding displayed liquidity (no change from the current rate);
- A credit of $0.0030 per share for MPL Orders adding liquidity (an increase from the current credit of $0.0026 per share);
- A credit of $0.0029 per share for orders adding displayed liquidity that set a new BBO on the Exchange (an increase from the current credit of $0.0027 per share); and
- A fee of $0.0026 per share for orders removing liquidity (no change from the current rate).

The Exchange also proposes to define a ''Tier 2,'' setting out rates available to ETP Holders with Adding ADV of at least 700,000 shares. This Adding ADV requirement of 700,000 is a decrease from the current Adding ADV level of 750,000 shares required for ETP Holders to access certain pricing for orders adding liquidity. (Currently, there is no second-tier Adding ADV requirement for orders removing liquidity.) As proposed, ETP Holders that qualify for Tier 2 would be eligible for the following rates:

- A credit of $0.0023 per share for orders adding displayed liquidity (a decrease from the current credit of $0.0025 per share);
- A credit of $0.0029 per share for MPL Orders adding liquidity (an increase from the current credit of $0.0025 per share);

[6] *See* Cboe U.S Equities Market Volume Summary, available at *https://markets.cboe.com/us/equities/market_share.* See generally *https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, *available at https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[8] See Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] *See id.*

[10] *See* Rule 7.31E(d)(3) (description of MPL Order).

[11] *See* Rule 1.1E(dd) (definition of PBBO).

[12] As defined in the Fee Schedule, Adding ADV means an ETP Holder's average daily volume of shares executed on the Exchange that provided liquidity.

[13] *See* Rule 1.1E(h) (definition of BBO).

• A credit of $0.0024 per share for orders adding liquidity that set a new BBO on the Exchange (a decrease from the current credit of $0.0026 per share); and

• A fee of $0.0027 for orders removing liquidity (an increase from the current fee of $0.0026 per share).

The Exchange also proposes to define ''Non-Tier'' rates, which would specify the rates available to ETP Holders that do not qualify for either Tier 1 or Tier 2, as follows:

• A credit of $0.0020 per share for orders adding displayed liquidity (a decrease from the current credit of $0.0024 per share);

• A credit of $0.0024 per share for MPL Orders adding liquidity (no change from the current rate);

• A credit of $0.0020 per share for orders adding liquidity that set a new BBO on the Exchange (a decrease from the current credit of $0.0026 per share); and

• A fee of $0.0030 per share for orders removing liquidity (no change from the current rate).

The Exchange proposes to keep the current credit of $0.0020 per share for non-displayed orders adding liquidity and the current fee of $0.0005 per share for orders executing in the opening or closing auctions, without any change. Neither of those rates depends on an ETP Holder achieving a certain level of Adding ADV.

These proposed changes are intended to incentivize ETP Holders to increase the liquidity-providing orders they send to the Exchange, which would support the quality of price discovery on the Exchange and provide additional liquidity for incoming orders. The Exchange believes that by correlating the level of credits to the level of executed adding volume on the Exchange, the Exchange's fee structure would encourage ETP Holders to submit more liquidity-providing orders to the Exchange that are likely to be executed, thereby increasing the potential for incoming marketable orders submitted to the Exchange to receive an execution. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders that add liquidity to the Exchange. The Exchange believes that the proposed tiering of credits applicable to displayed orders, MPL Orders, and orders setting a new NYSE American BBO for ETP Holders that meet the proposed Adding ADV requirements would serve as an additional incentive for ETP Holders to send liquidity to and improve quoting on the Exchange in order to qualify for such credits.

In addition, the Exchange believes that the proposed changes to the fees for removing liquidity, taken together, will incentivize submission of additional liquidity to a public exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders. As noted, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The Exchange does not know how much order flow ETP Holders choose to route to other exchanges or to off-exchange venues. Because the proposed reconfiguration of fees for removing liquidity from the Exchange involves the introduction of new fees and/or new requirements, the Exchange does not know how many ETP Holders could qualify for such new fees based on their current trading profile on the Exchange and if they choose to direct order flow to the Exchange. Without having a view of ETP Holder's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holder directing orders to the Exchange.

The proposed rule change is designed to be available to all ETP Holders on the Exchange and is intended to provide ETP Holders a greater incentive to direct more of their orders to the Exchange.

Finally, the Exchange would delete the current presentation of the Standard Rates for liquidity adding and removing orders and replace it with the following table in the Price List, reflecting all of the rates proposed above:

	Minimum adding ADV requirement (shares)	Fees and credits per share					
		Adding liquidity—displayed	Setting new NYSE American BBO	MPL adding liquidity	Adding liquidity—non-displayed	Removing liquidity	Executions at open and close
Tier 1	3,500,000	$(0.0026)	$(0.0029)	$(0.0030)	$(0.0020)	$0.0026	$0.0005
Tier 2	700,000	(0.0023)	(0.0024)	(0.0029)	(0.0020)	0.0027	0.0005
Non-Tier	N/A	(0.0020)	(0.0020)	(0.0024)	(0.0020)	0.0030	0.0005

The Exchange proposes this non-substantive change to reorganize and enhance the presentation in the Price List in order to add clarity and transparency, thereby making the Price List easier to navigate.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[14] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[15] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities, is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and does not unfairly discriminate between customers, issuers, brokers or dealers.

As discussed above, the Exchange operates in a highly fragmented and competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [16]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue to reduce use of certain categories of products, in response to fee changes.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4) and (5).

[16] *See* Regulation NMS, *supra* note 6, 70 FR at 37499.

ETP Holders can choose from any one of the 16 currently operating registered exchanges, and numerous off-exchange venues, to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders on an exchange. Stated otherwise, changes to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Proposed Fee Change Is Reasonable

In light of the competitive environment in which the Exchange currently operates, the proposed rule change is a reasonable attempt to increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors. The Exchange believes the proposed change is also reasonable because it is designed to attract higher volumes of orders transacted on the Exchange by ETP Holders, which would benefit all market participants by offering greater price discovery and an increased opportunity to trade on the Exchange.

Proposed Tier Requirements

The Exchange believes that aligning the Adding ADV tier requirements for Tier 1 and Tier 2 for orders adding liquidity and orders removing liquidity will be clearer for investors and will eliminate potential investor confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest.

The Exchange believes that the proposed change increasing to 3,500,000 shares the minimum Adding ADV required for ETP Holders to access its best pricing for orders adding and removing liquidity under proposed Tier 1 is a reasonable attempt to increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors. Currently, ETP Holders may qualify for the Exchange's best pricing for orders adding liquidity by achieving an Adding ADV of 2,500,000 shares, and may qualify for the Exchange's best pricing for orders removing liquidity by achieving an Adding ADV of 10,000 shares. The Exchange believes that these current levels are not a sufficient incentive, and that raising these Adding ADV requirements to the proposed level of 3,500,000 shares would incentivize ETP Holders to send more of their liquidity-adding orders to the Exchange as opposed to other venues, so that they may qualify for the Exchange's best pricing for adding and removing liquidity.

Similarly, the Exchange believes that adjusting the current Adding ADV requirement of 750,000 shares to 700,000 shares for orders adding displayed liquidity under proposed Tier 2, and adding specified fees under proposed Tier 2 for orders removing liquidity for ETP Holders with at least 700,000 shares, will enable more ETP Holders to qualify for this tier, thereby incentivizing more ETP Holders to send their orders to the Exchange. This, in turn, would increase liquidity on the Exchange and improve the Exchange's market share relative to its competitors. The proposed 700,000 share Adding ADV requirement is a reduction from the current requirement of 750,000 shares to qualify for certain credits for orders adding liquidity, and would introduce a Tier 2 Adding ADV requirement for orders removing liquidity. The Exchange believes that establishing the Tier 2 Adding ADV requirement at this level would incentivize ETP Holders to send more of their liquidity-adding orders to the Exchange, so that they may qualify for Tier 2 pricing for adding and removing liquidity.

Proposed Fees and Credits

The Exchange believes that the proposed changes to the credits available for orders adding liquidity to the Exchange are reasonable. The Exchange believes it is reasonable to increase the credits available under Tier 1 and Tier 2 for MPL Orders adding liquidity as it is expected to create incentives for ETP Holders to add price-improving liquidity to the Exchange and increase the quality of order execution on the Exchange's market, which benefits all market participants, as MPL Orders provide opportunities for market participants to interact with orders priced at the midpoint of the PBBO. The Exchange also believes it is reasonable to increase the credits available under Tier 1 for orders setting a new BBO on the Exchange, as it is expected provide incentives for ETP Holders to provide aggressively-priced orders that improve the market by setting the BBO on the Exchange. Similarly, the Exchange believes that lowering the credits available under Tier 2 and at the Non-Tier level for orders adding displayed liquidity and for orders setting a new BBO on the Exchange is reasonable because the current higher credits did not result in greater liquidity as the Exchange had anticipated. The Exchange believes it is reasonable to revise credits when such incentives become underutilized.

The Exchange believes that the proposed changes to the fees for orders removing liquidity to the Exchange are reasonable. The purpose of these changes is to encourage additional liquidity on the Exchange because market participants benefit from the greater amounts of displayed liquidity present on a public exchange. The Exchange believes that the proposed new fees will incentivize additional liquidity on a public exchange to qualify for lower fees for removing liquidity, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders. The proposal is thus reasonable because all ETP Holders would benefit from such increased levels of liquidity.

Because the proposal involves the introduction of new requirements as well as new fee and credit levels, the Exchange does not know how many ETP Holders could qualify for the new fees and credits based on their current trading profile on the Exchange and if they choose to direct order flow to the Exchange. As previously noted, without a view of ETP Holder activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any ETP Holder qualifying for a particular tier, credit, or fee. The Exchange believes the proposed changes are reasonable as it would provide an incentive for ETP Holders to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the credits, thereby contributing to depth and market quality on the Exchange.

Proposed Non-Substantive Reformatting

The Exchange believes that the proposed changes are reasonable because they are clarifying and non-substantive. The changes are designed to make the Price List easier to read and more user-friendly. The Exchange believes that this proposed format will provide additional transparency of Exchange fees and credits, to the benefit of market participants and the investing public. The Exchange believes the change is reasonable and would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased clarity and transparency on the Price List, thereby reducing potential confusion.

The Proposed Change Is an Equitable Allocation of Fees and Credits

The Exchange believes its proposal equitably allocates its fees among its market participants. The Exchange believes its proposal equitably allocates its fees among its market participants by

fostering liquidity provision and stability in the marketplace.

Proposed Tier Requirements

The Exchange believes its proposal equitably allocates its fees and credits among its market participants because all ETP Holders that participate on the Exchange may receive the proposed fees and credits if they elect to send their orders to the Exchange and meet the minimum Adding ADV requirement corresponding to the fee or credit. Without having a view of ETP Holders' activity on other markets and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holder sending more of their orders to the Exchange. The Exchange cannot predict with certainty how many ETP Holders would avail themselves of this opportunity, but additional orders would benefit all market participants because it would provide greater execution opportunities on the Exchange. The Exchange anticipates that multiple ETP Holders would endeavor to send more of their orders for execution on the Exchange in order to meet the proposed requirements for Tier 1 and/or Tier 2 pricing, thereby earning the proposed higher credits and paying the proposed lower fees.

The Exchange further believes that the proposed change is equitable because it is reasonably related to the value to the Exchange's market quality associated with higher volume in orders. The Exchange believes that the proposed pricing adjustments would attract order flow and liquidity to the Exchange, thereby contributing to price discovery on the Exchange and benefiting investors generally.

The Exchange believes that the proposed rule change is equitable because maintaining or increasing the proportion of orders in exchange-listed securities that are executed on a registered national securities exchange (rather than relying on certain available off-exchange execution methods) would contribute to investors' confidence in the fairness of their transactions and would benefit all investors by deepening the Exchange's liquidity pool, supporting the quality of price discovery, promoting market transparency, and improving investor protection.

The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All ETP Holders would be eligible to qualify for the proposed credits if they meet the proposed Adding ADV requirements for each proposed tier. The Exchange believes that offering credits for providing liquidity will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently meet the Adding ADV requirements to qualify for the Exchange's best prices, the proposal would provide a second tier with lower requirements that could allow those ETP Holders to still qualify for preferential credits and fees. The proposal will also not adversely impact their ability to qualify for other credits or fees provided by the Exchange.

Proposed Fees and Credits

The Exchange believes the proposal equitably allocates fees and credits among market participants because all ETP Holders that participate on the Exchange may qualify for the proposed credits and fees. The Exchange believes that the proposed changes, taken together, will incentivize ETP Holders to send additional adding liquidity to achieve lower fees when removing liquidity from the Exchange, thereby increasing the number of orders that are executed on the Exchange, promoting price discovery and transparency and enhancing order execution opportunities and improving overall liquidity on a public exchange. The Exchange also believes that the proposed change is equitable because it would apply to all similarly situated ETP Holders that add or remove liquidity. The proposed change also is equitable because it would be consistent with the applicable rate on other marketplaces.[17]

As previously noted, the Exchange operates in a competitive environment, particularly as it relates to attracting orders that add liquidity to the Exchange. The Exchange does not know how much order flow ETP Holders choose to route to other exchanges or to off-exchange venues. Because the proposed reconfiguration of the fees involves the introduction of requirements as well as new fees and credits, the Exchange does not know how many ETP Holders could qualify for the new rates based on their current trading profiles on the Exchange and if they choose to direct order flow to the Exchange. Without having a view of ETP Holder's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holder directing orders to the Exchange.

Proposed Non-Substantive Reformatting

The Exchange believes that the proposed changes are equitable because they are clarifying and non-substantive. The changes are designed to make the Price List easier to read and more user-friendly. The Exchange believes that this proposed format will provide additional transparency of Exchange fees and credits, to the benefit of market participants and the investing public. The Exchange believes the change is reasonable and would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased clarity and transparency on the Price List, thereby reducing potential confusion. The Exchange believes that the proposed reformatted the Price List is equitable because the resulting streamlined Price List would continue to apply to all ETP Holders on an equal basis.

The Proposed Fee Change Is Not Unfairly Discriminatory

Proposed Tier Requirements

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, ETP Holders are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value. The Exchange believes it is not unfairly discriminatory to provide revised requirements and corresponding tiered fees and credits, as the proposed fees and credits would be provided on an equal basis to all ETP Holders that meet the proposed tier requirements. Further, the Exchange believes the proposed fees and credits would incentivize ETP Holders that meet the new tiered requirements to send more orders to the Exchange. Since the minimum Adding ADV requirements and some of the proposed fees and credits would be new, no ETP Holder currently qualifies for them. As noted, without a view of ETP Holder activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any ETP Holders qualifying for the proposed adding tiers. The Exchange believes the proposal is reasonable as it would provide an incentive for ETP Holders to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the credits, thereby

[17] For example, Cboe EDGX offers credits for adding non-retail displayed liquidity ranging from $0.0016 to $0.0034 and fees for removing liquidity from $0.00275 to $0.0030. *See https://www.cboe.com/us/equities/membership/fee_schedule/edgx/.*

contributing to depth and market quality on the Exchange.

In addition, the Exchange believes that the proposal is not unfairly discriminatory because it neither targets nor will it have a disparate impact on any particular category of market participant. All ETP Holders that provide liquidity could be eligible to qualify for the proposed credits under Tier 1 or Tier 2 if they meet the proposed Adding ADV requirements. The Exchange believes that offering credits for providing liquidity will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the adding liquidity credits, the proposal will not adversely impact their ability to qualify for other credits provided by the Exchange. Finally, the submission of orders is optional for ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, they can choose the extent of their activity in this regard. The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

Proposed Fees and Credits

The Exchange believes that that the proposed fees and credits for ETP Holders that add or remove liquidity will incentivize submission of additional liquidity to a public exchange to qualify for the revised fees and credits, thereby promoting price discovery and transparency and enhancing order execution opportunities for ETP Holders. The proposal does not permit unfair discrimination because the proposed rates would be applied to all similarly situated ETP Holders and other market participants, who would all be eligible for the same rates on an equal basis. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by this allocation of fees and credits.

Finally, the Exchange notes that the submission of orders to the Exchange is optional for ETP Holders in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

Proposed Non-Substantive Reformatting

The Exchange believes that the proposed reformatted the Price List is not unfairly discriminatory because the resulting streamlined Price List would continue to apply to all ETP Holders equally. The Exchange believes that the reformatted Price List, as proposed, will be clearer and less confusing for investors and will eliminate potential confusion, thereby removing impediments to and perfecting the mechanism of a free and open market and a national market system, and, in general, protecting investors and the public interest. The Exchange believes the change is reasonable and would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased clarity and transparency on the Price List, thereby reducing potential confusion.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[18] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed fee change would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery, and transparency and enhancing order execution opportunities for ETP Holders. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [19]

Intramarket Competition. The Exchange believes the proposed change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is designed to attract additional orders to the Exchange. The Exchange believes that the proposed changes would incentivize market participants to direct their orders to the Exchange. Greater overall order flow, trading opportunities, and pricing transparency benefit all market participants on the Exchange by enhancing market quality and continuing to encourage ETP Holders to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. As noted above, the Exchange currently has less than 1% market share of executed volume of equities trading. In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar order types and comparable transaction pricing, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [20] of the Act and subparagraph (f)(2) of Rule 19b–4 [21] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [22] of the Act to determine whether the proposed rule

[18] 15 U.S.C. 78f(b)(8).

[19] *See* Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(2).

[22] 15 U.S.C. 78s(b)(2)(B).

change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEAMER–2021–54 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2021–54. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2021–54 and should be submitted on or before February 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00979 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No 270–488, OMB Control No. 3235–0542]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 605 of Regulation NMS

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 605 (17 CFR 242.605) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

Rule 605 of Regulation NMS,[1] formerly known as, Rule 11Ac1–5, requires market centers to make available to the public monthly order execution reports in electronic form. The Commission believes that many market centers retain most, if not all, of the underlying raw data necessary to generate these reports in electronic format. Once the necessary data is collected, market centers could either program their systems to generate the statistics and reports, or transfer the data to a service provider (such as an independent company in the business of preparing such reports or a self-regulatory organization) that would generate the statistics and reports.

The collection of information obligations of Rule 605 apply to all market centers that receive covered orders in national market system securities. The Commission estimates that approximately 319 market centers are subject to the collection of information obligations of Rule 605. Each of these respondents is required to respond to the collection of information on a monthly basis.

The Commission staff estimates that, on average, Rule 605 causes each respondent to spend 6 hours per month to collect the data necessary to generate the reports, or 72 hours per year. With an estimated 319 market centers subject to Rule 605, the total data collection time burden to comply with the monthly reporting requirement is estimated to be 22,968 hours per year.

Based on discussions with industry sources, the Commission staff estimates that an individual market center could retain a service provider to prepare a monthly report using the data collected for approximately $2,978 per month or $35,736 per year. This per-respondent estimate is based on the rate that a market center could expect to obtain if it negotiated on an individual basis. Based on the $2,978 estimate, the monthly cost to all 319 market centers to retain service providers to prepare reports would be approximately $949,982, and the total annual cost for all 319 market centers would be approximately $11,399,784.

The collection of information obligation imposed by Rule 605 is mandatory. The response will be available to the public and will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

[23] 17 CFR 200.30–3(a)(12).

[1] Regulation NMS, adopted by the Commission in June 2005, redesignated the national market system rules previously adopted under Section 11A of the Exchange Act. Rule 11Ac1–5 under the Exchange Act was redesignated Rule 605 of Regulation NMS. *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005). In 2018, Commission amended Rule 605(a)(2) to require market centers to keep reports required pursuant to Rule 605(a)(1) posted on an internet website that is free of charge and readily accessible to the public for a period of three years from the initial date of posting on the internet website. *See* Securities Exchange Act Release No. 84528 (November 2, 2018), 83 FR 58338 (November 19, 2018).

Dated: January 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01050 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93975; File No. SR–C2–2022–001]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

January 13, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 4, 2022, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to clarify that the transaction fee table generally applicable to incoming/auctioned orders executed within the Complex Order Auction (''COA'') against auction responses does not apply to such orders in DJX. In particular, the Fee Schedule currently provides for a separate rate table applicable to all executions in DJX only. As such, the general COA transaction fee table does not apply to DJX orders. When the Exchange adopted the DJX pricing table, it inadvertently omitted adding DJX to the list of excepted products for the rates provided in COA transaction fee table.[3] The Exchange notes that, for the same reason (*i.e.,* that the Fee Schedule provides for a separate DJX pricing table), it is currently explicit in the Fee Schedule that the standard transaction fee table generally applicable to simple, non-complex orders also does not apply to such orders in DJX.[4]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[5] in general, and furthers the objectives of Section 6(b)(4),[6] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed change is reasonable, equitable and not unfairly discriminatory as it does not change the fees or rebates assessed by the Exchange, but rather updates the Fee Schedule to clarify that the COA transaction fee table does not apply to executions in DJX as there is a separate pricing table applicable to all executions in DJX only. The proposed rule change is merely a clarification in the Fee Schedule designed to reduce any potential confusion regarding the rate table that applies to executions in DJX. As stated above, for the same reason (*i.e.,* that the Fee Schedule provides for a separate DJX pricing table), it is currently explicit in the Fee Schedule that the standard transaction fee table generally applicable to simple, non-complex orders also does not apply to such orders in DJX.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change merely provides a clarification in Fee Schedule that is designed to reduce any potential confusion regarding the rate table that applies to executions in DJX without having any impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[8] of the Act and subparagraph (f)(2) of Rule 19b–4[9] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Release No. 85855 (May 14, 2019) 84 FR 22916 (May 20, 2019) (SR–C2–2019–010).

[4] *See* Securities Exchange Release No. 89828 (September 11, 2020), 85 FR 58078 (September 17, 2020) (SR–C2–2020–013).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [10] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–C2–2022–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2022–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2022–001 and should be submitted on or before February 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00981 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(2)(B).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93979; File No. SR–PEARL–2022–01]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Equities Fee Schedule

January 14, 2022.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 4, 2022, MIAX PEARL, LLC (''MIAX Pearl'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the fee schedule (the ''Fee Schedule'') applicable to MIAX Pearl Equities, an equities trading facility of the Exchange.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl,* at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Fee Schedule to (i) adopt new Add and Remove Volume Tiers for executions of orders in securities priced at or above $1.00 that add or remove liquidity from the Exchange; (ii) reduce the Adding Liquidity Displayed Order rebate; (iii) reduce the Adding Liquidity Non-Displayed Order rebate; (iv) increase the Removing Liquidity fee; (v) update Liquidity Indicator Codes and Associated Fees table; (vi) adopt new definitions in the Definitions section; and (vii) adopt new provisions in the General Notes section.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange currently has more than approximately 18% of the total market share of executed volume of equities trading.[4]

Add Volume Tiers

The Exchange is proposing to introduce a tiered pricing structure applicable to the rebates applied for volume added to the Exchange. Specifically, the Exchange proposes to adopt a new volume-based tier structure, referred to as the Add Volume Tiers, in which the Exchange will provide an enhanced rebate for executions of Added Displayed Volume for Equity Members [5] (''Members'') that meet the specified volume thresholds on the Exchange, as described below.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Market share percentage calculated as of December 22, 2021. The Exchange receives and processes data made available through consolidated data feeds.

[5] The term ''Equity Member'' is a Member authorized by the Exchange to transact business on MIAX Pearl Equities. *See* Exchange Rule 1901.

The Exchange proposes to adopt three Add Volume Tiers (Tier 1, Tier 2, and Tier 3) in which it will provide an enhanced rebate per tier. A Member would qualify for an enhanced rebate under Tier 1 by achieving an ADAV[6] of at least 0.07% of the TCV.[7] Members that qualify for Tier 1 would receive an enhanced rebate of $0.0032 per share for executions of Added Displayed Volume for executions of orders in securities priced at or above $1.00 per share across all Tapes. A Member would qualify for an enhanced rebate under Tier 2 by achieving an ADAV of at least 0.10% of the TCV. Members that qualify for Tier 2 would receive an enhanced rebate of $0.0035 per share for executions of Added Displayed Volume for executions of orders in securities priced at or above $1.00 per share across all Tapes. A Member would qualify for an enhanced rebate under Tier 3 by achieving an ADAV of at least 0.20% of the TCV. Members that qualify for Tier 3 would receive an enhanced rebate of $0.0036 per share for executions of Added Displayed Volume for executions of orders in securities priced at or above $1.00 per share across all Tapes.

The Exchange believes that basing the qualifications for the Add Volume Tiers on an ADAV threshold that is a percentage of the TCV is appropriate so that the threshold is variable based on overall volumes in the equities industry, which fluctuate month to month.

The proposed Add Volume Tier 1 is designed to encourage Members to maintain or increase their orders that add liquidity on the Exchange in order to qualify for an enhanced rebate for executions of Added Displayed Volume, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. Further, the proposed new Add Volume Tier 1 would provide Members with a higher enhanced rebate ($0.0032) over the new proposed standard rebate of ($0.0029), as further described below, for satisfying more stringent criteria.

The proposed Add Volume Tier 2 is designed to encourage Members to maintain or increase their orders that add liquidity on the Exchange in order to qualify for an enhanced rebate for executions of Added Displayed Volume, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. Further, the proposed new Add Volume Tier 2 would provide Members with a higher enhanced rebate ($0.0035) over Add Volume Tier 1 ($0.0032), for satisfying increasingly more stringent criteria.

The proposed Add Volume Tier 3 is designed to encourage Members to maintain or increase their orders that add liquidity on the Exchange in order to qualify for an enhanced rebate for executions of Added Displayed Volume, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. Further, the proposed new Add Volume Tier 3 would provide Members with a higher enhanced rebate ($0.0036) over Add Volume Tier 2 ($0.0035), for satisfying increasingly more stringent criteria.

For the purposes of calculating ADAV the Exchange proposes to exclude from the calculation: (1) Any Exchange System Disruption Days; (2) any day with a scheduled early market close; and (3) the Russell Reconstitution day, which typically occurs on the last Friday in June. The Exchange believes that the Exchange system disruptions could preclude Members from participating on the Exchange to the extent that they might have otherwise participated on such days, and thus, the Exchange believes it is appropriate to exclude such days when determining whether a Member qualifies for an Add Volume Tier to avoid penalizing Members that might otherwise have met the applicable volume threshold. Additionally, the Exchange believes that scheduled early market closes, which typically are the day before, or the day after, a holiday, may preclude some Members from submitting orders to the Exchange at the same level that they might otherwise. For similar reasons, the Exchange believes it is appropriate to exclude the Russell Reconstitution Day, as the Exchange believes the change to normal trading activity as a result of the Russell Reconstitution may skew the calculation of ADAV and TCV. The Exchange also proposes to specify that routed shares are not included in the calculation of ADAV.[8]

The Exchange will continue to provide a rebate of 0.05% of the total dollar value of the transaction for executions of orders that add liquidity to the Exchange in securities priced below $1.00 per share. Thus, as under the Exchange's current pricing, the same rebate would be applied to all Members for executions of orders that add liquidity on the Exchange in securities priced below $1.00 per share.

The Exchange notes that the rebates provided for executions of Added Displayed Volume under the Add Volume Tiers ($0.0032 in Tier 1; $0.0035 in Tier 2; and $0.0036 in Tier 3), are comparable to, and competitive with, the rebates for executions of liquidity adding displayed orders provided by at least one other exchange under similar volume-based tiers.[9]

The Exchange believes that the proposed tiered pricing structure provides an incentive for Members to strive for higher ADAV on the Exchange to receive the proposed enhanced rebate for executions of Added Displayed Volume. As such, the proposed Add Volume Tiers are designed to encourage Members that provide liquidity on the Exchange to maintain or increase their order flow, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue.

Reduced Standard Rebate for Added Displayed Volume

The Exchange proposes to reduce the standard rebate for executions of Added Displayed Volume. Currently, the Exchange provides a standard rebate of $0.0032 per share for executions of Added Displayed Volume in Tapes A and C, and $0.0035 per share for executions of Added Displayed Volume in Tape B. The Exchange now proposes to reduce the standard rebate for

[6] As proposed, the term ''ADAV'' means daily added volume [sic] calculated as the number of shares added per day and ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day. ADAV and ADV are calculated on a monthly basis. The Exchange excludes from its calculation of ADAV and ADV shares added or removed on any day that the Exchange's system experiences a disruptions that lasts for more than 60 minutes during regular trading hours (''Exchange System Disruption''), on any day with a scheduled early market close, and on the ''Russell Reconstitution Day'' (typically the last Friday in June). Routed shares are not included in the ADAV or ADV calculation.

[7] As proposed, the term ''TCV'' means total consolidated volume calculated as the volume in shares reported by all exchanges and reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. The Exchange excludes from its calculation of TCV volume on any given day that the Exchange's system experiences a disruption that lasts for more than 60 minutes during Regular Trading Hours. On [sic] any day with a scheduled early market close, and on the ''Russell Reconstitution Day'' (typically the last Friday in June).

[8] The Exchange notes that excluding routed shares from the calculations of ADAV and ADV is also consistent with the practice of other exchanges when calculating ADAV and ADV. *See, e.g.,* the Cboe BZX equities trading fee schedule on its public website (available at *https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/*).

[9] *See* MEMX, LLC (''MEMX'') equities trading fee schedule on its public website (available at *https://info.memxtrading.com/fee-schedule/*) which reflects rebates provided under ''Liquidity Provision Tiers'' = tiers based on a member achieving certain ADAV thresholds ranging from $0.0031 to $0.00335 [sic] per share for adding displayed liquidity to the MEMX exchange.

executions of Added Displayed Volume to $0.0029 per share for all Tapes.[10] The Exchange notes that executions of orders in securities priced below $1.00 per share that add displayed liquidity to the Exchange will continue to receive the standard rebate applicable to such executions (*i.e.,* 0.05% of the total dollar value of the transaction).

The purpose of reducing the standard rebate for executions of Added Displayed Volume is for business and competitive reasons, as the Exchange believes the reduction of such rebate would decrease the Exchange's expenditures with respect to transaction pricing and would also offset some of the costs associated with the proposed enhanced rebates for executions for Members that qualify for an Add Volume Tier, in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange notes that despite the modest reduction proposed herein, the proposed standard rebate for execution of Added Displayed Volume (*i.e.,* $0.0029 per share) remains higher than, and competitive with, the standard rebates provided by other exchanges for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity.[11]

The Exchange proposes to reduce the standard rebate to $0.0021 per share for executions of Added Non-Displayed Volume. Currently, the Exchange provides a standard rebate of $0.0025 per share for executions of non-displayed orders in securities priced at or above $1.00 per share that add liquidity to the Exchange. The Exchange notes that executions of orders in securities priced below $1.00 per share that add non-displayed liquidity to the Exchange will continue to receive the standard rebate applicable to such executions (*i.e.,* 0.05% of the total dollar value of the transaction).

The purpose of reducing the standard rebate for executions of Added Non-Displayed Volume is for business and competitive reasons, as the Exchange believes the reduction of such rebate would decrease the Exchange's expenditures with respect to transaction pricing and would also offset some of the costs associated with the proposed enhanced rebates for executions for Members that qualify for an Add Volume Tier, in a manner that is still consistent with the Exchange's overall pricing philosophy of encouraging added displayed liquidity. The Exchange notes that despite the modest reduction proposed herein, the proposed standard rebate for execution of Added Non-Displayed Volume (*i.e.,* $0.0021 per share) remains higher than, and competitive with, the standard rebates provided by other exchanges for executions of orders in securities priced at or above $1.00 per share that add displayed liquidity.[12]

Remove Volume Tiers

The Exchange is proposing to introduce a tiered pricing structure applicable to the fees charged for executions of Removed Volume on the Exchange. Specifically, the Exchange proposes to adopt a new volume-based tier structure, referred to as the Remove Volume Tiers, in which the Exchange will charge a fee that is lower than the standard fee for executions of Removed Volume for Members that meet the specified volume thresholds on the Exchange, as described below.

Currently, the Exchange charges a standard fee of $0.0025 per share for all executions of Removed Volume, which the Exchange is proposing to increase to $0.0029, as further described below. The Exchange now proposes to adopt two new Remove Volume Tiers in which it will charge a lower fee of $0.0027 per share for executions of Removed Volume for Members that qualify for Tier 1 by achieving an ADV [13] that is equal to or greater than 0.10% of TCV; and a lower fee of $0.00265 per share for Members that qualify for Tier 2 by achieving an ADV that is equal to or greater than 0.15% of TCV. As proposed, the ADV will be calculated on a monthly basis, and Members that qualify for the Remove Volume Tier discount by achieving one of the thresholds specified above in a particular month will be charged the proposed lower fee according to the threshold tier achieved instead of the standard fee of $0.0029 per share, for all executions of Removed Volume in that month.

The Exchange will continue to charge Members a fee of 0.05% of the total dollar value of the transaction for executions of orders that remove liquidity from the Exchange in securities priced below $1.00 per share. Thus, as under the Exchange's current pricing, the same fee would be applied to all Members for executions of orders that remove liquidity from the Exchange in securities priced below $1.00 per share.

For the purposes of calculating ADV the Exchange proposes to exclude from the calculation: (1) Any Exchange System Disruption Days; (2) any day with a scheduled early market close; and (3) the Russell Reconstitution day, which typically occurs on the last Friday in June. The Exchange believes that Exchange system disruptions could preclude Members from participating on the Exchange to the extent that they might have otherwise participated on such days, and thus, the Exchange believes it is appropriate to exclude such days when determining whether a Members qualifies for a Remove Volume Tier to avoid penalizing Members that might otherwise have met the applicable volume threshold. For similar reasons, the Exchange believes it is appropriate to exclude days with a scheduled early market close, which are typically the day before, or the day after, a holiday, as the early market close may preclude some Members from submitting orders to the Exchange at the same level that they might otherwise. Additionally, the Exchange believes excluding the Russell Reconstitution day is appropriate as the change to normal trading activity as a result of the Russell Reconstitution may skew the calculation of ADV and TCV. The Exchange also proposes to specify that routed shares are not included in the calculation of ADV.[14]

The Exchange believes that the proposed Remove Volume Tier provides an incentive for Members to strive for higher ADV on the Exchange in order to qualify for the proposed lower fee for executions of Removed Volume. As such, the proposed Remove Volume Tier is designed to encourage Members to maintain or increase their order flow directed to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. The Exchange notes that

[10] The standard pricing for executions of Added Displayed Volume is referred to by the Exchange on its Fee Schedule in section (1)(a) Standard Rates.

[11] *See e.g.,* the Nasdaq PSX equities trading fee schedule on its public website (available at *http://www.nasdaqtrader.com/Trader.aspx?id=PSX_Pricing*), which reflects a standard rebate of $0.0020 per share to add displayed liquidity in securities priced at or above $1.00 per share; *see also* the NYSE ARCA equities trading fee schedule on its public website (available at *https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf*), which reflects a standard rebate of $0.0020 per share to add displayed liquidity in securities priced at or above $1.00 per share.

[12] *See e.g.,* the Nasdaq PSX equities trading fee schedule on its public website (available at *http://www.nasdaqtrader.com/Trader.aspx?id=PSX_Pricing*), which reflects a standard rebate of $0.0015 per share to add non-displayed liquidity in securities priced at or above $1.00 per share; *see also* the Cboe BZX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*), which reflects a standard rebate of $0.0010 per share to add non-displayed liquidity in securities priced at or above $1.00 per share.

[13] *See supra* note 6.

[14] *See supra* note 8.

the proposed lower fees for executions of Remove Volume applicable to Members that qualify for one of the Remove Volume Tiers (*i.e.,* $0.0027 or $0.00265) is comparable to, and competitive with, the fees charged for executions of liquidity-removing orders charged by at least one other exchange under similar volume-based tiers.[15]

Increase Standard Fee for Removed Volume

In connection with the proposed adoption of the Remove Volume Tiers, the Exchange also proposes to increase the standard fee charged for executions of Removed Volume. Currently, the Exchange charges a standard fee of $0.0025 per share for executions of Removed Volume. The Exchange now proposes to increase the standard fee charged for executions of Removed Volume to $0.0029 per share.[16]

The purpose of increasing the standard fee for executions of Removed Volume is for business and competitive reasons, as the Exchange believes that increasing such fee as proposed would generate additional revenue to offset some of the costs associated with the Exchange's proposed pricing structure, which provides various rebates for liquidity-adding orders and discounted fees for liquidity-removing orders, and the Exchange's operations generally, in a manner that is consistent with the Exchange's overall pricing philosophy of encouraging added liquidity. The Exchange notes that despite the modest increase proposed herein, the Exchange's proposed standard fee for executions of Removed Volume ($0.0029) remains competitive with the standard fee to remove liquidity in securities priced at or above $1.00 per share charged by other equity exchanges.[17]

Liquidity Indicator Codes and Associated Fees Table Conforming Changes

In conjunction with the Exchange's proposal to (i) reduce the rebate for Displayed Orders that Add Liquidity from $0.0032 for Tapes A and C, and $0.0035 for Tape B, to $0.0029 for all tapes; (ii) reduce the rebate for Non-Displayed Orders that Add Liquidity from $0.0025 to $0.0021; and (iii) increase the fee for Removing Liquidity from $0.0025 to $0.0029, the Exchange now proposes to update the Liquidity Indicator Codes and Associated Fees table to reflect the aforementioned changes. The Exchange proposes to update the liquidity indicator codes as follows:

- Liquidity indicator code AA, Adds Liquidity, Displayed Order (Tape A). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code AA would receive a rebate of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code AB, Adds Liquidity, Displayed Order (Tape B). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code AB would receive a rebate of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code AC, Adds Liquidity, Displayed Order (Tape C). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code AC would receive a rebate of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code Aa, Adds Liquidity, Non-Displayed Order (Tape A). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code Aa would receive a rebate of $0.0021 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code Ab, Adds Liquidity, Non-Displayed Order (Tape B). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code Ab would receive a rebate of $0.0021 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code Ac, Adds Liquidity, Non-Displayed Order (Tape C). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code Ac would receive a rebate of $0.0021 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code Ar, Retail Order, Adds Liquidity, Non-Displayed Order (All Tapes). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code Ar would receive a rebate of $0.0021 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code RA, Removes Liquidity, Displayed Order (Tape A). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code RA would be subject to a fee of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code RB, Removes Liquidity, Displayed Order (Tape B). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code RB would be subject to a fee of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code RC, Removes Liquidity, Displayed Order (Tape C). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code RC would be subject to a fee of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code RR, Retail Order, Removes Liquidity, Displayed Order (All Tapes). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code RR would be subject to a fee of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.
- Liquidity indicator code Ra, Removes Liquidity, Non-Displayed Order (Tape A). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code Ra would be subject to a fee of $0.0029 per share in securities

[15] *See* the Cboe EDGX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*) which reflects fees charged under ''Remove Volume Tiers''—tiers based on a member achieving certain step-up ADAV and ADV volume thresholds of $0.00275 per share for removing volume from the Cboe EDGX exchange.

[16] The proposed pricing is referred to by the Exchange on the Fee Schedule under the existing description ''Removing Liquidity'' in Section (1)(a) Standard Rates.

[17] *See e.g.,* the Cboe BZX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*) which reflects a standard fee of $0.0030 per share to remove liquidity in securities priced at or above $1.00 per share; and the Cboe EDGX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*) which reflects a standard fee of $0.0030 per share to remove liquidity in securities priced at or above $1.00.

priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.

• Liquidity indicator code Rb, Removes Liquidity, Non-Displayed Order (Tape B). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code Rb would be subject to a fee of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.

• Liquidity indicator code Rc, Removes Liquidity, Non-Displayed Order (Tape C). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code Rc would be subject to a fee of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.

• Liquidity indicator code Rr, Retail Order, Removes Liquidity, Non-Displayed Order (All Tapes). The Liquidity Indicator Code and Associated Fees table would specify that orders that yield liquidity indicator code Rr would be subject to a fee of $0.0029 per share in securities priced at or above $1.00 and 0.05% of the transaction's dollar value in securities priced below $1.00.

Definitions

The Exchange proposes to add definitions of the terms ADAV, ADV, and TCV which are consistent with the definitions of those terms above to the ''Definitions'' section of the Fee Schedule in connection with the proposed Add and Remove Volume Tiers. The Exchange notes that the proposed definitions of ADAV, ADV, and TCV are substantially similar to the definitions of those terms used by at least one other exchange on its fee schedule in connection with similar volume-based pricing tiers.[18]

Allow Members To Aggregate Volume for Pricing Tiers

The Exchange proposes to include a provision in its definition of ADAV and ADV to allow affiliated Members to aggregate their volume for purposes of the Exchange's determination of ADAV and ADV with respect to pricing tiers if such Members provide prior notice to the Exchange. Specifically, to the extent that two or more affiliated companies maintain separate memberships with the Exchange and can demonstrate their affiliation by showing they control, are controlled by, or are under common control with each other, the Exchange would permit such Members to count aggregate volume of such affiliates in calculating ADAV and ADV. As proposed, the Exchange will verify such affiliation using a Member's Form BD, which lists control affiliates. The purposes of this proposed change is to avoid disparate treatment of firms that have divided business activities between separate corporate entities as compared to firms that operate those business activities within a single corporate entity, as allowing affiliated Member firms to count their aggregate volume in calculating ADAV and ADV would produce the same result for purposes of the Exchange's volume-based tier pricing as if such affiliated Member firms were instead organized as a single corporate entity. The Exchange notes that this proposed change is consistent with the practice of at least one other exchange with respect to the aggregation of affiliated member firms' volume for purposes of ADAV and ADV calculations with respect to pricing tiers.[19]

General Notes

The Exchange proposes to adopt two new provisions to the ''General Notes'' section of its fee schedule. The Exchange proposes to add a provision that states that, to the extent a Pearl Equity Member does not qualify for any tiers contained herein, the rates listed in the ''Liquidity Indicator Codes and Associated Fees'' table shall apply. Additionally, the Exchange proposes to add a provision that states that, to the extent a Pearl Equity Member qualifies for higher rebates and/or lower fees than those provided by a tier for which such Member qualifies, the higher rebates and/or lower fees shall apply. These provisions are intended to provide additional clarity regarding the operation of the Fee Schedule.

Implementation

The Exchange proposes to implement the changes to the Fee Schedule pursuant to this proposal on January 3, 2022.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[20] in general, and furthers the objectives of Section 6(b)(4) of the Act[21] in particular, in that it is an equitable allocation of reasonable fees and other charges among its Equity Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5)[22] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange operates in a highly fragmented and competitive market in which market participants can readily direct their order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of sixteen registered equities exchanges, and there are a number of alternative trading systems and other off-exchange venues, to which market participants may direct their order flow. Based on publicly available information, no single registered equities exchange currently has more than approximately 18% of the total market share of executed volume of equities trading.[23] Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow, and the Exchange currently represents less than 1% of the overall market share. The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and also recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.''[24]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow or discontinue to

[18] *See e.g.,* the Cboe EDGX Exchange, Inc. (''Cboe EDGX'') equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*).

[19] *Id.*

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(4).

[22] 15 U.S.C 78f(b)(5).

[23] *See supra* note 4.

[24] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37499 (June 29, 2005).

reduce use of certain categories of products, in response to new or different pricing structures being introduced into the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates, and market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable. The Exchange believes the proposal reflects a reasonable and competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance liquidity and market quality to the benefit of all Members and market participants.

Add Volume Tier

The Exchange believes that the proposed Add Volume Tier is reasonable because it would provide Members with an additional incentive to achieve certain volume thresholds on the Exchange. The Exchange notes that volume-based incentives and discounts have been widely adopted by exchanges,[25] and are reasonable, equitable, and not unfairly discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and the introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes the proposed Add Volume Tiers are equitable and not unfairly discriminatory for these same reasons, as they are available to all Members and are designed to encourage Members to maintain or increase their orders that add liquidity on the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. Moreover, the Exchange believes the proposed Add Volume Tiers are a reasonable means to incentivize such increased activity, as it provides Members with additional opportunities to qualify for an enhanced rebate for executions of Added Displayed Volume.

Additionally, the Exchange believes that the proposed enhanced rebate for executions of Added Displayed Volume under Add Volume Tier 1 (*i.e.,* $0.0032 per share) is reasonable, in that it represents only a modest increase from the proposed standard rebate for such executions (*i.e.,* of $0.0029 per share). Thus, the Exchange believes that it is reasonable, consistent with an equitable allocation of fees, and not unfairly discriminatory to provide an enhanced rebate for executions of Added Displayed Volume to Members that qualify for Tier 1 in comparison with the standard rebate for such executions in recognition of the benefits that such Members provide to the Exchange and market participants, as described above, particularly as the magnitude of the enhanced rebate is not unreasonably high and is, instead, reasonably related to the enhanced market quality it is designed to achieve.

The Exchange believes the proposed change for the required criteria for Add Volume Tier 1 as an ADAV of at least 0.07% of TCV is reasonable because, as noted above, the Exchange believes that basing qualification for the Add Volume Tiers on an ADAV threshold that is a percentage of the TCV, rather than an ADAV threshold that is a specified number of shares, is appropriate so that the threshold is variable based on overall volumes in the equities industry, which fluctuate from month to month.

The Exchange believes the proposed change for the required criteria for Add Volume Tier 2 as an ADAV of at least 0.10% of TCV is reasonable because, as noted above, the Exchange believes that basing qualification for the Add Volume Tiers on an ADAV threshold that is a percentage of the TCV, rather than an ADAV threshold that is a specified number of shares, is appropriate so that the threshold is variable based on overall volumes in the equities industry, which fluctuate from month to month.

The Exchange believes the proposed change for the required criteria for Add Volume Tier 3 as an ADAV of at least 0.20% of TCV is reasonable because, as noted above, the Exchange believes that basing qualification for the Add Volume Tiers on an ADAV threshold that is a percentage of the TCV, rather than an ADAV threshold that is a specified number of shares, is appropriate so that the threshold is variable based on overall volumes in the equities industry, which fluctuate from month to month.

The Exchange further believes the proposed new criteria is equitable and non-discriminatory because all Members will continue to be eligible to qualify for Add Volume Tier 3 and have the opportunity to receive the corresponding enhanced rebate if such criteria is achieved. The Exchange notes that should a Member not meet the proposed new criteria for Add Volume Tier 3, such member would merely not receive that corresponding enhanced rebate, and such Member would still have an opportunity to qualify for an enhanced rebate, although slightly lower than Tier 3, for executions of Added Volume under the proposed Add Volume Tier 2, which has slightly less stringent criteria than Add Volume Tier 3, as described above. Members that do not meet the proposed new criteria for Add Volume 2 would still have an opportunity to qualify for an enhanced rebate, although slightly lower than Add Volume Tier 2, for executions of Added Volume under the proposed Add Volume Tier 1, which has slightly less stringent criteria than Add Volume Tier 2, as described above.

The Exchange further believes that the proposed new criteria for Add Volume Tier 1, Add Volume Tier 2, and Add Volume Tier 3, are reasonable, in that the proposed new criteria for Add Volume Tier 2 is incrementally more difficult to achieve than that of Add Volume Tier 1, and the proposed new criteria for Add Volume Tier 3 is incrementally more difficult to achieve than Add Volume Tier 2 thus, Add Volume Tier 3 appropriately offers the highest rebate commensurate with the corresponding highest volume threshold. Similarly, the Exchange believes that the proposed new criteria for Add Volume Tier 2 is incrementally more difficult to achieve than that for Add Volume Tier 1, and thus Add Volume Tier 2 appropriately offers a higher rebate commensurate with the higher volume threshold. Therefore, the Exchange believes the Add Volume Tiers, as proposed, are consistent with an equitable allocation of fees and rebates, as the more stringent criteria correlates with the corresponding tier's higher rebate. The Exchange further believes that the rebates provided under the Add Volume Tiers, as proposed, (*i.e.,* $0.0032 for Tier 1; $0.0035 for Tier 2; and $0.0036 for Tier 3) are reasonable, consistent with an equitable allocation of fees, and not unfairly discriminatory to pay such higher rebates for executions of Added Displayed Volume to Members that qualify for an Add Volume Tier in comparison with the standard rebate in recognition of the benefits to the Exchange and market participants described above, particularly as the magnitude of the enhanced rebate is not unreasonably high and is, instead, reasonably related to the enhanced

[25] *See* Cboe EDGX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*); Cboe BZX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*); and MEMX equities trading fee schedule on its public website (available at *https://info.memxtrading.com/fee-schedule/*).

market quality it is designed to achieve. Additionally, the Exchange believes the proposed rebates are reasonable as such rebates are comparable to, and competitive with, the rebates for executions of liquidity-adding displayed orders provided by at least one other exchange under similar volume-based tiers.[26]

Additionally, the Exchange believes that excluding Exchange System Disruption Days, any day with a scheduled early market close, and the Russell Reconstitution Day when determining whether a Member qualifies for the proposed Add Volume Tier during a month is reasonable, equitable, and non-discriminatory because, as explained above, the Exchange believes doing so would help to avoid penalizing Members that might otherwise have met the requirements to qualify for the proposed Add Volume Tier due to Exchange system disruptions, reduced trading hours, and/or abnormal market conditions. The Exchange notes that the exclusion of the Exchange System Disruption Days, any day with a scheduled early market close, and the Russell Reconstitution Day is consistent with the methodology used by at least one other exchange when calculating certain member trading and other volume metrics for purposes of determining whether members qualify for certain pricing incentives, including calculations of ADAV for Volume Tiers specifically.[27]

Reduce Standard Rebate for Added Displayed and Non-Displayed Volume

The Exchange believes that the proposed reduced standard rebate for executions of Added Displayed Volume ($0.0029 per share) and Added Non-Displayed Volume ($0.0021 per share) is reasonable and appropriate because it represents a modest decrease from the current standard rebate for executions of Added Displayed Volume and Added Non-Displayed Volume, and remains competitive with the standard rebates provided by at least one other exchange for orders in securities priced at or above $1.00 per share that add liquidity.[28] The Exchange further believes that the proposed reduced standard rebate for executions of Added Displayed Volume and Added Non-Displayed Volume are equitably allocated and not unfairly discriminatory because each will apply equally to all Members.

Remove Volume Tier

The Exchange believes that the proposed Remove Volume Tier is reasonable because it would provide Members with an additional incentive to achieve certain volume thresholds on the Exchange. Volume-based incentives and discounts have been widely adopted by exchanges,[29] and are reasonable, equitable, and not unfairly discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and the introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes the proposed Remove Volume Tier is equitable and not unfairly discriminatory for these same reasons, as it is open to all Members and is designed to encourage Members to maintain or increase their order flow directed to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue. Moreover, the Exchange believes the proposed Remove Volume Tier is a reasonable means to incentivize such increased activity, as it provides two different thresholds that a Member may achieve by increasing their ADV to an amount equal to or greater than the specified TCV threshold.

Additionally, the Exchange believes the proposed lower fee for executions of Removed Volume for a qualifying Member (*i.e.,* $0.0027 and $0.00265 dependent upon the Tier) is reasonable, in that it represents only a modest decrease from the proposed standard fee for such executions (*i.e.,* $0.0029 per share). The Exchange believes that it is reasonable, consistent with an equitable allocation of fees, and not unfairly discriminatory to charge such lower fees for executions of Removed Volume to Members that qualify for the Remove Volume Tier in comparison with the standard fee in recognition of the benefits that such Members provide to the Exchange and market participants, as described above, particularly as the magnitude of the lower fee is not unreasonably high and is, instead, reasonably related to the enhanced market quality it is designed to achieve. Further, as noted above, competing exchanges offer tiered pricing structures similar to the proposed Remove Volume Tier, including schedules of rebates and fees that apply based upon Members achieving certain volume thresholds, and the Exchange believes the proposed Remove Volume Tier's criteria are reasonable when compared to such tiers provided for by other exchanges. For example, Cboe EDGX charges lower fees for removing volume from the Cboe EDGX exchange under its ''Remove Volume Tiers'' at $0.00275 per share, compared to its standard fee of $0.0030 per share, but requires different, but similar, criteria than the Exchange's proposed Remove Volume Tier, which are also based upon a Member's volume.[30]

The Exchange further believes the proposed Remove Volume Tier is fair, equitable and not unfairly discriminatory because it is available to all Members. Further, the proposed Remove Volume Tier is comparable to the fees charged for executions of liquidity-removing orders charged by Cboe EDGX under similar volume based tiers.[31]

The Exchange believes that adding the proposed definitions for the terms, ADAV, ADV, and TCV, is reasonable, equitable, and non-discriminatory because such definitions are substantially similar to the definitions of such terms used by other exchanges in connection with similar volume-based pricing tiers, as described above,[32] and their placement on the Fee Schedule is designed to ensure that the Fee Schedule is as clear and understandable as possible with respect to applicable pricing. Similarly, the Exchange believes that specifying that routed shares are not included in the calculation of ADAV or ADV and that Exchange System Disruptions, any day with a scheduled early market close, and the Russell Reconstitution Day are excluded from the calculation of ADAV, ADV, and TCV is reasonable, equitable, and non-discriminatory as this further clarifies the Exchange's calculation practices with respect to its volume-based pricing tiers, and such practices

[26] *See* the Cboe BZX Exchange, Inc. (''Cboe BZX'') equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*) which reflects rebates provided under ''Add Volume Tiers''—tiers based on a member achieving certain ADAV thresholds—ranging from $0.0020 to $0.0031 per share for adding displayed liquidity to the Cboe BZX exchange.

[27] *See e.g.,* Cboe BZX equities trading fee schedule on its public website available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*).

[28] *See* MEMX Exchange equities trading fee schedule on its public website (available at *https://info.memxtrading.com/fee-schedule/*) which reflects a rebate of $0.0028 for Added Displayed Volume and a rebate of $0.0020 for Added Non Displayed Volume.

[29] *See supra* note 25.

[30] *See* Cboe EDGX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*).

[31] *Id.*

[32] *Id.*

are consistent with those of at least one other exchange in this regard.[33]

Increased Standard Fee for Removed Volume

The Exchange believes that the proposed change to increase the standard fee for executions of Removed Volume is reasonable, equitable, and consistent with the Act because such a change is designed to generate additional revenue and decrease the Exchange's expenditures with respect to transaction pricing in order to offset some of the costs associated with the various rebates provided by the Exchange for liquidity-adding orders and the Exchange's operations generally, in a manner that is consistent with the Exchange's overall pricing philosophy of encouraging added liquidity, as described above. The Exchange also believes the proposed increased standard fee for executions of Removed Volume is reasonable and appropriate because it represents a modest increase from the current standard fee and, as noted above, remains lower than, and competitive with, the standard fee charged by several other exchanges to remove liquidity in securities priced at or above $1.00 per share.[34] The Exchange further believes that the proposed increased standard fee for executions of Removed Volume is equitably allocated and not unfairly discriminatory because it will apply to all Members.

Allow Members To Aggregate Volume for Pricing Tiers

As noted above, the proposed language permitting aggregation of volume amongst affiliated Members for purposes of the ADAV and ADV calculations is intended to avoid disparate treatment of firms that divided their various business activities between separate corporate entities as compared to firms that operate those business activities within a single corporate entity, as allowing affiliated Member firms to count their aggregate volume in calculating ADAV and ADV would produce the same result for purposes of the Exchange's volume-based tier pricing as if such affiliated Member firms were instead organized as a single corporate entity. By way of example, subject to appropriate information barriers, many firms that are Members of the Exchange operate both a market making desk and a public customer business within the same corporate entity. In contrast, other firms may be part of a corporate structure that separates those business lines into different corporate affiliates, either for business, compliance or historical reasons. Those corporate affiliates, in turn, are required to maintain separate memberships with the Exchange. Absent the proposed policy, such corporate affiliates would not receive the same treatment as firms operating similar business lines within a single entity that is a Member of the Exchange. Accordingly, the Exchange believes that its proposed policy is fair and equitable, and not unreasonably discriminatory. In addition to ensuring fair and equal treatment of its Members, the Exchange does not want to create incentives for its Members to restructure their business operations or compliance functions simply due to the Exchange's pricing structure. Moreover, as noted above, this proposed policy is consistent with the practice of other exchanges with respect to the aggregation of affiliated Members' volume for purposes of determining ADAV and ADV with respect to pricing tiers.[35]

Conforming Changes to Liquidity Indicator Codes

The Exchange believes its proposal to decrease the rebate provided for Displayed Orders that add liquidity in securities priced at or above $1.00 from $0.0032 in Tapes A and C, and $0.0035 in Tape B, to $0.0029 per share is reasonable and equitably allocated among all Members of the Exchange. Liquidity indicator codes AA, AB, and AC are appended to orders that add displayed non-retail liquidity. The Exchange believes that the proposed decrease to $0.0029 per share is reasonable in that it represents a modest decrease from the current rebate for such executions.

Additionally, the Exchange believes its proposal to decrease the rebate provided for Non-Displayed Orders that add liquidity in securities priced at or above $1.00 from $0.0025 to $0.0021 per share is reasonable and equitably allocated among all Members of the Exchange. Liquidity indicator codes Aa, Ab, Ac, and Ar are appended to orders that add non-displayed liquidity. The Exchange believes its proposal is equitable and not unfairly discriminatory as it will apply to all Members equally. Additionally, the Exchange believes its proposed change is reasonable as the Exchange is also proposing new Add Volume Tiers by which a Member can achieve rebates of $0.0032, $0.0035, and $0.0036 per share for securities priced at or above $1.00 upon satisfying certain criteria.

The Exchange believes its proposal to increase the fee applied for orders that remove liquidity in securities priced at or above $1.00 per share is reasonable and equitably allocated among all Members of the Exchange. The Exchange believes its proposal to update the Liquidity Indicator Codes and Associated Fees table to reflect the new rate of $0.0029 per share for securities priced at or above $1.00 with liquidity indicator codes RA, RB, RC, RR, Ra, Rb, Rc, and Rr is equitable and reasonable because it will apply equally to all Members of the Exchange. Additionally, the Exchange believes its proposed change is reasonable as the Exchange is also proposing new Remove Volume Tiers by which a Member can achieve reduced fees of $0.0027 or $00.0265 per share for securities priced at or above $1.00 upon satisfying certain criteria.

For the reasons discussed above, the Exchange submits that the proposal satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities and is not designed to unfairly discriminate between customers, issuers, brokers, or dealers. As described more fully below in the Exchange's statement regarding the burden on competition, the Exchange believes that its transaction pricing is subject to significant competitive forces, and that the proposed fees and rebates described herein are appropriate to address such forces.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed change would encourage Members to maintain or increase their order flow to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the

[33] *See* Cboe EDGX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*).

[34] *See* the MEMX equities trading fee schedule on its public website (available at *https://info.memxtrading.com/fee-schedule/*) which reflects a standard fee of $0.0029; Cboe EDGX equities trading fee schedule on it its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*) which reflects a standard fee of $0.0030; and Cboe BZX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*) which reflects a standard fee of $0.0030.

[35] *See* Cboe EDGX equities trading fee schedule on its public website (available at *https://www.cboe.com/us/equities/membership/fee_schedule/edgx/*).

Exchange as a trading venue. As a result, the Exchange believes the proposal would enhance its competitiveness as a market that attracts actionable orders, thereby making it a more desirable destination venue for its customers. For these reasons, the Exchange believes that the proposal furthers the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [36]

Intramarket Competition

The Exchange believes that the proposed changes would incentivize market participants to direct order flow to the Exchange, thereby contributing to a deeper and more liquid market to the benefit of all market participants and enhancing the attractiveness of the Exchange as a trading venue, which the Exchange believes, in turn, would continue to encourage market participants to direct additional order flow to the Exchange. Greater liquidity benefits all Members by providing more trading opportunities and encourages Members to send orders to the Exchange, thereby contributing to robust levels of liquidity, which benefits all Members. The opportunity to qualify for the Add Volume Tiers and thus receive the corresponding enhanced rebate for executions of Added Displayed Volume would be available to all Members that meet the associated requirements in any month. Further, as noted above, the Exchange believes that the proposed criteria for the Add Volume Tiers are reasonably related to the enhanced market quality that such tiers are designed to promote.

The opportunity to qualify for the Remove Volume Tier, and thus receive the proposed lower fee for executions of Removed Volume, would be available to all Members that meet the associated volume requirement in any month. The Exchange believes that meeting the volume requirement of the Remove Volume Tier is attainable for market participants, as the Exchange believes the thresholds are relatively low and reasonably related to the enhanced liquidity and market quality that the Remove Volume Tier is designed to promote. Similarly, the proposed increased standard fee for executions of Removed Volume and the ability for Members to aggregate volume amongst affiliated Member firms for purposes of the Exchange's determination of ADAV and ADV with respect to pricing tiers would apply equally to all Members. As such, the Exchange believes the proposed changes would not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intermarket Competition

The Exchange believes its proposal will benefit competition as the Exchange operates in a highly competitive market. Members have numerous alternative venues they may participate on and direct their order flow to, including fifteen other equities exchanges and numerous alternative trading systems and other off-exchange venues. As noted above, no single registered equities exchange currently has more than 18% of the total market share of executed volume of equities trading. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. Moreover, the Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow in response to new or different pricing structures being introduced to the market. Accordingly, competitive forces constrain the Exchange's transaction fees and rebates generally, including with respect to executions of Removed Volume, and market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable.

As described above, the proposed changes are competitive proposals through which the Exchange is seeking to encourage additional order flow to the Exchange and to generate additional revenue to offset some of the costs associated with the Exchange's current pricing structure and its operations generally, and such proposed rates applicable to executions of Added and Removed Volume are comparable to, and competitive with, rates charged by other exchanges.[37]

Additionally, the proposed change to allow affiliated Members to aggregate their volume for purposes of the Exchange's determination of ADAV and ADV with respect to pricing tiers is designed to avoid disparate treatment of firms that have divided their various business activities between separate corporate entities as compared to firms that operate those business activities within a single corporate entity, which is consistent with the practice of other exchanges, as discussed above.[38] Accordingly, the Exchange believes the proposal would not burden, but rather promote, intermarket competition by enabling it to better compete with other exchanges that offer similar volume-based incentives and pricing with respect to executions of Removed Volume and volume aggregation amongst affiliates with respect to pricing tiers.

Additionally, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [39] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. circuit stated: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possess a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . .''.[40] Accordingly, the Exchange does not believe its proposed pricing changes impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section

[36] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 47396 (June 29, 2005).

[37] *See supra* notes 9, 11, 12, 15, 17, 26, 28, and 34.

[38] *See supra* note 18.

[39] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[40] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSE–2006–21)).

19(b)(3)(A)(ii) of the Act,[41] and Rule 19b–4(f)(2)[42] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2022–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2022–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2022–01, and should be submitted on or before February 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[43]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–01065 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

[41] 15 U.S.C. 78s(b)(3)(A)(ii).

[42] 17 CFR 240.19b–4(f)(2).

[43] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93974; File No. SR–CboeBZX–2022–002]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

January 13, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 4, 2022, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*https://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to update its Fee Schedule for its equity options platform (''BZX Options'') to reflect a recent change in connection with the rates under its Customer Non-Penny Add Volume Tiers. Specifically, the Exchange submitted a rule filing on August 2, 2021 to amend the Fee Schedule (''August Filing''),[3] which, among other things, amended the rates provided under the Customer Non-Penny Add Volume Tiers to range from between $0.92 and $1.06 per contract across five tiers, to between $0.90 and $1.05 across eight tiers. The Exchange, however, inadvertently omitted to also update the rates listed in the Standard Rates table of the Fees Schedule applicable to Customer orders that add volume in Non-Penny Program Securities to reflect the new rates provided under the Customer Non-Penny Add Volume Tiers. The Exchange now proposes to update the rates listed in the Standard Rates table for Customer orders that add volume in Non-Penny Program Securities to reflect the rates applicable to such orders provided under the Customer Non-Penny Add Volume Tiers, as adopted in the August Filing.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[4] in general, and furthers the objectives of Section 6(b)(4),[5] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and

[3] *See* Securities Exchange Act Release No. 92635 (August 11, 2021), 86 FR 46028 (August 17, 2021) (SR–CboeBZX–2021–055).

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) [6] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed change is reasonable, equitable and not unfairly discriminatory as it does not change the fees or rebates assessed by the Exchange, but rather updates the rates applicable to Customer orders that add volume in Non-Penny Program Securities in the Standard Rates table to accurately reflect the rates adopted in the August Filing for such orders under the Customer Non-Penny Add Volume Tiers. As such, the proposed rule change is merely a clarification in the Fees Schedule designed to more accurately reflect the current rates for Customer orders that add volume in Non-Penny Program Securities, thereby increasing transparency in the Fees Schedule and reducing potential confusion regarding the appropriate rates for such orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change merely provides a clarification in Fees Schedule that is designed to more accurately reflect the current rates for Customer orders that add volume in Non-Penny Program Securities, thereby increasing transparency in the Fees Schedule and reducing potential confusion regarding the appropriate rates applicable to such orders without having any impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [7] of the Act and subparagraph (f)(2) of Rule 19b–4 [8] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [9] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2022–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2022–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*).Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2022–002 and should be submitted on or before February 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–00980 Filed 1–19–22; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f.(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 15 U.S.C. 78s(b)(2)(B).

[10] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–0254]

Renovus Capital Partners, L.P.; Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 03/03–0254 issued to Renovus Capital Partners, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Bailey DeVries,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2022–01048 Filed 1–19–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2022–02]

Petition for Exemption; Summary of Petition Received; Omni Air International

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 9, 2022.

ADDRESSES: Send comments identified by docket number FAA–2021–1209 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–612, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206–231–3187, email *deana.stedman@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 13, 2022.

Daniel J. Commins,

Manager, Technical Writing Section.

Petition for Exemption

Docket No.: FAA–2021–1209.

Petitioner: Omni Air International.

Sections of 14 CFR Affected: §§ 91.9(a) and (b), 121.153(a), 121.337(b)(9)(iii).

Description of Relief Sought: Petitioner is seeking relief from the affected sections in order to transport cargo, subject to the FAA's conditions, on seats in the passenger cabin of transport category airplanes without revenue passengers on board. Petitioner states that the exemption is needed to support humanitarian relief with supplies and medical cargo to destinations worldwide, including remote and otherwise underserved locations.

[FR Doc. 2022–01043 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2022–01]

Petition for Exemption; Summary of Petition Received; Swift Air LLC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 9, 2022.

ADDRESSES: Send comments identified by docket number FAA–2021–1055 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–612, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198, phone and fax 206–231–3187, email *deana.stedman@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on January 13, 2022.

Daniel J. Commins,

Manager, Technical Writing Section.

Petition for Exemption

Docket No.: FAA–2021–1055.

Petitioner: Swift Air LLC.

Sections of 14 CFR Affected: §§ 91.9(a) and (b), 121.153(a), 121.337(b)(9)(iii).

Description of Relief Sought: Petitioner is seeking relief from the affected sections in order to transport cargo, subject to the FAA's conditions, on the floor of the main deck of transport category airplanes, secured to seats or seat tracks, without revenue passengers on board. Petitioner states that due to the reduction in demand for passenger service, it has the capacity to carry cargo, including critical medical cargo, in-cabin and that an exemption would allow it to support COVID–19 response efforts.

[FR Doc. 2022–01042 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0119]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Complete Innovations, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of exemption.

SUMMARY: The FMCSA announces its decision to grant the application of Complete Innovations, Inc. (Complete Innovations) for a limited five-year exemption to allow its Vision 2.0 device to be mounted lower in the windshield on commercial motor vehicles (CMV) than is currently permitted. The Agency has determined that lower placement of the Complete Innovations Vision 2.0 device would not have an adverse impact on safety and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety provided by the regulation.

DATES: This exemption is effective January 20, 2022 and ending January 20, 2027.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Docket Operations. The online Federal document management system is available 24 hours a day, 365 days a year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Complete Innovations' Application for Exemption

Complete Innovations applied for an exemption from 49 CFR 393.60(e)(1) to allow its Vision 2.0 device to be mounted lower in the windshield than is currently permitted to optimize its functionality. A copy of the application is included in the docket referenced at the beginning of this notice.

In its application, Complete Innovations states that its Vision 2.0 device includes the ability to alert drivers of road signs, distracted driving events, and high-risk driving behavior. Complete Innovations notes that it piloted the devices' functionality and found that there was no obstruction to the driver's normal sightlines to the road ahead, highway signs and signals, or any mirrors.

The Vision 2.0 device is approximately 61 mm (2.4 inches) tall by 108 mm (4.2 inches) wide, and will be mounted in the approximate center of the windshield with the bottom edge of the housing approximately 204 mm (approximately 8 inches) below the upper edge of the area swept by the windshield wipers. The device will be mounted outside the driver's normal sight lines to the road ahead, signs, signals, and mirrors. This location will allow for optimal functionality of the safety features supported by the Vision 2.0 device.

Without the proposed exemption, Complete Innovations states that its clients will not be able to install these devices in an optimal location to maximize their safety features. The exemption would apply to all CMVs equipped with Complete Innovations' Vision 2.0 device mounted on the windshield. Complete Innovations believes that mounting the Vision 2.0 device as described will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Comments

FMCSA published a notice of the application in the **Federal Register** on August 26, 2021, and asked for public comment (86 FR 47714). The Agency received no comments.

FMCSA Decision

FMCSA has evaluated the Complete Innovations exemption application. The Vision 2.0 device housing is approximately 2.4 inches tall and is mounted near the top of the center of the windshield, with the bottom of the housing located approximately 8 inches below the top of the area swept by the windshield wipers. The device needs to be mounted in this location for optimal functionality, which would not be achieved by mounting it (1) higher in the windshield, and (2) within 4 inches from the top of the area swept by the windshield wipers to comply with section 393.60(e)(1)(ii)(A).

The Agency believes that allowing placement of the Vision 2.0 device lower than currently permitted by Agency regulations will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because (1) based on the information available, there is no indication that the Vision 2.0 device would obstruct drivers' views of the roadway, highway signs and signals, and surrounding traffic; (2) generally, trucks and buses have an elevated seating position that greatly improves the forward visual field of the driver and any impairment of available sight lines would be minimal; and (3) the mounting location where the bottom of the Vision 2.0 device housing does not extend more than 8 inches below the upper edge of the area swept by the windshield wipers outside the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors, will be reasonable and enforceable at roadside. In addition, the Agency believes the use of the Vision 2.0 device by fleets is likely to improve the overall level of safety for the motoring public.

This action is consistent with the following previously issued Agency actions permitting the placement of similarly-sized devices on CMVs outside the driver's sight lines to the road and highway signs and signals: Bendix Commercial Vehicle Systems, LLC 86 FR 17877 (April 6, 2021), Netradyne, Inc. 85 FR 82575 (Dec 18, 2020), J.J. Keller & Associates, Inc. 85 FR 75106 (November 24, 2020), Samsara Networks, Inc. 85 FR 68409 (Oct. 28, 2020), Nauto Inc. 85 FR 64220 (Oct. 9, 2020), Lytx Inc. 85 FR 30121 (May 21, 2020), and Navistar Inc. 84 FR 64952 (Nov. 25, 2019). FMCSA is unaware of any evidence showing that installation of other vehicle safety technologies mounted on the interior of the windshield has resulted in any degradation in safety.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning January 20, 2022 and ending January 20, 2027. During the temporary exemption period, motor carriers are allowed to operate CMVs equipped with Complete Innovations' Vision 2.0 device in the approximate center of the top of the windshield where the bottom edge of the technology housing is approximately 8 inches below the upper edge of the area swept by the windshield wipers, outside of the driver's and passenger's normal sight lines to the road ahead, highway signs and signals, and all mirrors. The exemption is valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that motor carriers operating CMVs equipped with Complete Innovations' Vision 2.0 device are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2022–01020 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0123; FMCSA–2014–0104; FMCSA–2014–0385; FMCSA–2016–0003; FMCSA–2017–0057; FMCSA–2017–0058; FMCSA–2018–0139; FMCSA–2019–0011; FMCSA–2019–0112]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 17 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before February 22, 2022.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA–2013–0123, Docket No. FMCSA–2014–0104, Docket No. FMCSA–2014–0385, Docket No. FMCSA–2016–0003, Docket No. FMCSA–2017–0057, Docket No. FMCSA–2017–0058, Docket No. FMCSA–2018–0139, Docket No. FMCSA–2019–0011, or Docket No. FMCSA–2019–0112 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number, FMCSA–2013–0123, FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2018–0139, FMCSA–2019–0011, or FMCSA–2019–0112 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click on the ''Comment'' button. Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket,

contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA–2013–0123, Docket No. FMCSA–2014–0104, Docket No. FMCSA–2014–0385, Docket No. FMCSA–2016–0003, Docket No. FMCSA–2017–0057, Docket No. FMCSA–2017–0058, Docket No. FMCSA–2018–0139, Docket No. FMCSA–2019–0011, or Docket No. FMCSA–2019–0112), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov/,* insert the docket number, FMCSA–2013–0123, FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2018–0139, FMCSA–2019–0011, or FMCSA–2019–0112 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, click the ''Comment'' button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2013–0123, FMCSA–2014–0104, FMCSA–2014–0385, FMCSA–2016–0003, FMCSA–2017–0057, FMCSA–2017–0058, FMCSA–2018–0139, FMCSA–2019–0011, or FMCSA–2019–0112 in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (Apr. 22, 1970) and 36 FR 12857 (July 3, 1971).

The 17 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in § 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 17 applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 17 drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of February and are discussed below. As of February 14, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Lucius Fowler (IL)
Jared Gunn (IL)
Daniel Krystosek (MN)
John Malm (IL)
Ray Norris (TX)
Abel Talamantes (WA)
Andrew Tessin (NC)
Charles Wirick (MD)

The drivers were included in docket number FMCSA–2013–0123, FMCSA–2014–0104, FMCSA–2017–0058, FMCSA–2018–0139, FMCSA–2019–0111, or FMCSA–2019–0112. Their exemptions are applicable as of February 14, 2022 and will expire on February 14, 2024.

As of February 19, 2022, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Wyatt Baldwin (NV)
Richard Davis (OH)
Adam Hayes (CA)
Adrian Lopez (TX)
Jeffrey Schulkers (KY)
Jason Thomas (TX)
Joshua J. Tinley (AZ)
Roderick Thomas (GA)
Kerri Wright (OK)

The drivers were included in docket number FMCSA–2014–0385, FMCSA–2016–0003, or FMCSA–2017–0057. Their exemptions are applicable as of February 19, 2022 and will expire on February 19, 2024.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in § 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 17 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in § 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for 2 years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–00987 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0059]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Waste Management Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of exemption.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) announces its decision to grant the limited 5-year exemption requested by Waste Management Inc. (Waste Management) to allow all of its operating companies, which currently number 106, to replace the high-mounted brake lights on their owned and operated fleets of heavy-duty refuse and support trucks with red or amber brake-activated pulsating lamps positioned in the upper center position, or in an upper dual outboard position, in addition to the steady burning brake lamps required by the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency has determined that granting the exemption would likely achieve a level of safety equivalent to or greater than the level of safety provided by the regulation.

DATES: This exemption is effective January 20, 2022 and ending January 20, 2027.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit Dockets Operations, Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Waste Management's Application for Exemption

Section 393.25(e) of the FMCSRs requires all exterior lamps (both required lamps and any additional lamps) to be steady-burning, except turn signal lamps, hazard warning signal lamps, school bus warning lamps, amber warning lamps or flashing warning lamps on tow trucks and commercial motor vehicles (CMV) transporting oversized loads, and warning lamps on emergency and service vehicles authorized by State or local authorities.

Waste Management applied for an exemption from 49 CFR 393.25(e) to

allow all of its operating companies, which currently number 106, to replace the rear high-mounted brake lights with red or amber brake-activated pulsating lamps positioned in the upper center position, or in an upper dual outboard position, in addition to the steady burning brake lamps required by the FMCSRs.

A copy of the application is included in the docket referenced at the beginning of this notice.

Waste Management contended that the addition of brake-activated pulsating lamps would improve safety and stated that research shows that pulsating brake lamps installed improve visibility and prevent rear end accidents. Waste Management noted that FMCSA has previously granted similar, but not identical, temporary exemptions to the National Tank Truck Carriers Inc. (NTTC), (85 FR 63643), Grote Industries, LLC. (Grote), (85 FR 78918). Inc. (Grote), and Groendyke Transport Inc. (Groendyke) (84 FR 17910).

Waste Management included in the application several studies conducted by the National Highway Traffic Safety Administration (NHTSA), another agency in the U.S. Department of Transportation, on the issues of rear-end crashes, distracted driving, and braking signals. Waste Management stated that the addition of brake-activated pulsating lamp(s) will not have an adverse impact on safety, and that adherence to the terms and conditions of the exemption would likely achieve a level of safety equivalent to or greater than the level of safety achieved without the exemption.

Comments

FMCSA published a notice of the application in the **Federal Register** on June 3, 2021 and asked for public comment (86 FR 29876). The Agency received comments from the Transportation Safety Equipment Institute (TSEI), the National Truck Equipment Association (NTEA), the Florida Highway Patrol-Bureau of Commercial Vehicle Enforcement (FHP), the Commercial Vehicle Safety Alliance (CVSA), the National Waste Recycling Association (NWRA), and from 18 other stakeholders and individuals. Twenty of the 23 comments favored the exemption application.

NWRA and TSEI supported granting the application. CVSA supported the use of amber brake-activated warning lamps, but was opposed to the use of red brake-activated pulsating warning lamps. Florida Highway Patrol expressed concern regarding the use of red brake-activated pulsating warning lamps because traffic approaching from the rear might confuse the flashing red lights with law enforcement vehicles.

NWRA supports the Waste Management application, noting that the 2019 Bureau of Labor Statistics Census of Fatal Injuries classified 40 of the 70 fatal incidents for waste and remediation services as transportation incidents. NWRA also provided research data from a report [1] noting that flashing brake systems and flashing hazard systems reduced drivers' brake response times by 0.14–0.62 seconds, and 0.03–0.95 seconds respectively, while flashing amber lamps reduced drivers' brake response times by 0.11 seconds on average compared with red lamps. NWRA noted that the requested exemption should not only improve the safety for Waste Management's workers, but also improve the overall safety of the motoring public.

TSEI acknowledged the safety benefits of brake-activated warning lamps when used in conjunction with steady burning red brake lamps and identified its support of previous exemption requests for Groendyke, NTTC, and Grote. TSEI stated that it does not believe the Agency should grant the temporary exemption to Waste Management to allow brake-activated required lamps to pulsate without a thorough consideration of safety data and research with the aim of setting standards to ensure consistency across all vehicles equipped with such lamps.

NTEA expressed concern that some NTEA members are manufacturers and alterers of motor vehicles that receive requests from commercial motor vehicle fleets to install brake-activated pulsating warning lamps on certain new vehicles they construct or modify. As manufacturers of new motor vehicles, NTEA members are required to certify these vehicles to applicable NHTSA Federal Motor Vehicle Safety Standards (FMVSS). NTEA noted that FMCSA does not have the authority to exempt manufacturers of commercial motor vehicles from their obligation to certify compliance with affected FMVSS. NTEA noted that FMCSA temporary exemptions for brake-activated warning lamps are narrowly restricted to motor carriers making the exempted modification to their own vehicles.

CVSA stated that the Agency should allow motor carriers to equip commercial motor vehicles with amber brake-activated pulsating lights, but is opposed to red brake-activated pulsating lights. CVSA and FHP noted that pulsating red lights are typically associated with law enforcement or emergency vehicles. Allowing red pulsating lamps on the rear of commercial motor vehicles may negatively impact the driving public's recognition and response to emergency vehicles. Further, many States have laws prohibiting nonemergency vehicles from having pulsating red lights.

Eighteen stakeholders and individuals submitted comments in support of granting the exemption. These commenters believe that any technology that has been shown to reduce rear end crashes should be allowed and cited various benefits of brake-activated pulsating lamps, including (1) enhanced awareness that the vehicle is making a stop, especially at railroad crossings, and (2) increased visibility in severe weather conditions.

FMCSA Decision

The FMCSA has evaluated the Waste Management exemption application and the comments received. The Agency believes that granting the temporary exemption to allow its operating companies to replace the high-mounted brake lights on their owned and operated fleets of heavy-duty refuse and support trucks with red or amber brake-activated pulsating lamps positioned in the upper center position, or in an upper dual outboard position, in addition to the steady burning brake lamps required by the Federal Motor Carrier Safety Regulations (FMCSRs), will likely provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Rear-end crashes generally account for approximately 30 percent of all crashes. These types of crashes often result from a failure to respond (or delays in responding) to a stopped or decelerating lead vehicle. Data between 2010 and 2016 show that large trucks are consistently three times more likely than other vehicles to be struck in the rear in two-vehicle fatal crashes.[2] [3]

Both FMCSA and NHTSA have conducted research regarding alternative rear signaling systems to address rear-end crashes. FMCSA has conducted research and development of an Enhanced Rear Signaling (ERS)

[1] *https://journals.sagepub.com/doi/full/10.1155/2014/792670.*

[2] U.S. Department of Transportation, National Highway Traffic Safety Administration (2012), Traffic Safety Facts—2010 Data; Large Trucks, Report No. DOT HS 811 628, Washington, DC (June 2012).

[3] U.S. Department of Transportation, National Highway Traffic Safety Administration (2018), Traffic Safety Facts—2016 Data; Large Trucks, Report No. DOT HS 812 497, Washington, DC (May 2018).

system for CMVs.[4] The study noted that, while brake lights are activated only with the service brakes, and the visual warning is provided only during conditions when the lead vehicle is decelerating using its braking system, brake lights are not activated during other conditions when rear-end collisions can occur (*e.g.,* when the CMV is (1) stopped along the roadway or in traffic, (2) traveling slower, or (3) decelerating using an engine retarder). Because of the limitations of the existing brake system described above, along with issues relating to visual distraction, the study examined ways for CMVs to detect rear-end crash threats and to provide drivers of following vehicles a supplemental visual warning—located on the lead vehicle, and in addition to the current brake lights—so following-vehicle drivers can quickly recognize impending collision threats.

During Phase I of this effort, researchers performed crash database analyses to determine causal factors of rear-end collisions and to identify potential countermeasures. Phase II continued through prototype development based on recommendations from Phase I. During Phase II field testing, potential benefits of using such countermeasures were realized. During Phase III, a multi-phased approach was executed to design, develop, and test multiple types of countermeasures on a controlled test track and on public highways. Phase III yielded positive results for a rear-warning prototype system comprising 12 light-emitting diode (LED) units that would flash at 5 Hz to provide a visual warning to the following-vehicle drivers indicating that, with continued closing rate and distance, a collision will occur with the lead vehicle. Finally, the prototype system was further developed and refined to include modification of the system into a unit designed for simple CMV installation, collision-warning activation refinements, and rear-lighting brightness adjustments for nighttime conditions. Formal closed test-track and real-world testing were then performed to determine the ERS system collision-warning activation performance.

While the efforts described above demonstrated a promising system for follow-on research, FMCSA ultimately decided not to pursue formal field operational testing of the prototype system because of concerns relating to (1) the cost to implement the ERS system as configured, and (2) fleets' willingness to invest in the technology, given the cost of the system. Nonetheless, the preliminary research showed that the ERS system performed well at detecting and signaling rear-end crash threats and drawing the gaze of following-vehicle drivers to the forward roadway which, if implemented, could potentially reduce the number and frequency of rear-end crashes into CMVs.

Separately, NHTSA has performed a series of research studies intended to develop and evaluate rear-signaling applications designed to reduce the frequency and severity of rear-end crashes via enhancements to rear-brake lighting by redirecting drivers' visual attention to the forward roadway (for cases involving a distracted driver), and/or increasing the saliency or meaningfulness of the brake signal (for inattentive drivers).[5] [6]

Initially, the study quantified the attention-getting capability and discomfort glare of a set of candidate rear brake lighting configurations, using driver judgments, as well as eye-drawing metrics. This study served to narrow the set of candidate lighting configurations to those that would most likely be carried forward for additional on-road study. Both look-up (eye-drawing) data and interview data supported the hypothesis that simultaneous flashing of all rear lighting combined with increased brightness would be effective in redirecting the driver's eyes to the lead vehicle when the driver is looking away with tasks that involve visual load.

Subsequently, the study quantified the attention-getting capability of a set of candidate rear brake lighting configurations, including proposed approaches from automotive companies. This study was conducted to provide data for use in a simulation model to assess the effectiveness and safety benefits of enhanced rear brake light countermeasures. Among other things, this research demonstrated that flashing all lights simultaneously or alternately flashing is a promising signal for use in enhanced brake light applications, even at levels of brightness within the current regulated limits. Specifically, the study concluded that substantial performance gains may be realized by increasing brake-lamp brightness levels under flashing configurations; however, increases beyond a certain brightness threshold will not return substantive performance gains.

Both FMCSA and NHTSA have conducted extensive research and development programs to examine alternative rear-signaling systems to reduce the incidence of rear-end crashes. However, while these efforts concluded that improvements could be realized through rear-lighting systems that flash, neither the FMCSRs nor the Federal Motor Vehicle Safety Standards (FMVSS) currently permit the use of pulsating, brake-activated lamps on the rear of CMVs.

With respect to the use of amber lights, NHTSA has conducted research on the effectiveness of rear turn signal color on the likelihood of being involved in a rear-end crash.[7] FMVSS No. 108 allows rear turn signals to be either red or amber in color. The study concluded that amber signals show a 5.3 percent effectiveness in reducing involvement in two-vehicle crashes where a lead vehicle is rear-struck in the act of turning left, turning right, merging into traffic, changing lanes, or entering/leaving a parking space. The advantage of amber, compared to red, rear turn signals was shown to be statistically significant.

FMCSA acknowledges the concern of NTEA that FMCSA has the authority to grant the temporary exemption only to motor carriers and not to commercial motor vehicle manufacturers or vehicle alterers. FMCSA has met with NHTSA to discuss research avenues that would support NHTSA updates to 49 CFR 571.108—Standard No. 108; Lamps, reflective devices, and associated equipment, such that the commercial motor vehicle manufacturers would be able to install brake activated warning light systems for which FMCSA has already granted temporary exemptions to motor carriers. FMCSA believes that the FMCSA and NHTSA research programs demonstrating the ability of alternative rear-signaling systems to reduce the frequency and severity of rear-end crashes, are sufficient to conclude that implementation of red or amber brake activated pulsating lamps is likely to provide a level of safety that

[4] U.S. Department of Transportation, Federal Motor Carrier Safety Administration (2014), Expanded Research and Development of an Enhanced Rear Signaling System for Commercial Motor Vehicles, Report No. FMCSA–RRT–13–009, Washington, DC (April 2014).

[5] U.S. Department of Transportation, National Highway Traffic Safety Administration (2009), Traffic Safety Facts—Vehicle Safety Research Notes; Assessing the Attention-Gettingness of Brake Signals: Evaluation of Optimized Candidate Enhanced Braking Signals; Report No. DOT HS 811 129, Washington, DC (May 2009).

[6] U.S. Department of Transportation, National Highway Traffic Safety Administration (2010), Traffic Safety Facts—Vehicle Safety Research Notes; Assessing the Attention-Getting Capability of Brake Signals: Evaluation of Candidate Enhanced Braking Signals and Features; Report No. DOT HS 811 330, Washington, DC (June 2010).

[7] U.S. Department of Transportation, National Highway Traffic Safety Administration (2009), The Effectiveness of Amber Rear Turn Signals for Reducing Rear Impacts; Report No. DOT HS 811 115, Washington, DC (April 2009).

is equivalent to, or greater than, the level of safety achieved without the exemption.

FMCSA acknowledges the concerns of FHP and CVSA that flashing, rotating, or pulsating red lamps are generally permitted only on emergency vehicles. FMCSA notes that police and other State-authorized emergency vehicles utilize high intensity, constantly flashing, rotating, or pulsating red lamps visible from all directions on the vehicle and that continuously operate when activated. The amber or red brake-activated pulsating lamps requested by Waste Management are visible only to the rear of their vehicles and are similar in lamp intensity and flash rate of the vehicle's standard rear hazard warning lamps system currently allowed by the regulations. FMCSA believes that the FMCSA and NHTSA research programs that demonstrated the ability of alternative rear signaling systems to reduce the frequency and severity of rear-end crashes are sufficient to conclude that the implementation of red or amber brake-activated pulsating lamps in the upper center position or in an upper dual outboard position on the rear of their vehicles, in addition to the steady-burning brake lamps required by the regulations, is likely to provide a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

Terms and Conditions for the Exemption

The Agency hereby grants the exemption for a 5-year period, beginning January 20, 2022 and ending January 20, 2027. During the temporary exemption period, Waste Management's operating companies will be allowed to replace the high-mounted brake lights on their owned and operated fleets of heavy-duty refuse and support trucks and will be allowed to install a red or amber brake-activated pulsating lamp in the upper center position or in an upper dual outboard position on the rear of their owned and operated fleets of heavy-duty refuse and support trucks in addition to the steady-burning brake lamps required by the FMCSRs.

The exemption will be valid for 5 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Waste Management fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Interested parties possessing information that would demonstrate that Waste Management's 106 operating companies' owned and operated fleets of heavy-duty refuse and support trucks with red or amber brake-activated pulsating lamps positioned in the upper center position, or in an upper dual outboard position, in addition to the steady burning brake lamps required by the Federal Motor Carrier Safety Regulations (FMCSRs) is not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31136(e) and 31315(b), will take immediate steps to revoke the exemption.

Preemption

In accordance with 49 U.S.C. 31313(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable to interstate commerce that conflicts with or is inconsistent with this exemption. States may, but are not required to, adopt the same exemption with respect to operations in intrastate commerce.

Meera Joshi,

Deputy Administrator.

[FR Doc. 2022–01023 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0011]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of denials.

SUMMARY: FMCSA announces its decision to deny applications from 33 individuals who requested an exemption from the vision standard in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a CMV in interstate commerce.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, DOT, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing materials in the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Viewing Comments

To view comments go to *www.regulations.gov.* Insert the docket number, FMCSA–2022–0011, in the keyword box, and click ''Search.'' Next, sort the results by ''Posted (Newer-Older),'' choose the first notice listed, and click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

B. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.*

II. Background

FMCSA received applications from 33 individuals who requested an exemption from the vision standard in the FMCSRs.

FMCSA has evaluated the eligibility of these applicants and concluded that granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10).

III. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. FMCSA grants exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The Agency's decision regarding these exemption applications is based on

medical reports about the applicants' vision, as well as their driving records and experience driving with the vision deficiency.

IV. Conclusion

The Agency has determined that these applicants do not satisfy the eligibility criteria or meet the terms and conditions of the Federal exemption and granting these exemptions would not provide a level of safety that would be equivalent to, or greater than, the level of safety that would be obtained by complying with § 391.41(b)(10). Therefore, the 33 applicants in this notice have been denied exemptions from the physical qualification standards in § 391.41(b)(10).

Each applicant has, prior to this notice, received a letter of final disposition regarding his/her exemption request. Those decision letters fully outlined the basis for the denial and constitute final action by the Agency. This notice summarizes the Agency's recent denials as required under 49 U.S.C. 31315(b)(4) by periodically publishing names and reasons for denial.

The following two applicants did not have sufficient driving experience over the past 3 years under normal highway operating conditions:

Lawrence L. Pedro (OR); and Johnnie E. Washington (CT)

The following 24 applicants had no experience operating a CMV:

Le'Sean S. Auguste (TX)
Jody D. Bennett (UT)
Joseph C. Carpenter (CA)
Richard E. Clemens (IL)
Vincent N. Crescenzo (NY)
Paul A. Davis (PA)
Efrain Gonzalez (TX)
Lawrence E. Grant (NH)
Brian J. Hall (MT)
Christopher S. Lambert (AR)
David Paul Mason (FL)
Courtney C. McFall (IL)
Louis L. Miller (KS)
Collin Mitchell (NY)
Jorge A. Pichardo (NC)
Henok G. Reda (WA)
Kathleen A. Santos (ME)
Domenic J. Scioletti (MA)
Randy J. Shackelton (NC)
Kenneth L. Storey (IN)
James H. Townsend (OH)
Jonathan O. Umanzor Serpas (MD)
Charles D. Vonschriltz (OK)
Patrick D. Woodward (NM)

The following three applicants did not have 3 years of experience driving a CMV on public highways with their vision deficiencies:

Robert A. Freece (OR); James P. Gritz (PA); and Terry L. Kirstein (TX)

The following applicant, Robert J. Stewart (CO), did not have 3 years of recent experience driving a CMV on public highways with their vision deficiencies.

The following applicant, Richard E. Hadler (MN), did not hold a license which allowed operation of vehicles over 26,000 lbs.

The following two applicants drove interstate while restricted to intrastate driving:

Shane E. Finnerud (WI); and David A. Swan (IL)

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–01015 Filed 1–19–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Agency Information Collection Activities: Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Federal Financial Institutions Examination Council (FFIEC), of which the agencies are members, has approved the agencies' publication for public comment of a proposal to revise and extend the Country Exposure Report (FFIEC 009) and the Country Exposure Information Report (FFIEC 009a), which are currently approved collections of information. The revisions to the FFIEC 009 and the FFIEC 009a are proposed to take effect as of the December 31, 2022, report date. At the end of the comment period for this notice, the FFIEC and the agencies will review any comments received to determine whether to modify the proposal in response to comments. As required by the PRA, the agencies will then publish a second **Federal Register** notice for a 30-day comment period and submit the final FFIEC 009 and FFIEC 009a to OMB for review and approval.

DATES: Comments must be submitted on or before March 21, 2022.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: You may submit comments, which should refer to ''FFIEC 009 and FFIEC 009a,'' by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Office of the Comptroller of the Currency, Attention: 1557–0100, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and ''1557–0100'' in your comment. In general, the OCC will publish comments on *www.reginfo.gov* without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu select ''Department of Treasury'' and then click ''submit''. This information collection can be located by searching by OMB control number ''1557–0100'' or ''FFIEC 009 and FFIEC 009a''. Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.

• For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

Board: You may submit comments, which should refer to ''FFIEC 009 and FFIEC 009a,'' by any of the following methods:

• *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at: *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*

• *Email: regs.comments@federalreserve.gov.* Include ''FFIEC 009 and FFIEC 009a'' in the subject line of the message.

• *Fax:* (202) 452–3819 or (202) 452–3102.

• *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available on the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information.

FDIC: You may submit comments, which should refer to ''FFIEC 009 and FFIEC 009a,'' by any of the following methods:

• *Agency Website: https://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC's website.

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.

• *Email: comments@FDIC.gov.* Include ''FFIEC 009 and FFIEC 009a'' in the subject line of the message.

• *Mail:* Manuel E. Cabeza, Counsel, Attn: Comments, Room MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *https://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center by telephone at (877) 275–3342 or (703) 562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officers for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the information collections discussed in this notice, please contact any of the agency staff whose names appear below. In addition, copies of the FFIEC 009 and FFIEC 009a reporting forms can be obtained at the FFIEC's website (*https://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Kevin Korzeniewski, Counsel, Chief Counsel's Office, (202) 649–5490, or for persons who are hearing impaired, TTY, (202) 649–5597.

Board: Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, (202) 452–3884, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Manuel E. Cabeza, Counsel, (202) 898–3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies are proposing to extend for three years, with revision, the FFIEC 009 and FFIEC 009a, which are currently approved collections of information for each agency.

Report Titles: Country Exposure Report and Country Exposure Information Report.

Form Numbers: FFIEC 009 and FFIEC 009a.

Frequency of Response: Quarterly.

Affected Public: Business or other for profit.

OCC

OMB Number: 1557–0100.

Estimated Number of Respondents: 10 (FFIEC 009), 4 (FFIEC 009a).

Estimated Average Time per Response: 135 hours (FFIEC 009), 6.5 hours (FFIEC 009a).

Estimated Total Annual Burden: 5,400 hours (FFIEC 009), 104 hours (FFIEC 009a).

Board

OMB Number: 7100–0035.

Estimated Number of Respondents: 49 (FFIEC 009), 36 (FFIEC 009a).

Estimated Average Time per Response: 135 hours (FFIEC 009), 6.5 hours (FFIEC 009a).

Estimated Total Annual Burden: 26,460 hours (FFIEC 009), 936 hours (FFIEC 009a).

FDIC

OMB Number: 3064–0017.

Estimated Number of Respondents: 13 (FFIEC 009), 8 (FFIEC 009a).

Estimated Average Time per Response: 135 hours (FFIEC 009), 6.5 hours (FFIEC 009a).

Estimated Total Annual Burden: 7,020 hours (FFIEC 009), 208 hours (FFIEC 009a).

I. General Description of Reports

The Country Exposure Report (FFIEC 009) is filed quarterly with the agencies and provides information on international claims of U.S. banks, savings associations, Edge and/or Agreement corporations, bank holding companies, savings and loan holding companies, and U.S. intermediate holding companies of foreign banking organizations (collectively, U.S. banking organizations) that is used for supervisory and analytical purposes. The information is used to monitor the foreign country exposures of reporting institutions to determine the degree of risk in their portfolios and assess the potential risk of loss. The Country Exposure Information Report (FFIEC 009a) is a supplement to the FFIEC 009 and provides publicly available information on material foreign country exposures (*i.e.,* all exposures to a foreign country in excess of 1 percent of total assets or 20 percent of total capital, whichever is less) of U.S. banking organizations that file the FFIEC 009 report. As part of the FFIEC 009a, reporting institutions also must furnish a list of countries in which they have lending exposures above 0.75 percent of total assets or 15 percent of total capital, whichever is less.

Legal Basis and Need for Collection

These information collections are mandatory under the following statutes: 12 U.S.C. 161 and 1817 (national banks), 12 U.S.C. 1464 (federal savings associations), 12 U.S.C. 248(a)(1) and (2), 1844(c), and 3906 (state member banks and bank holding companies); 12 U.S.C. 1467a(b)(2)(A) (savings and loan holding companies); 12 U.S.C. 5365(a) (intermediate holding companies); and 12 U.S.C. 1817 and 1820 (insured state nonmember commercial and savings banks and insured state savings associations). The FFIEC 009 information collection is given confidential treatment (5 U.S.C. 552(b)(4) and (b)(8)). The FFIEC 009a information collection is not given confidential treatment.

II. Current Actions

The FFIEC has approved issuing for public comment a proposal to revise and extend for three years the FFIEC 009 and 009a. The agencies propose the

following revisions to the FFIEC 009 and 009a:

A. Change From Ultimate Risk to Guarantor Basis in the FFIEC 009

The FFIEC 009 requires respondents to report their international claims based on the country of residence of the counterparty and, additionally, to redistribute these immediate-counterparty claims to provide the country of residence of the guarantors or collateral of the claims. This redistribution is termed ''Ultimate Risk Basis;'' however, the redistribution specified in the current FFIEC 009 instructions does not always identify the ultimate bearer of risk but does identify the country of a guarantor. The term ''Guarantor Basis'' more accurately describes what is being collected. Therefore, the agencies propose to rename the ''Ultimate Risk Basis'' columns on the FFIEC 009 to ''Guarantor Basis'' and make corresponding changes to the instructions. The agencies do not consider this modification to be substantive. However, the agencies have included the modification in this notice to ensure institutions are aware that the data currently collected in these columns are not impacted by the change in the names of the columns.

B. Addition of Two New Collateral Columns to the FFIEC 009

The 2013 revision of the FFIEC 009 report introduced memorandum items on collateral pledged against claims that is not eligible for risk transfer treatment as defined in the report instructions. The items were introduced to help ''users to better assess net risks based on their own assumptions about the benefits of the collateral,'' and were also intended to ''produce greater insight into reporting institutions' own internal calculations of foreign country exposure, which typically take collateral into account.'' [1] This information is especially useful for certain claims such as reverse repurchase agreements and other securities financing transactions reported on a direct counterparty basis. However, while the FFIEC 009 and FFIEC 009a collect information regarding the amount of collateral that originates in the same country as the direct counterparty, the reports do not record the source of collateral if it has other origins, be it the United States (U.S.) or any other countries. This limits the ability of users to assess the extent to which collateral mitigates risk because the mitigation could be greater (*e.g.,* if the collateral originates in the U.S.), or less (if the collateral originates in a lower-rated third country) than the risk mitigation provided by collateral from the same country as the direct counterparty. This could also affect the ability of the FFIEC agencies to monitor U.S. bank exposures to high-risk countries.[2]

As of September 30, 2021, the FFIEC 009 reports included $1.039 trillion in collateral supporting claims not eligible for risk transfer. Some $607 billion of this collateral originated outside of the country of the direct counterparty, equivalent to 13.2 percent of all U.S. banking organizations' direct outstanding claims. Furthermore, $152 billion of the $607 billion of collateral involved claims against counterparties domiciled in the Cayman Islands, representing 29 percent of direct outstanding claims to that jurisdiction. Other countries where collateral against claims not eligible for risk transfer and not originating in the same country exceeded $25 billion, or 15 percent of direct outstanding claims, included, but not limited to, France, Japan, Canada, the United Kingdom, Germany, Singapore, South Korea, Ireland and Luxembourg.

The agencies propose adding two new columns to the FFIEC 009, Schedule C, Part II, Claims on an Ultimate Risk Basis and Memorandum Items, under ''Collateral Held Against Claims With No Risk Transfer.'' The title of the first additional column would be: ''Of Which U.S.,'' which would be inserted after the column titled ''Of Which, Same Country.'' This new column would show the amount of collateral that consists of U.S. Treasury securities or other securities issued by the U.S. The title of the second new column would be: ''Of Which Resale and Reverse Repurchase Agreements and Securities Lending (Collateral).'' This column would duplicate the existing column that reports collateral for financing and securities lending based on the country of the counterparty (currently column 16) but would reallocate amounts based on the country in which the collateral was issued. Together, these two new columns, along with column 16, would help provide a more complete view of the origin of collateral and its value as a risk mitigant. This proposed change to the FFIEC 009 would improve information on the origin of the underlying securities acting as collateral for claims with no risk transfer.

C. Adjustment of Reporting Thresholds on the FFIEC 009a

The current FFIEC 009a form consists of two parts, Part A and Part B. Part A requires detailed information on total exposures to any foreign country in excess of 1 percent of the institution's total assets or 20 percent of the institution's total capital, whichever is less. Part B requires only the country name for exposures to any foreign country in excess of 0.75 percent of the institution's total assets or 15 percent of the institution's total capital, whichever is less, and is not listed in Part A.

The current format of Part B of the FFIEC 009a (*i.e.,* a list of country names) and the difference in level of detail between Part A and Part B reporting requirements have caused confusion and errors for reporting institutions. In addition, the more limited detail available in Part B reporting makes this portion of the report much less useful than the more granular reporting in Part A. Therefore, the agencies propose to eliminate Part B of the FFIEC 009a and expand the scope for reporting the more granular information currently in Part A. Under the proposed scope, reporting institutions would have to report more granular exposure information for each foreign country that exceeds the lesser of 0.75 percent of total assets or 15 percent of total capital, which is the current Part B threshold. Revising the scope to provide additional reporting granularity to the public should result in negligible additional burden for reporting institutions because similar granularity is already being reported in the FFIEC 009.

Based on recent reporting, the proposed change is expected to provide more granular disclosure for over $200 billion in additional foreign claims, mostly by global systemically important banking organizations.[3] Additionally, the agencies expect a limited impact to reporting institutions, as approximately one-third of reporting institutions will have no additional countries to report, about one-third of reporting institutions will provide more detail for one additional country, and the remaining reporting institutions will provide more detail for an average of an additional two countries each.

D. Addition of Immediate-Counterparty Claims Columns to FFIEC 009a

The FFIEC 009a data provide important market transparency and comparability data regarding banking

[1] 78 FR 6176, 6179 (January 29, 2013).

[2] For example, in 1979, the OCC, FDIC and Board established the Interagency Country Exposure Review Committee to ensure consistent treatment of the transfer risk associated with banks' foreign exposures to both public- and private-sector entities. *See https://www.fdic.gov/regulations/safety/guide/icerc.pdf.*

[3] As defined in 12 CFR 252.2.

organizations' foreign claims. The agencies propose to enhance its effectiveness by adding key information on an immediate-counterparty basis. The current format of the FFIEC 009a concentrates primarily on guarantor basis (currently labelled Ultimate Risk Basis) claims. Guarantor basis information can be somewhat opaque to the public and generally reflects an implicit assumption of full substitutability between claims exposure and offsets such as credit derivatives or collateral.

The agencies propose to add six columns of information that report immediate-counterparty claims:

—One new column for Amount of Cross-Border Claims Outstanding (Excluding Derivative Products)
—One new column for Amount of Foreign Office Claims on Local Residents (Excluding Derivative Products)
—Four new columns for Distribution of Amount of Cross-Border Claims across counterparty sector, that is, Banks, Public, Non-Bank Financial Institutions (NBFIs) and Other.

These new columns would parallel the existing Part A, columns (1), (2) and (6)–(9) except they would be reported on an immediate-counterparty basis rather than a guarantor basis. The agencies would retain the existing Guarantor Basis columns.

E. Change in Burden

Collectively, the agencies expect the proposed changes would result in an increase in burden per submission of the FFIEC 009 of 4 hours, from 131 hours to 135 hours. This change in burden is primarily due to the proposed changes to add two new collateral columns. Since the proposed revisions to the FFIEC 009a reflect disclosures of data already collected, but not currently disclosed, on the FFIEC 009, the agencies expect that the burden per submission of the FFIEC 009a would increase by 0.5 hours, from 6 hours to 6.5 hours.

III. Request for Comment

Public comment is requested on all aspects of this notice. Comment is also specifically invited on:

(a) Whether the information collections are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections 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.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Patrick T. Tierney,

Assistant Director, Bank Advisory, Office of the Comptroller of the Currency.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board. Board of Governors of the Federal Reserve System.

Dated at Washington, DC, on January 13, 2022.

James P. Sheesley,

Assistant Executive Secretary, Federal Deposit Insurance Corporation.

[FR Doc. 2022–01013 Filed 1–19–22; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P, 6714–01–P

DEPARTMENT OF THE TREASURY

Notice of Availability; Data Collection Effort for E.O. 13985—Increasing Equity in Procurement Spending Barrier Assessment

Correction

In notice document 2022–00473, appearing on pages 2240–2241, in the issue of Thursday, January 13, 2022, make the following correction:

On page 2240, in the third column, in the **ADDRESSES** section, the second through fourth lines should read:

https://survey.alchemer.com/s3/6659553/OSBDU-Data-Collection-Effort-for-EO-13985.

[FR Doc. C1–2022–00473 Filed 1–19–22; 8:45 am]

BILLING CODE 0099–10–D

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