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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 171

[NRC–2014–0264]

RIN 3150–AJ51

Receipts-Based NRC Size Standards

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its small business size standards, which are used to qualify an NRC licensee as a ''small entity'' under the Regulatory Flexibility Act of 1980, as amended. The purpose of these size standards is for reducing annual NRC license fees for small entities. These standards do not apply to the NRC's contracts for goods and services. The NRC is increasing the upper and lower tiers for its receipts-based small entity size standards for small businesses and small not-for-profit organizations. This change allows NRC standards to remain consistent with the inflation adjustments made by the Small Business Administration size standard for nonmanufacturing concerns. In addition, in accordance with the Small Business Runway Extension Act of 2018, the NRC is changing the calculation of annual average receipts for the receipts-based NRC size standard for small businesses that provide a service or small businesses not engaged in manufacturing from a 3-year averaging period to a 5-year averaging period.

DATES: This final rule is effective on March 21, 2022.

ADDRESSES: Please refer to Docket ID NRC–2014–0264 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2014–0264. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section of this document.

FOR FURTHER INFORMATION CONTACT: Jo Jacobs, Office of the Chief Financial Officer, telephone: 301–415–8388; email: *Jo.Jacobs@nrc.gov;* or Billy Blaney, Office of the Chief Financial Officer, telephone: 301–415–5092; email: *William.Blaney@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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I. Background

The NRC's current size standards are provided under part 2 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Agency Rules of Practice and Procedure,'' in § 2.810, ''NRC size standards.'' These standards were established on December 9, 1985 (50 FR 50241), when the NRC implemented the requirements of the Regulatory Flexibility Act of 1980, as amended (RFA). The RFA requires agencies to consider the impact of rulemaking on small entities and, consistent with applicable statutes, study alternatives to minimize these impacts on applicable businesses, organizations, and government jurisdictions. The NRC's regulations in § 2.810 and 10 CFR part 171, ''Annual Fees for Reactor Licenses and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC,'' contain the criteria, in § 171.16(a) and (c), ''Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC,'' that certain licensees use to qualify as small entities for the purpose of reducing annual license fees. The NRC's current size standards under § 2.810 are based on the Small Business Administration's (SBA) receipts-based size standards for small businesses and small not-for-profit organizations, employee-based size standards for business concerns that are manufacturing and for small educational institutions that are not State or publicly supported entities, and population-based size standards for small governmental jurisdictions.

In establishing the fiscal year (FY) 1991 fee rule, the NRC determined that the annual fees would have a significant impact on a substantial number of small materials licensees. As a result, the NRC established a small entity fee tier in § 171.16(c), which resulted in a subsidy program whereby small entities would pay a reduced annual fee (56 FR 31507; July 10, 1991). In FY 1992, the NRC established a second tier in § 171.16(c) to benefit the licensees that were very small entities. Pursuant to § 171.16(c), if a licensee qualifies as a small entity and provides the Commission with the proper certification, the licensee may pay a reduced annual fee. As part of the certification process, a licensee that

meets the NRC's size standards for a small entity must complete NRC Form 526, ''Certification of Small Entity Status for the Purposes of Annual Fees,'' certifying that it meets the NRC's size standards for a small entity.

The last revisions to the receipts-based size standards in §§ 2.810 and 171.16(c) to adjust for inflation were published in the **Federal Register** on July 3, 2012 (77 FR 39385), and in the FY 2013 final fee rule published in the **Federal Register** on July 1, 2013 (78 FR 39479), respectively. More recently, in FY 2020, the NRC surveyed its materials licensees to help determine whether to change the size standards in § 2.810 (85 FR 6225; February 4, 2020). With the exception of inflation-related increases and adjusting the methodology for calculating average gross-receipts to be consistent with the Small Business Runway Extension Act of 2018 (Runway Act) and SBA regulations, the survey results did not suggest that the NRC should change its small entity size standards.

The Runway Act amended section 3(a)(2)(C)(ii)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II)), to modify the requirements for the small business size standards prescribed by an agency without separate statutory authority to issue size standards. Subsequently, on December 5, 2019, the SBA published a final rule modifying its method for calculating average annual receipts used to prescribe size standards for small businesses (84 FR 66561). As a result of adjustments for inflation described more fully in the ''Discussion'' section of this document, the NRC must revise its receipts-based size standards from a 3-year averaging period to a 5-year averaging period to comply with the Runway Act.

In order to amend § 2.810, the NRC must follow the procedures of the Small Business Act, and SBA's implementing regulations in 13 CFR 121.903, ''How may an agency use size standards for its programs that are different than those established by SBA?'' because the NRC does not have separate statutory authority to issue size standards. Accordingly, the NRC has sent this final rule to SBA for review and has received the approval of the SBA Administrator.

II. Discussion

The NRC is amending § 2.810 to increase the receipts-based small entity size standard from $7.0 million to $8.0 million for small businesses and small, not-for-profit organizations. These amendments are to remain consistent with inflation adjustments made by the SBA to its size standard for nonmanufacturing concerns. Most recently, the SBA adjusted this standard for inflation on July 18, 2019 (84 FR 34261). In addition, the NRC is also amending the average gross-receipts calculation process to change from a 3-year averaging period to a 5-year averaging period, as required by SBA regulations and in response to the Runway Act.

Further, and analogous to the inflation adjustment in § 2.810, the NRC is amending § 171.16(c) to increase the upper-tier receipts-based small entity size standard from $7.0 million to $8.0 million for small businesses and small, not-for-profit organizations. Likewise, the NRC is increasing the lower-tier receipts-based size standard from $485,000 to $555,000, based upon the percent change in the upper tier.

III. Public Comments

The NRC published a proposed rule on July 26, 2021 (86 FR 39980), and requested public comment on its proposed revisions to 10 CFR parts 2 and 171. The comment period on the proposed rule closed on August 25, 2021. The NRC did not receive any public comments on the proposed rule.

IV. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission certifies that this final rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This final rule is administrative in that this final rule will revise the criteria in 10 CFR parts 2 and 171 that the NRC uses to determine which of its licensees qualify as small entities for the purposes of compliance with the RFA. The amendments to the size standards conform to the SBA's revised standard and is expected to result in an increase in the number of NRC licensees that qualify as small entities.

V. Regulatory Analysis

The RFA requires agencies to consider the impact of rulemaking on small entities and, consistent with applicable statutes, study alternatives to minimize the impacts on applicable businesses, organizations, and government jurisdictions. In previous rulemakings to amend its size standards, the NRC has adjusted the criteria that the NRC uses to determine which of its licensees qualify as small entities for the purposes of compliance with the RFA.

For the NRC's size standards, rulemaking is required to amend the methodology for calculating average gross-receipts and the upper and lower tier receipts-based size standards to reflect adjustments for inflation. The NRC has not revised the receipts-based size standards in §§ 2.810 and 171.16(c) since 2012 and 2013, respectively; therefore, this final rule includes adjustments for inflation. This final rule amends §§ 2.810 and 171.16(c) to increase the NRC's upper-tier receipts-based size standard from $7.0 million to $8.0 million for small businesses and small not-for-profit organizations, in order to remain consistent with the adjustments for inflation made to the SBA's size standard for nonmanufacturing. In addition, this final rule amends § 171.16(c) to increase the lower-tier receipts-based size standard from $485,000 to $555,000, consistent with the percentage change in the upper-tier. Furthermore, for consistency with the Runway Act and SBA regulations, the NRC is amending its methodology for calculating the average gross-receipts from a 3-year averaging period to a 5-year averaging period.

The NRC estimates that the final rule provides the following benefits and costs:

Benefits

- This action will result in continued compliance with the RFA, since the final rule will reduce the impact of annual fees on small entities by increasing the receipts-based size standards in § 2.810 and the tiers in § 171.16(c) that licensees use to qualify as small entities.
- While it is not certain how many licensees would qualify as small entities under the receipts-based size standards that are being adjusted, the staff estimates that 95 additional licensees (a 12-percent increase) will potentially qualify as small entities and be eligible to pay a reduced annual fee.
- The licensees can have increased regulatory confidence that the NRC has amended the agency's receipts-based size standards to be consistent with the SBA's practices, and, as stated in SECY–20–0111, ''Rulemaking Plan to Amend the Receipts-Based NRC Size Standards (NRC–2014–0264),'' (ADAMS Accession No. ML20268B327), that the NRC will review the current size standards and determine whether proposed amendments are needed every 5 years or sooner based on the SBA's adjustments.

Costs

- The cost impact of changing the average gross-receipts from a 3-year averaging period to a 5-year averaging period is not known, as the average gross-receipts have been based on a 3-year averaging period since the NRC established its size standards in 1985. Every licensee will likely need to

expend some effort to evaluate its gross-receipts and may need to provide additional information if questions arise during the staff's certification review. Modifying to a 5-year averaging period of gross-receipts may result in a negative impact in that some licensees that are close to the upper limit of their size standard could lose their small entity status, while others may newly qualify as small entities. Despite this cost, because the NRC is amending the receipts-based size standards to adjust for inflation, the NRC also is amending the average gross-receipts from a 3-year averaging period to a 5-year averaging period pursuant to the Runway Act.

• The expected increase in additional licensees qualifying as small entities could possibly increase the NRC's net budget authority as a result of additional licensees qualifying as small entities.

The results of the regulatory analysis are cost-justified because the final rule would result in an estimated 95 additional licensees (a 12-percent increase) who would qualify as small entities and be eligible to pay a reduced annual fee and the identified cost impacts are expected to be small and would not be passed onto other NRC's applicants and licensees. The NRC did not identify any other alternatives to amend the receipts-based size standards under § 2.810, which are consistent with the adjustments made by the SBA. In addition, the NRC did not identify any alternatives to rulemaking to amend the upper and lower tiers under § 171.16(c) to reflect adjustments for inflation.

VI. Backfitting and Issue Finality

The NRC has determined that the backfit rule, §§ 50.109, 70.76, 72.62, and 76.76 and the issue finality provisions in 10 CFR part 52 do not apply to this final rule and that an analysis is not required because these amendments do not require the modification of, or addition to, (1) systems, structures, components, or the design of a facility; (2) the design approval or manufacturing license for a facility; or (3) the procedures or organization required to design, construct, or operate a facility.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC wrote this document to be consistent with the Plain Writing Act, as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

VIII. National Environmental Policy Act

The NRC has determined that this final rule is the type of action described in § 51.22(c)(1). Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this final rule.

IX. Paperwork Reduction Act

This final rule does not contain a collection of information as defined in the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Act.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

X. Congressional Review Act

This final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

XI. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Public Law 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the action does not constitute the establishment of a standard that contains generally applicable requirements.

XII. Availability of Guidance

The NRC publishes a fee guidance document for small entities annually in conjunction with the NRC's annual rule to revise its fee schedules. The ''Small Entity Compliance Guide'' is designed to assist businesses, organizations, educational institutions, and governmental jurisdictions in determining whether they qualify as small entities by providing the qualifying factors that make up the NRC's definition of ''small entity,'' and the current small entity fees. The NRC will update the compliance guide each year when issuing the final fee rule and to align with the fee schedule of that year. As part of a future fee rule, the NRC will update the Small Entity Compliance Guide to reflect to changes in §§ 2.810 and 171.16(c). The FY 2021 Small Entity Compliance Guide is available as indicated in the ''Availability of Documents,'' section of this document.

XIII. Availability of Documents

Documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No./web link/**Federal Register** Citation
Public Law (Pub. L.) 115–324, ''Small Business Runway Extension Act of 2018''.	*https://www.congress.gov/115/plaws/publ324/PLAW-115publ324.pdf.*
NRC Size Standard for Making Determinations Required by the Regulatory Flexibility Act of 1980 (December 9, 1985).	50 FR 50241.
Revision of Fee Schedules; 100 Percent Fee Recovery (July 10, 1991)	56 FR 31507.
NRC Form 526, ''Certification of Small Entity Status for the Purposes of Annual Fees Imposed under 10 CFR Part 171''.	*https://www.nrc.gov/reading-rm/doc-collections/forms/nrc526.pdf.*
Receipts-Based, Small Business Size Standard; Direct Final Rule (July 3, 2012).	77 FR 39385.
Revision of Fee Schedules; Fee Recovery for Fiscal Year 2013 (July 1, 2013).	78 FR 39479.
Survey of NRC's Materials Licensees	85 FR 6225.
Small Business Size Standards: Calculation of Annual Average Receipts; Final Rule (December 5, 2019).	84 FR 66561.
Small Business Size Standards: Adjustment of Monetary-Based Size Standards for Inflation.	84 FR 34261.
Receipts-Based NRC Size Standards; Proposed Rule (July 26, 2021)	86 FR 39980.
SECY–20–0111, ''Rulemaking Plan to Amend the Receipts-Based NRC Size Standards (NRC–2014–0264).	ML20268B327.

Document	ADAMS accession No./web link/Federal Register Citation
FY 2021 U.S. Nuclear Regulatory Commission Small Entity Compliance Guide.	ML21105A750.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information, Environmental protection, Freedom of information, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, Registrations, Approvals, Intergovernmental relations, Nonpayment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is amending 10 CFR parts 2 and 171 as follows:

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note.

Section 2.205(j) also issued under 28 U.S.C. 2461 note.

■ 2. In § 2.810, revise paragraphs (a)(1) and (b) to read as follows:

§ 2.810 NRC size standards.

* * * * *

(a) * * *

(1) Concern that provides a service or a concern not engaged in manufacturing with average gross receipts of $8.0 million or less over its last 5 completed fiscal years; or

* * * * *

(b) A small organization is a not-for-profit organization which is independently owned and operated and has annual gross receipts of $8.0 million or less.

* * * * *

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

■ 3. The authority citation for part 171 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 11, 161(w), 223, 234 (42 U.S.C. 2014, 2201(w), 2273, 2282); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 42 U.S.C. 2215; 44 U.S.C. 3504 note.

■ 4. In § 171.16, revise paragraph (c) to read as follows:

§ 171.16 Annual fees: Materials licensees, holders of certificates of compliance, holders of sealed source and device registrations, holders of quality assurance program approvals, and government agencies licensed by the NRC.

* * * * *

(c) A licensee who is required to pay an annual fee under this section, in addition to 10 CFR part 72 licenses, may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in table 1 to this paragraph (c). Failure to file a small entity certification in a timely manner could result in the receipt of a delinquent invoice requesting the outstanding balance due and/or denial of any refund that might otherwise be due. The small entity fees are as follows:

TABLE 1 TO PARAGRAPH (c)

NRC small entity classification	Maximum annual fee per licensed category
Small Businesses Not Engaged in Manufacturing (Average gross receipts over the last 5 completed fiscal years):	
$555,000 to $8 million	$4,900
Less than $555,000	1,000
Small Not-For-Profit Organizations (Annual Gross Receipts):	
$555,000 to $8 million	4,900
Less than $555,000	1,000
Manufacturing Entities that Have An Average of 500 Employees or Fewer:	
35 to 500 employees	4,900
Fewer than 35 employees	1,000
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 49,999	4,900
Fewer than 20,000	1,000
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Fewer:	
35 to 500 employees	4,900
Fewer than 35 employees	1,000

* * * * *

Dated: January 27, 2022.
For the Nuclear Regulatory Commission.

Cherish K. Johnson,

Chief Financial Officer.

[FR Doc. 2022–03146 Filed 2–16–22; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 16

[Docket No. TTB–2022–0001; Notice No. 208]

Civil Monetary Penalty Inflation Adjustment—Alcoholic Beverage Labeling Act

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notification of civil monetary penalty adjustment.

SUMMARY: This document informs the public that the maximum penalty for violations of the Alcoholic Beverage Labeling Act (ABLA) is being adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended. Prior to the publication of this document, any person who violated the provisions of the ABLA was subject to a civil penalty of not more than $21,633, with each day constituting a separate offense. This document announces that this maximum penalty is being increased to $22,979.

DATES: The new maximum civil penalty for violations of the ABLA takes effect on February 17, 2022 and applies to penalties that are assessed after that date.

FOR FURTHER INFORMATION CONTACT: Vonzella C. Johnson, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; (202) 508–0413.

Background

Statutory Authority for Federal Civil Monetary Penalty Inflation Adjustments

The Federal Civil Penalties Inflation Adjustment Act of 1990 (the Inflation Adjustment Act), Public Law 101–410, 104 Stat. 890, 28 U.S.C. 2461 note, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, section 701, 129 Stat. 584, requires the regular adjustment and evaluation of civil monetary penalties to maintain their deterrent effect and helps to ensure that penalty amounts imposed by the Federal Government are properly accounted for and collected. A ''civil monetary penalty'' is defined in the Inflation Adjustment Act as any penalty, fine, or other such sanction that is: (1) For a specific monetary amount as provided by Federal law, or has a maximum amount provided for by Federal law; (2) assessed or enforced by an agency pursuant to Federal law; and (3) assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

The Inflation Adjustment Act, as amended, requires agencies to adjust civil monetary penalties by the inflation adjustment described in section 5 of the Inflation Adjustment Act. The Act also provides that any increase in a civil monetary penalty shall apply only to civil monetary penalties, including those whose associated violation predated such an increase, which are assessed after the date the increase takes effect.

The Inflation Adjustment Act, as amended, provides that the inflation adjustment does not apply to civil monetary penalties under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

Alcoholic Beverage Labeling Act

The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the Federal Alcohol Administration Act (FAA Act) pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013 (superseding Treasury Department Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

The FAA Act contains the Alcoholic Beverage Labeling Act (ABLA) of 1988, Public Law 100–690, 27 U.S.C. 213–219a, which was enacted on November 18, 1988. Section 204 of the ABLA, codified in 27 U.S.C. 215, requires that a health warning statement appear on the labels of all containers of alcoholic beverages manufactured, imported, or bottled for sale or distribution in the United States, as well as on containers of alcoholic beverages that are manufactured, imported, bottled, or labeled for sale, distribution, or shipment to members or units of the U.S. Armed Forces, including those located outside the United States.

The health warning statement requirement applies to containers of alcoholic beverages manufactured, imported, or bottled for sale or distribution in the United States on or after November 18, 1989. The statement reads as follows:

> GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

Section 204 of the ABLA also specifies that the Secretary of the Treasury shall have the power to ensure the enforcement of the provisions of the ABLA and issue regulations to carry them out. In addition, section 207 of the ABLA, codified in 27 U.S.C. 218, provides that any person who violates the provisions of the ABLA is subject to a civil penalty of not more than $10,000, with each day constituting a separate offense.

Most of the civil monetary penalties administered by TTB are imposed by the Internal Revenue Code of 1986, and thus are not subject to the inflation adjustment mandated by the Inflation Adjustment Act. The only civil monetary penalty enforced by TTB that is subject to the inflation adjustment is the penalty imposed by the ABLA at 27 U.S.C. 218.

TTB Regulations

The TTB regulations implementing the ABLA are found in 27 CFR part 16, and the regulations implementing the Inflation Adjustment Act with respect to the ABLA penalty are found in 27 CFR 16.33. This section indicates that, in accordance with the ABLA, any person who violates the provisions of this part is subject to a civil penalty of not more than $10,000. Further, pursuant to the provisions of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, this civil penalty is subject to periodic cost-of-living adjustments. Accordingly, any person who violates the provisions of 27 CFR part 16 is subject to a civil penalty of not more than the amount listed at *https://www.ttb.gov/regulation_guidance/ablapenalty.html.* Each day constitutes a separate offense.

To adjust the penalty, § 16.33(b) indicates that TTB will provide notice in the **Federal Register**, and at the website mentioned above, of cost-of-living adjustments to the civil penalty for violations of 27 CFR part 16.

Penalty Adjustment

In this document, TTB is publishing its yearly adjustment to the maximum ABLA penalty, as required by the amended Inflation Adjustment Act.

As mentioned earlier, the ABLA contains a maximum civil monetary penalty. For such penalties, section 5 of the Inflation Adjustment Act indicates that the inflation adjustment is determined by increasing the maximum penalty by the cost-of-living adjustment. The cost-of-living adjustment means the percentage increase (if any) between the Consumer Price Index for all-urban consumers (CPI–U) for the October preceding the date of the adjustment and the prior year's October CPI–U.

The CPI–U in October 2020 was 260.388, and the CPI–U in October 2021 was 276.589. The rate of inflation between October 2020 and October 2021 was therefore 6.222 percent. When applied to the current ABLA penalty of $21,633, this rate of inflation yields a raw (unrounded) inflation adjustment of $1,346.00526. Rounded to the nearest dollar, the inflation adjustment is $1,346, meaning that the new maximum civil penalty for violations of the ABLA will be $22,979.

The new maximum civil penalty will apply to all penalties that are assessed after February 17, 2022. TTB also will update its web page at *https://www.ttb.gov/regulation_guidance/ablapenalty.html* to reflect the adjusted penalty.

Dated: February 10, 2022.

Amy R. Greenberg,

Director, Regulations and Rulings Division.

[FR Doc. 2022–03410 Filed 2–16–22; 8:45 am]

BILLING CODE 4810–31–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Rules of Procedure; Technical Amendments

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Technical amendments.

SUMMARY: This document makes technical amendments to the final rule published by the Occupational Safety and Health Review Commission in the **Federal Register** on April 10, 2019, and corrected on August 30, 2019, October 4, 2019, and October 15, 2020. That rule revised the procedural rules governing practice before the Occupational Safety and Health Review Commission (OSHRC).

DATES: Effective on February 17, 2022.

FOR FURTHER INFORMATION CONTACT: Natalie Huls-Simpson, Attorney-Advisor, Office of the General Counsel, by telephone at (202) 606–5410, by email at *nhuls@oshrc.gov,* or by mail at: 1120 20th Street NW, Ninth Floor, Washington, DC 20036–3457.

SUPPLEMENTARY INFORMATION: OSHRC published revisions to its rules of procedure in the **Federal Register** on April 10, 2019 (84 FR 14554), and published corrections on August 30, 2019 (84 FR 45654), October 4, 2019 (84 FR 53052), and October 15, 2020 (85 FR 65220). This document makes further technical amendments to the final rule.

List of Subjects in 29 CFR Part 2200

Administrative practice and procedure, Hearing and appeal procedures.

Accordingly, 29 CFR part 2200 is amended by making the following technical amendments:

PART 2200—RULES OF PROCEDURE

■ 1. The authority citation for part 2200 continues to read as follows:

Authority: 29 U.S.C. 661(g), unless otherwise noted.

Section 2200.96 is also issued under 28 U.S.C. 2112(a).

■ 2. Revise § 2200.3 to read as follows:

§ 2200.3 Use of number.

Words importing the singular number may extend and be applied to the plural and vice versa.

■ 3. Amend § 2200.4 by revising paragraph (a)(6)(i) and adding paragraph (a)(7) to read as follows:

§ 2200.4 Computing time.

(a) * * *

(6) * * *

(i) The day set aside by statute for observing New Year's Day, Martin Luther King Jr.'s Birthday, Washington's Birthday, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, or Christmas Day; and,

* * * * *

(7) *Computation examples.* (i) If a judge orders that a document is due in 40 days, count every calendar day starting the day after that order (day 1) until reaching day 40 (due date). If the receiving Commission office is closed on day 40 (such as on a Saturday, Sunday, or Federal holiday), the document would be due the next day the office is open. In other words, if day 40 falls on a Saturday, and the following Monday is a Federal holiday, the document would be due on Tuesday, the day after the holiday.

(ii) If a judge orders that a document is due 14 days before a hearing, count backwards starting the day before the hearing (day 1) until reaching day 14. If the receiving Commission office is closed on day 14 (such as on a Saturday, Sunday, or Federal holiday), the document would be due on the last day the office is open before the Saturday, Sunday, or Federal holiday. In other words, if day 14 falls on a Sunday, and the Friday before is a Federal holiday, the document would be due on Thursday, the day before the holiday.

* * * * *

■ 4. Amend § 2200.6 by revising the first sentence of paragraph (a) to read as follows:

§ 2200.6 Record address.

(a) Every pleading or document filed by any party or intervenor shall contain the name, current address, telephone number, and email address of the party or intervenor's representative or, if there is no representative, the party or intervenor's own name, current address, telephone number, and email address. * * *

* * * * *

■ 5. Amend § 2200.7 by revising paragraph (h) to read as follows:

§ 2200.7 Service, notice, and posting.

* * * * *

(h) *Special service requirements; authorized employee representatives.* The authorized employee representative, if any, shall be served by the employer with the notice set forth in paragraph (g) of this section and with a copy of the notice of contest or petition for modification of the abatement period.

* * * * *

■ 6. Amend § 2200.8 by:

■ a. Revising the last sentence of paragraph (c)(1);

■ b. Adding a sentence to the end of paragraph (c)(2); and

■ c. Revising paragraph (d)(1) and the first sentence of paragraph (d)(5).

The revisions and addition read as follows:

§ 2200.8 Filing.

* * * * *

(c) * * *

(1) * * * Documents may not be filed with the Commission or the Judge via email, unless allowed under paragraph (d)(1) of this section.

(2) * * * Documents may not be filed with the Commission or the Judge via email, unless allowed under paragraph (d)(1) of this section.

* * * * *

(d) * * *

(1) *How to file.* Documents may be filed by postage-prepaid first class or

higher class U.S. Mail, commercial delivery service, personal delivery, or facsimile transmission. Only documents exempt from e-filing under paragraph (c)(5) of this section may be filed by email.

* * * * *

(5) *Sensitive information.* Unless the Commission or the Judge orders otherwise, in any filing with the Commission, information that is sensitive but not privileged (*e.g.,* Social Security numbers, driver's license numbers, passport numbers, taxpayer-identification numbers, birthdates, mother's maiden names, names of minors, an individual's physical personal address, financial account numbers) shall be redacted. * * *

* * * * *

■ 7. Amend § 2200.32 by revising the third sentence to read as follows:

§ 2200.32 Signing of pleadings and motions.

* * * The signature of a representative or party also constitutes a certificate by the representative or party that the representative or party has read the pleading, motion, or other document, that to the best of the representative's or party's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not included for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. * * *

■ 8. Amend § 2200.37 by revising paragraph (d)(3) to read as follows:

§ 2200.37 Petitions for modification of the abatement period.

* * * * *

(d) * * *

(3) An employer petitioning for a modification of the abatement period shall have the burden of proving in accordance with the requirements of section 10(c) of the Act, 29 U.S.C. 659(c), that such employer has made a good faith effort to comply with the abatement requirements of the citation and that abatement has not been completed because of factors beyond the employer's reasonable control.

* * * * *

■ 9. Amend § 2200.68 by revising paragraphs (a) and (b) and the first sentence of paragraph (d) to read as follows:

§ 2200.68 Recusal of the Judge.

(a) *Discretionary recusal.* A Judge may recuse themself from a proceeding whenever the Judge deems it appropriate.

(b) *Mandatory recusal.* A Judge shall recuse themself under circumstances that would require disqualification of a Federal judge under Canon 3(C) of the Code of Conduct for United States Judges, except that the required recusal may be set aside under the conditions specified by Canon 3(D).

* * * * *

(d) *Ruling on request.* If the Judge finds that a request for recusal has been filed with due diligence and that the material filed in support of the request establishes that recusal either is appropriate under paragraph (a) of this section or is required under paragraph (b) of this section, the Judge shall recuse themself from the proceeding. * * *

■ 10. Amend § 2200.70 by revising the last sentence of paragraph (f) to read as follows:

§ 2200.70 Exhibits.

* * * * *

(f) * * * Any person granted custody of an exhibit shall inform the Executive Secretary of the status every 6 months (*e.g.,* 6 months after January 15 would be July 15) of the person's continuing need for the exhibit and return the exhibit after completion of the proceeding.

* * * * *

■ 11. Amend § 2200.120 by revising the first sentence of paragraph (b)(1) and paragraph (d)(1) to read as follows:

§ 2200.120 Settlement procedure.

* * * * *

(b) * * *

(1) *Applicability.* Mandatory settlement applies only to notices of contest by employers in which the aggregate amount of the penalties sought by the Secretary is $205,000 or greater. * * *

* * * * *

(d) * * *

(1) *General.* The Settlement Judge shall convene and preside over conferences between the parties. The Settlement Judge shall designate the time, place, and nature of the conference.

* * * * *

Cynthia L. Attwood,

Chairman.

Amanda Wood Laihow,

Commissioner.

[FR Doc. 2022–03479 Filed 2–16–22; 8:45 am]

BILLING CODE 7600–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[NPS–SACN–32920; PPMWMWROW2/PMP00UP05.YP0000]

RIN 1024–AE64

St. Croix National Scenic Riverway, Bicycling

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The National Park Service amends the special regulations for St. Croix National Scenic Riverway to allow bicycle use on a 0.25-mile connector trail across National Park Service land near Cable, Wisconsin. The new trail will provide direct access to the Riverway and new recreational opportunities within the Riverway and on the Chequamegon Area Mountain Bike Association trail network in Bayfield County, Wisconsin. National Park Service regulations require promulgation of a special regulation to designate new trails for bicycle use off park roads and outside of developed areas.

DATES: This rule is effective on March 21, 2022.

ADDRESSES:

Docket: For access to the docket to read comments received, go to *www.regulations.gov* and search for Docket ID: NPS–2021–0002.

Document Availability: The Cable Connector Trail Environmental Assessment, Finding of No Significant Impact, and Written Determination provide information and context for this rule and are available online at *https://parkplanning.nps.gov/sacn* by clicking the link entitled ''Cable Connector Trail'' and then clicking the link entitled ''Document List.''

FOR FURTHER INFORMATION CONTACT: Lisa Yager, Chief of Resource Stewardship and Education, St. Croix National Scenic Riverway; (715) 483–2290; *Lisa_Yager@nps.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Namekagon and St. Croix Rivers flow through some of the most scenic and least developed country in the Upper Midwest. The free-flowing character and exceptional water quality of these waterways serve as a unique ecological corridor in northwest Wisconsin and eastern Minnesota that sustains a diversity of aquatic and terrestrial wildlife and habitats.

In 1968, to preserve, protect, and enhance this unique national resource for the benefit and enjoyment of present and future generations, Congress established the St. Croix National Scenic Riverway, a 230-mile long protected area that includes the Namekagon River, as one of the original eight rivers protected under the national Wild and Scenic Rivers Act. In 1972, the Lower St. Croix National Scenic Riverway was added to the National Wild and Scenic Rivers System. Together, these areas form the Riverway.

Today, the rivers continue to flow unimpeded for considerable distances as they have for millennia, through the river corridor, growing and changing in character from their headwaters to the St. Croix's confluence with the Mississippi. The Riverway offers exceptional recreational opportunities for visitors to paddle, boat, camp, hike, fish, explore, and find solitude in a natural setting close to the major metropolitan area of Minneapolis-Saint Paul. The National Park Service (NPS) and state partners work with local communities to maintain the aquatic, cultural, recreational, riparian, scenic–aesthetic, and geologic values of the rivers for the benefit and enjoyment of more than 600,000 annual visitors.

Cable Connector Trail Environmental Assessment

In October 2021, the NPS began construction on a 0.25-mile connector trail through the Riverway near Cable, Wisconsin. The trail is designed for hiking, trail running, and bicycle and electric bicycle (e-bike) use, and silent sports in the winter such as fat-tire bicycling, snowshoeing, and cross-country skiing. Equestrian and other motorized use will not be allowed. It will be the first trail at the Riverway open to bicycle use. Construction of the trail responds to a specific opportunity identified by the NPS and local partners to create a link across public land to provide direct access to the Riverway and new recreational opportunities within the Riverway and on the Chequamegon Area Mountain Bike Association (CAMBA) trail network in Bayfield County, Wisconsin. The trail will be built from the end of a segment of CAMBA's Wild River Trail on a former railroad grade near the Town of Cable, connecting to Parker Road. The trail will provide a critical link to adjoining trails and would serve an important role providing connectivity for several local trail running and biking events that start or finish in the Cable area. The bare soil trail will be built using sustainable trail construction techniques to protect natural and cultural resources. The trail will utilize landforms and natural features exhibiting the natural beauty of the area and would feature a slight crown, shallow grades, open sight lines, and gentle turns to support user safety, provide adequate drainage to minimize braiding, seasonal muddiness, and erosion, and reduce the overall maintenance costs associated with more complex trail features. Signage will clearly indicate allowed uses on the trail.

On September 22, 2020, the NPS published the Cable Connector Trail Environmental Assessment (EA). The EA describes one action alternative (the preferred alternative) and the no-action alternative. Under the preferred alternative, the NPS would construct the 0.25 mile Cable Connector Trail to accommodate bicycle and e-bike use. The EA evaluates (1) the suitability of the Cable Connector Trail for bicycle and e-bike use; and (2) life cycle maintenance costs, safety considerations, methods to prevent or minimize user conflict, and methods to protect natural and cultural resources and mitigate impacts associated with bicycle and e-bike use on the trail. The EA contains a full description of the purpose and need for taking action, the alternatives considered, a map of the affected area, and the environmental impacts associated with the project. After a public review period, on February 1, 2021, the Regional Director for DOI Unified Regions 3, 4 and 5 (Great Lakes) signed a Finding of No Significant Impact (FONSI) that identified the preferred alternative in the EA as the selected alternative. On November 11, 2021, the Regional Director signed a Written Determination that bicycle use on the new trail is consistent with the protection of the Riverway's natural, scenic, and aesthetic values, safety considerations and management objectives, and that it will not disturb wildlife or park resources. The EA, FONSI, and Written Determination may be viewed on the Riverway's planning website at *https://parkplanning.nps.gov/sacn* by clicking the link entitled ''Cable Connector Trail'' and then clicking the link entitled ''Document List.''

Summary of Public Comments

The NPS published a proposed rule in the **Federal Register** on July 16, 2021 (86 FR 37725). The NPS accepted public comments on the proposed rule for 60 days via the mail, hand delivery, and the Federal eRulemaking Portal at *https://www.regulations.gov.* Comments were accepted through September 14, 2021. The NPS received 55 comments on the proposed rule. All of the comments supported bicycle use on the new trail. Below is a summary of one pertinent issue that was raised by a commenter and the response from the NPS. After considering the public comments and after additional review, the NPS did not make any changes to the rule other than adding an affirmative statement that a violation of any condition, closure, limit, or restriction on bicycle use implemented by the superintendent is prohibited.

Comment: One commenter objected to the use of electric bicycles on the trail.

NPS Response: Similar to traditional bicycles, the NPS believes that, with proper management, the use of electric bicycles (e-bikes) may be an appropriate activity in some park areas. The EA considered the potential for benefits and adverse impacts to resources and visitors and the FONSI determined that impacts of the action, including the use of e-bikes on the new Cable Connector Trail, will not be significant. The FONSI concluded that environmental impacts that could occur will be limited in context and intensity, with general beneficial impacts to visitor use and experience, and possible minor effects on northern long-eared bat (*Myotis septentrionalis*). The FONSI concluded that there will be no unmitigated adverse impacts on these or other resources or values of the Riverway.

NPS regulations at 36 CFR 4.30(i) give superintendents the discretionary authority to allow e-bikes on park roads, parking areas, and administrative roads and trails that are otherwise open to bicycles. After the Cable Connector Trail is constructed and ready for bicycle use, the superintendent of the Riverway will designate the trail as open to bicycles by providing notice in accordance with 36 CFR 1.7. This includes a requirement to list the trail as open to bicycles in the park compendium, which is available on the park website at *www.nps.gov/sacn.* At that time, the superintendent also may designate the trail as open to e-bikes. If, in the future, the superintendent determines that e-bikes or certain classes of e-bikes should no longer be allowed on the trail, or that conditions for use should change, the superintendent can make such changes by updating the park compendium and providing adequate public notice under 36 CFR 1.7.

Final Rule

This rule implements the selected alternative in the FONSI and authorizes the superintendent to designate the new Cable Connector Trail for traditional bicycle use. This action complies with NPS regulations 36 CFR 4.30, which

require a special regulation to designate new bicycle trails that require construction activities off park roads and outside of developed areas. This rule adds a new paragraph (g) to 36 CFR 7.9, which contains the special regulations for the Riverway. After the trail is constructed, the rule requires the superintendent to notify the public prior to designating the trail for bicycle use through one or more of the methods listed in 36 CFR 1.7, and identify the designation on maps available at Riverway visitor centers and posted on the Riverway's website (*www.nps.gov/sacn*). The rule also authorizes the superintendent to establish closures, conditions, or restrictions for bicycle use on the trail after considering public health and safety, resource protection, and other management activities and objectives.

Bicycle use will not be authorized by the superintendent until the NPS completes the process required by NPS regulations at 36 CFR 4.30, including the preparation of a written determination that bicycle use on the new trail is consistent with the protection of the park area's natural, scenic and aesthetic values, safety considerations and management objectives, and will not disturb wildlife or park resources. As explained in the response to comment above, when the superintendent opens the trail to traditional bicycles, the superintendent also may open the trail to e-bikes, or specific classes of e-bikes. This rule will not affect the use of any existing trails in the Riverway, all of which remain closed to bicycles and e-bikes.

The rule also revises the section heading from ''St. Croix National Scenic Rivers'' to ''St. Croix National Scenic Riverway.'' This change is consistent with the commonly used and official name of the Riverway.

Compliance With Other Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rulemaking is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The NPS has developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

This rulemaking would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on information contained in the economic analyses found in the report entitled ''Cost-Benefit and Regulatory Flexibility Threshold Analyses: Final Rule to Designate a New Trail Connection for Bicycle Use at St. Croix National Scenic Riverway.'' The report may be viewed on the Riverway's planning website at *https://parkplanning.nps.gov/sacn* by clicking the link entitled ''Cable Connector Trail'' and then clicking the link entitled ''Document List.''

Congressional Review Act (CRA)

This rulemaking is not a major rule under 5 U.S.C. 804(2). This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

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

Unfunded Mandates Reform Act

This rulemaking does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

This rulemaking does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rule only affects use of federally-administered lands and waters. It has no direct effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rulemaking complies with the requirements of Executive Order 12988. This rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. The NPS has evaluated this rulemaking under the criteria in Executive Order 13175 and under the Department's tribal consultation policy and have determined that tribal consultation is not required because the rule will have no substantial direct effect on federally recognized Indian tribes. Nevertheless, in support of the Department of the Interior and NPS commitment for government-to-government consultation, during the EA process, the NPS shared information about the proposed action with 18 federally recognized American Indian Tribes and invited them to consult on the project. None of the 18 Tribes expressed interest in consultation.

Paperwork Reduction Act

This rulemaking does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not

required. The NPS 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.

National Environmental Policy Act

The NPS has prepared the EA to determine whether this rule will have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969. This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required because of the FONSI. A copy of the EA and FONSI can be found online at *https://parkplanning.nps.gov/sacn* by clicking the link entitled ''Cable Connector Trail'' and then clicking the link entitled ''Document List.''

Effects on the Energy Supply (Executive Order 13211)

This rulemaking is not a significant energy action under the definition in Executive Order 13211; the rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and the rule has not otherwise been designated by the Administrator of OIRA as a significant energy action. A Statement of Energy Effects in not required.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service amends 36 CFR part 7 as set forth below:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

■ 1. The authority citation for part 7 continues to read as follows:

Authority: 54 U.S.C. 100101, 100751, 320102; Sec. 7.96 also issued under D.C. Code 10–137 and D.C. Code 50–2201.07.

■ 2. Amend § 7.9 by revising the section heading and adding paragraph (g) to read as follows:

§ 7.9 St. Croix National Scenic Riverway.

* * * * *

(g) *Bicycle Use.* (1) The Superintendent may designate all or a portion of the Cable Connector Trail (full length of the trail approximately 0.25 miles) as open to bicycle use.

(2) A map showing trails open to bicycle use will be available at Riverway visitor centers and posted on the Riverway website. The Superintendent will provide notice of all trails designated for bicycle use in accordance with § 1.7 of this chapter.

(3) The Superintendent may limit, restrict, or impose conditions on bicycle use, or close any trail to bicycle use, or terminate such conditions, closures, limits, or restrictions in accordance with § 4.30 of this chapter. A violation of any such condition, closure, limit, or restriction is prohibited.

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2022–03394 Filed 2–16–22; 8:45 am]

BILLING CODE 4312–52–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2017–0031; FRL–9177–02–R10]

Air Plan Approval; AK; Removal of Excess Emissions Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Alaska, through the Alaska Department of Environment Conservation, on January 9, 2017. The revision was submitted by Alaska in response to a finding of substantial inadequacy and SIP call published on June 12, 2015, for a provision in the Alaska SIP related to excess emissions during startup, shutdown, and malfunction (SSM) events. EPA is approving the SIP revision and finds that such SIP revision corrects the deficiency identified in the June 12, 2015, SIP call.

DATES: This final rule is effective March 21, 2022.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2017–0031. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov,* or please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Randall Ruddick, EPA Region10, 1200 Sixth Avenue (Suite 155), Seattle, WA 98101, (206) 553–1999; or email *ruddick.randall@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, it means the EPA.

I. Background

On December 6, 2021, we proposed to approve a SIP revision submitted by the State of Alaska, through the Alaska Department of Environment Conservation, on January 9, 2017 (86 FR 68960). In that proposal, we also proposed to determine that the SIP revision corrects the deficiency with respect to Alaska that we identified in our June 12, 2015 action entitled ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction'' (''June 12, 2015 SIP call'') (80 FR 33839, June 12, 2015). The reasons for our proposed approval and determination are stated in the proposed action (86 FR 68960, January 9, 2017) and will not be restated here. The public comment period for our proposed approval and determination ended on January 5, 2022, and no comments were received. Therefore, we are finalizing our action as proposed.

II. Final Action

EPA is approving Alaska's January 9, 2017 SIP submission requesting removal of 18 AAC 50.240 ''Excess Emissions'' from the Alaska SIP. EPA has also determined this SIP revision corrects the deficiency identified in the June 12, 2015 SIP call. Alaska is retaining 18 AAC 50.240 for state law purposes only, with revisions to clarify that (1) all excess emissions are violations and (2) the provision applies only to Alaska in exercising its enforcement authority and therefore does not preclude citizens or EPA from seeking injunctive relief or civil penalties for excess emissions (86 FR 68961).

III. Incorporation by Reference

In this document, EPA is finalizing removal of regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is removing the incorporation by reference of ''18 AAC 50.240'' in 40 CFR 52.70, as described in section II of

this preamble. EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for removal from the Alaska SIP, have been removed from incorporation by reference by EPA into that plan, are no longer federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of the EPA's approval, and incorporation by reference will be removed by the Director of the Federal Register in the next update to the SIP compilation.[1]

IV. Statutory and Executive Order Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The Alaska SIP does not apply on any Indian reservation land in or in any other area where EPA or Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rulemaking does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 18, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 10, 2022.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart C—Alaska

§ 52.70 [Amended]

■ 2. In § 52.70, the table in paragraph (c) is amended by removing the entry ''18 AAC 50.240'' under the heading ''18 AAC 50—Article 2. Program Administration''.

[FR Doc. 2022–03303 Filed 2–16–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2021–0840; FRL–9416–01–OCSPP]

[Oxirane, 2-(Phenoxymethyl)-, Polymer With Oxirane, Ether With 2,2′,2″-Nitrilotris[Ethanol] (3:1), Diblock; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock (CAS Reg. No. 2307555–89–9), when used as an inert ingredient in a pesticide chemical formulation. Spring Regulatory Sciences, on behalf of Stepan Company, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock on food or feed commodities.

[1] 62 FR 27968 (May 22, 1997).

DATES: This regulation is effective February 17, 2022. Objections and requests for hearings must be received on or before April 18, 2022, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2021–0840, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40*.

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2021–0840 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before April 18, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2021–0840, by one of the following methods.

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *https://www.epa.gov/dockets/contacts.html*.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets*.

II. Background and Statutory Findings

In the **Federal Register** of December 21, 2021 (86 FR 72201) (FRL–8792–06), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–11646) filed by Spring Regulatory Sciences (6620 Cypresswood Dr., Suite 250, Spring, TX 77379), on behalf of Stepan Company (22 W Frontage Rd., Northfield, IL 60093). The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock (CAS Reg. No. 2307555–89–9). That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any substantive public comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. To determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to

determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). Oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock (CAS Reg. No. 2307555–89–9) conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition at least two of the atomic elements carbon, hydrogen, nitrogen, oxygen, silicon, and sulfur.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize: An adequate biodegradation study (MRID 51712502) was submitted for oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock showing lack of biodegradation (10.6% at 28 days, 13% at 90 days).

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the Toxic Substances Control Act (TSCA) Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3- or longer chain length as listed in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

The polymer's number average molecular weight is greater than or equal to 1,000 daltons and less than 10,000 daltons (5483 daltons). Also, the polymer contains less than 2% oligomeric material below MW 500 (2.0%) and less than 5% oligomeric material below MW 1,000 (3.5%).

Thus, Oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock (CAS Reg. No. 2307555–89–9) meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The minimum number average MW of oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock is 5,300 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock conforms to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock to share a common mechanism of toxicity with any other substances, and oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *https://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock.

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption

from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock.

IX. Conclusion

Accordingly, EPA finds that exempting residues of oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

XI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 8, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, amend Table 1 to § 180.960, by adding in alphabetical order the polymer ''Oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock, minimum number average molecular weight (in amu), 5,300'' to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

TABLE 1 TO § 180.960

Polymer	CAS No.
* * * * * * *	
Oxirane, 2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2′,2″-nitrilotris[ethanol] (3:1), diblock, minimum number average molecular weight (in amu), 5,300	2307555–89–9
* * * * * * *	

[FR Doc. 2022–03456 Filed 2–16–22; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 5b

[Docket Number NIH–2016–0002]

RIN 0925–AA62

Privacy Act; Implementation

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (HHS or Department) is issuing this final rule to make effective the exemptions that were previously proposed for a subset of records covered in a new Privacy Act system of records, No. 09–25–0165, NIH Loan Repayment Records, which is maintained by the National Institutes of Health (NIH). The system of records covers records used to manage and evaluate the Loan Repayment Programs (LRPs) at NIH. The exemptions are necessary to maintain the integrity of the NIH peer review and award processes by enabling NIH to protect the identities of reviewers.

DATES: This final rule is effective February 17, 2022.

FOR FURTHER INFORMATION CONTACT: Dustin Close, Office of Management Assessment, National Institutes of Health, 6705 Rockledge Drive, Suite 601, Bethesda, Maryland 20892, telephone 301–402–6469, email *privacy@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The NIH Loan Repayment Programs (LRPs) are administered by the Division of Loan Repayment (DLR) within NIH's Office of Extramural Research. DLR provides repayment of student loans for approved applicants to encourage outstanding health professionals to pursue careers in biomedical, behavioral, social, and clinical research. Research health professionals who owe qualified educational debt and who meet eligibility criteria may apply for student loan repayment. A peer review process recommends applicants for loan repayments. The peer review process is committee-based, with a peer review group comprised of individual reviewers, referees, or other recommenders (hereafter collectively referred to as Reviewers). Reviewers are primarily non-government experts qualified by training and experience in scientific or technical fields, or as authorities knowledgeable in disciplines and fields related to the areas under review. Reviewers give DLR expert recommendations and materials (such as ratings, summaries, and communications) about applicants' suitability, eligibility, or qualifications for student loan repayments under express promises that the Reviewers will not be identified as the sources of the information. DLR uses the information solely for the purpose of determining applicants' suitability, eligibility, or qualifications for Federal loan repayment. System of records 09–25–0165 covers records about health professionals who apply for student loan repayments and about other categories of individuals who are related to the applications. These records include material that could reveal the identity of the Reviewers either directly or indirectly.

Under the Privacy Act of 1974, as amended (Privacy Act, 5 U.S.C. 552a, or ''Privacy Act''), individuals have a right of access to records about themselves in Federal agency systems of records, and other rights with respect to those records (such as notification, amendment, and an accounting of disclosures), but the Act permits certain types of systems of records (identified in section 552a(j) and (k)) to be exempted from certain requirements of the Act. Subsection (k)(5) permits the head of an agency to promulgate rules to exempt from the requirements in subsections (c)(3) and (d)(1) through (4) of the Act investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal contracts, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Federal Government under an express promise that the identity of the source would be held in confidence.

In accordance with the Privacy Act, HHS/NIH proposed to exempt material that would identify a confidential source in system of records 09–25–0165 from the notification, access, and amendment requirements of the Act pursuant to subsection (k)(5) of the Act, as described in a notice of proposed rulemaking (NPRM) published in the **Federal Register** (86 FR 2633) for public comment on January 13, 2021. The agency also published a modified notice describing system of records 09–25–0165 (SORN) in the **Federal Register** (86 FR 2677) for public comment the same day. The 60-day public comment period provided for both the SORN and the NRPM expired March 15, 2021. Thirteen comments were received on the NPRM and no comments were received on the SORN. The comments received applauded NIH's efforts to exempt material that would identify Reviewers contained within the system of records as specified in the notice. Additionally, none of the commentors recommended any changes to the proposed exemptions or the SORN. Therefore, HHS/NIH has made no changes to the proposed exemptions in the NPRM or to the SORN.

NIH believes the exemptions are necessary to maintain the integrity of the NIH peer review and award processes. Protecting Reviewer identities as the sources of the information they provide protects them from harassment, intimidation, and other attempts to improperly influence award outcomes, and ensures that they are not reluctant to provide sensitive information or frank assessments. Case law has held that exemptions promulgated under subsection (k)(5) may protect source-identifying material even where the identity of the source is known. Therefore, NIH solicits Reviewers to assess applicants for loan repayment programs under an express promise of confidentiality.

The specific rationales that support the exemptions concerning each affected Privacy Act provision, are as follows:

- Subsection (c)(3). An exemption from the requirement to provide an accounting of disclosures to record subjects is needed to protect the identity of any Reviewer who is expressly promised confidentiality. Providing an accounting of disclosures to an applicant could identify specific Reviewers as sources of recommendations or evaluative input received, or to be received, on the application. Inappropriately revealing the Reviewers' identities in association with the nature and scope of their assessments or evaluations could lead them to alter or destroy their assessments or evaluations or subject them to harassment, intimidation, or other improper influence, which would impede or compromise the fairness and objectivity of the loan repayment application review process; constitute an unwarranted invasion of the personal privacy of the Reviewer; and violate the express promise of confidentiality made to the Reviewer.
- Subsection (d)(1). An exemption from the access requirement is needed both during and after an application review proceeding to avoid inappropriately revealing the identity of the Reviewers. Protecting the Reviewers' identities from access by record subjects is necessary to maintain the integrity of the review process. It ensures Reviewers provide candid assessments or

evaluations to the Federal Government without fear that their identities as linked to a specific work product will be revealed inappropriately. Allowing an individual applicant who is the subject of an assessment or evaluation, or another record subject who has a relationship to the application, to access material that would reveal a Reviewer could lead Reviewers to alter or destroy their assessments or evaluations or subject them to harassment, intimidation, or other improper influence; interfere with or compromise the objectivity and fairness of award application review proceedings; constitute an unwarranted invasion of the personal privacy of the Reviewer; and violate the express promise of confidentiality made to the Reviewer.

• Subsection (d)(2) through (4). An exemption from the amendment and appeal provisions is necessary while one or more related application review proceedings are pending, but only if and to the extent that disclosure of material in the amendment request and appeal process would reveal inappropriately the identity of any Reviewer who was expressly promised confidentiality. The exemption will be limited to allowing the agency, when processing an amendment request or the review of a refusal to amend a record, to avoid disclosing the existence of the record sought to be amended and its contents, if doing so would reveal the identity of a Reviewer. Revealing the identity of a Reviewer to an individual applicant or other subject individual could lead them to alter or destroy their assessments or evaluations or subject them to harassment, intimidation, or other improper influence; interfere with or compromise the objectivity and fairness of award application review proceedings; interfere with the agency's application review process; constitute an unwarranted invasion of the personal privacy of the Reviewer; and violate the express promise of confidentiality made to the Reviewer.

Accordingly, pursuant to 5 U.S.C. 552a(k)(5), NIH is exempting records about LRP applicants in system of records 09–25–0165 NIH Division of Loan Repayment Record System from the access, amendment, and accounting of disclosures provisions of the Privacy Act (5 U.S.C. 552a(c)(3) and (d)(1) through (4)), to the extent necessary to protect material in the records furnished under an express promise that the identity of the source would be held in confidence, based on the specific rationales discussed above.

In the case of a request for access to, or amendment of, a record in the DLR Record System from an individual covered by the system of records, NIH will withhold only material that would inappropriately reveal the identities of Reviewers who provide recommendations and evaluative input to NIH about particular award applications under an express promise that their identities would be held in confidence. This includes only material that would reveal a particular Reviewer as the author of a specific work product (*e.g.,* reference or recommendation letters, reviewer critiques, preliminary or final individual overall scores, assignment of Reviewers to an application); and it includes not only a Reviewer's name but any content that could enable the Reviewer to be identified from context, such as the Reviewer's institutional affiliation, title, or specific comment that might allow an applicant to deduce the Reviewer's identity.

Notwithstanding the exemptions, NIH will consider any request for access or amendment that is addressed to the System Manger as provided in the SORN for system of records 09–25–0165, and NIH will consider any request for an accounting of disclosures.

The **Federal Register** notice containing the SORN proposed for new system of records 09–25–0165 (86 FR 2677), published January 13, 2021, provides for the SORN to be effective upon publication of this final rule. HHS/NIH made no changes to the SORN in response to public comments and, therefore, the SORN, as published at 86 FR 2677, is now effective.

Analysis Impacts

I. Review Under Executive Orders 12866 and 13563

The agency has reviewed this rule under Executive Orders 12866, Regulatory Planning and Review (58 FR 51735, September 30, 1993), and 13563, Improving Regulation and Regulatory Review (76 FR 3821, January 18, 2011), which direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to maximize the net benefits. The agency believes that this rule is not a significant regulatory action under Executive Order 12866, because it will not (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. This rule removes certain Privacy Act rights from the subjects of these records in accordance with criteria established in the Privacy Act at 5 U.S.C. 552a(k)(5). This decision is based on a showing that agency compliance with all the Privacy Act requirements with respect to those records would harm the effectiveness or integrity of the agency function or process for which the records are maintained (in this case, NIH research and development loan award processes). Thus, this agency believes that a regulatory impact analysis is not required.

II. Review Under the Regulatory Flexibility Act (5 U.S.C. 601–612)

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant regulatory impacts of a rule on small entities. Because the rule imposes no duties or obligations on small entities, we have determined, and the Director certifies, that the rule will not have a significant economic impact on a substantial number of small entities.

III. Review Under the Unfunded Mandates Reform Act of 1995 (Section 202, Public Law 104–4)

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $156 million, using the most current (2020) Implicit Price Deflator for the Gross Domestic Product. The agency does not expect that this final rule will result in any 1-year expenditure by state, local, and tribal governments that will meet or exceed this amount.

IV. Review Under the Paperwork Reduction Act of 1995 (44 U.S.C. 35–1 et seq.)

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act.

V. Review Under Executive Order 13132, Federalism

This rule will not have any 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. Therefore, the requirements of Executive Order 13132 are inapplicable.

List of Subjects in 45 CFR Part 5b

Privacy.

For the reasons set out in the preamble, the Department amends part 5b of title 45 of the Code of Federal Regulations as follows:

PART 5b—PRIVACY ACT REGULATIONS

■ 1. The authority citation for part 5b continues to read as follows:

Authority: 5 U.S.C. 301, 5 U.S.C. 552a.

■ 2. Amend § 5b.11 by adding paragraph (b)(3) to read as follows:

§ 5b.11 Exempt systems.

* * * * *

(b) * * *

(3) The following systems of records are exempt from 5 U.S.C. 552a(c)(3) and § 5b.9(c)(3), which require a subject individual to be granted access to an accounting of disclosures of a record; and from 5 U.S.C. 552a(d)(1) through (4) and §§ 5b.5, 5b.7, and 5b.8, relating to notification of or access to records and correction or amendment of records.

(i) Pursuant to subsection (k)(5) of the Privacy Act:

(A) NIH Division of Loan Repayment Record System, 09–25–0165.

(B) [Reserved]

(ii) [Reserved]

* * * * *

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2022–03473 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

DA 22–128; FRS 71904]

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the FM Table of Allotments, of the Federal Communications Commission's (Commission) rules, by designating as unreserved the FM allotment channels that are reserved for noncommercial educational (''NCE'') use in various communities. The FM allotments are vacant as a result of the dismissal of an application or cancellation of the authorization or license. We classify as unreserved these NCE channels that are in the commercial band (Channels 221 to 300) by operation of law. These FM allotment channels have previously undergone notice and comment rulemaking. This action constitutes an editorial change in the FM Table of Allotments. Therefore, we find for good cause that further notice and comment are unnecessary.

DATES: Effective February 17, 2022.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Order,* adopted February 9, 2022 and released February 9, 2022. The full text of this Commission decision is available online at *https://apps.fcc.gov/ecfs/.* This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. The Commission will not send a copy of the *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) because the *Order* is a ministerial action.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

Final Rules

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

PART 73—RADIO BROADCAST SERVICES

■ 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 § 73.202, amend table 1 to paragraph (b) by:

■ a. Revise the entry for ''Pima'' under Arizona;

■ b. Revise the entry for ''Olathe'' under Colorado;

■ c. Revise the entry for ''Otter Creek'' under Florida;

■ d. Add the entry ''Weiser'' under Idaho;

■ e. Revise the entries for ''Cedarville,'' ''Greenup,'' and ''Pinckneyville'' under Illinois;

■ f. Add the entry ''Columbus'' in alphabetical order and revise the entries for ''Fowler'' and ''Madison'' under Indiana;

■ g. Under Iowa:

■ i. Revise the entries for ''Asbury'' and ''Keosauqua'';

■ ii. Add the entry ''Moville'' in alphabetical order; and

■ iii. Revise the entry for ''Rudd'';

■ h. Revise the entry for ''Council Grove'' under Kansas;

■ i. Revise the entry for ''Golden Meadow'' under Louisiana;

■ j. Revise the entry for ''West Tisbury'' under Massachusetts;

■ k. Revise the entry for ''Cordell'' and add the entry for ''Weatherford'' in alphabetical order under Oklahoma;

■ l. Revise the entry for ''Liberty'' under Pennsylvania;

■ m. Add the entry for ''Denver City'' in alphabetical order and revise the entry for ''Van Alstyne'' under Texas;

■ n. Revise the entry for ''Oak Harbor'' under Washington;

■ o. Revise the entries for ''Ashland'' and ''Hayward'' under Wisconsin;

■ p. Revise the entry for ''Jackson'' under Wyoming; and

■ q. Revise the second entry for ''Charlotte Amalie'' under U.S. Territories, Virgin Islands.

The revisions and additions read as follows:

§ 73.202 Table of Allotments.

* * * * *

(b) * * *

TABLE 1 TO PARAGRAPH (b)

U.S. States	Channel No.
* * * * *	
ARIZONA	
* * * * *	
Pima	296A
* * * * *	
COLORADO	
* * * * *	
Olathe	270C2, 293C
* * * * *	
FLORIDA	
* * * * *	
Otter Creek	240A

TABLE 1 TO PARAGRAPH (b)—Continued

U.S. States	Channel No.
* * * * *	
IDAHO	
Weiser	247C1
ILLINOIS	
* * * * *	
Cedarville	258A
Greenup	230A
Pinckneyville	282A
INDIANA	
Columbus	228A
Fowler	291A
Madison	265A
IOWA	
Asbury	254A
* * * * *	
Keosauqua	271C3
Moville	246A
* * * * *	
Rudd	268A
KANSAS	
Council Grove	281C3
* * * * *	
LOUISIANA	
* * * * *	
Golden Meadow	289C2
* * * * *	
MASSACHUSETTS	
* * * * *	
West Tisbury	282A
* * * * *	
OKLAHOMA	
* * * * *	
Cordell	229A
* * * * *	
Weatherford	286A
* * * * *	
PENNSYLVANIA	
Liberty	298A

TABLE 1 TO PARAGRAPH (b)—Continued

U.S. States	Channel No.
* * * * *	
TEXAS	
* * * * *	
Denver City	248C2
* * * * *	
Van Alstyne	260A
* * * * *	
WASHINGTON	
* * * * *	
Oak Harbor	233A
* * * * *	
WISCONSIN	
Ashland	275A
* * * * *	
Hayward	232C2
* * * * *	
WYOMING	
* * * * *	
Jackson	294C2
* * * * *	
U.S. Territories.	
* * * * *	
VIRGIN ISLANDS	
* * * * *	
Charlotte Amalie	275A

[FR Doc. 2022–03468 Filed 2–16–22; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 511

[GSAR Case 2016–G511; Docket No. 2021–0018; Sequence No. 1]

RIN 3090–AJ84

General Services Acquisition Regulation (GSAR); Contract Requirements for GSA Information Systems

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Final rule; correction.

SUMMARY: On February 9, 2022, GSA published a final rule to amend the General Services Administration Acquisition Regulation (GSAR) to streamline and update requirements for contracts that involve GSA information systems and replace outdated text with existing policies of the GSA Office of the Chief Information Officer (OCIO) and provide centralized guidance to ensure consistent application across the organization. GSA is making editorial changes to an amendatory instruction under Part 511.

DATES: Effective March 11, 2022.

FOR FURTHER INFORMATION CONTACT: Ms. Johnnie McDowell, Procurement Analyst, at 202–718–6112 or *gsarpolicy@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *gsaregsec@gsa.gov.* Please cite GSAR Case 2016–G511.

SUPPLEMENTARY INFORMATION: In FR Doc. 2022–02662 appearing on pages 7393–7395 in the issue of February 9, 2022, make the following correction:

511.171 [Corrected]

On page 7395, in the second column, Instruction 4 is corrected to read:

4. Amend part 511 by adding Subpart 511.1—Selecting and Developing Requirements Documents, consisting of section 511.171 to read as follows:

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2022–03411 Filed 2–16–22; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2021–0133; FF09E21000 FXES1111090FEDR 223]

RIN 1018–BF29

Endangered and Threatened Wildlife and Plants; Technical Amendments for Southeastern Mussels, Snails, and a Reptile

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Direct final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the revised taxonomy of 16 wildlife species under the Endangered Species Act of 1973, as amended (Act). We are revising the List

of Endangered and Threatened Wildlife and/or other applicable regulations to reflect the scientifically accepted taxonomy and nomenclature of these species.

DATES: This rule is effective May 18, 2022 without further action, unless significant adverse comment is received by March 21, 2022. If significant adverse comment is received, we will publish a timely withdrawal of the rule for the appropriate species in the **Federal Register**.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R4–ES–2021–0133, which is the docket number for this rulemaking. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, click on the Rule box to locate this document. You may submit a comment by clicking on ''Comment.''

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS–R4–ES–2021–0133, U.S. Fish and Wildlife Service, MS: PRB/3W (JAO), 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Public Comments, below, for more information).

FOR FURTHER INFORMATION CONTACT: Nicole Rankin, Chief, Division of Conservation and Classification, U.S. Fish and Wildlife Service, Interior Regions 2 and 4, 1875 Century Boulevard NE, Atlanta, GA 30345; telephone 404–679–7089. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8337 for TTY (telephone typewriter or teletypewriter) assistance 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

Purpose of Direct Final Rule and Final Action

The purpose of this direct final rule is to notify the public that we are revising the List of Endangered and Threatened Wildlife (List) in title 50 of the Code of Federal Regulations (CFR) at § 17.11(h) (50 CFR 17.11(h)) and/or other applicable regulations to reflect the scientifically accepted taxonomy and nomenclature of 13 freshwater mussel species, 2 snail species, and 1 reptile species listed under section 4 of the Act (16 U.S.C. 1531 *et seq.*). These changes to the List and/or other applicable regulations reflect the most recently accepted scientific name in accordance with 50 CFR 17.11(c).

We are publishing this rule without a prior proposal because this is a noncontroversial action that is in the best interest of the public and should be undertaken in as timely a manner as possible. This rule will be effective, as published in this document, on the effective date specified in **DATES**, unless we receive significant adverse comments by the comment due date specified in **DATES**. Significant adverse comments are comments that provide strong justification as to why our rule should not be adopted or why it should be changed.

If we receive significant adverse comments regarding the taxonomic changes for any of these species, we will publish a document in the **Federal Register** withdrawing this rule for the appropriate species before the effective date, and we will publish a proposed rule to initiate promulgation of those changes to 50 CFR 17.11(h) and/or other applicable regulations.

Public Comments

You may submit your comments and materials regarding our direct final rule by one of the methods listed in **ADDRESSES**. Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this direct final rule, will be available for public inspection on *http://www.regulations.gov.*

Background

Sections 17.11(c) and 17.12(b) of title 50 of the CFR direct us to use the most recently accepted scientific name of any species that we have determined to be an endangered or threatened species. Using the best available scientific information, this direct final rule documents taxonomic changes of the scientific names to 12 entries under ''Clams,'' 2 entries under ''Snails,'' and 1 entry under ''Reptiles'' on the List at 50 CFR 17.11(h). The basis for these taxonomic changes is supported by published studies in peer-reviewed journals. Accordingly, we revise the scientific names of these 15 species under section 4 of the Act (16 U.S.C. 1533) as follows:

Species name as currently listed	Corrected species name
Ouachita rock-pocketbook (*Arkansia wheeleri*)	Ouachita rock pocketbook (*Arcidens wheeleri*).
Northern riffleshell (*Epioblasma torulosa rangiana*)	Northern riffleshell (*Epioblasma rangiana*).
Finelined pocketbook (*Lampsilis altilis*)	Finelined pocketbook (*Hamiota altilis*).
Orangenacre mucket (*Lampsilis perovalis*)	Orangenacre mucket (*Hamiota perovalis*).
Shinyrayed pocketbook (*Lampsilis subangulata*)	Shinyrayed pocketbook (*Hamiota subangulata*).
Choctaw bean (*Villosa choctawensis*)	Choctaw bean (*Obovaria choctawensis*).
James spinymussel (*Pleurobema collina*)	James spinymussel (*Parvaspina collina*).
Tar River spinymussel (*Elliptio steinstansana*)	Tar River spinymussel (*Parvaspina steinstansana*).
Cumberland pigtoe (*Pleurobema gibberum*)	Cumberland pigtoe (*Pleuronaia gibber*).
Round ebonyshell (*Fusconaia rotulata*)	Round ebonyshell (*Reginaia rotulata*).
Cumberland monkeyface (*Quadrula intermedia*)	Cumberland monkeyface (*Theliderma intermedia*).
Appalachian monkeyface (pearlymussel) (*Quadrula sparsa*)	Appalachian monkeyface (*Theliderma sparsa*).
Royal marstonia (*Pyrgulopsis ogmorhaphe*)	Royal marstonia (*Marstonia ogmorhaphe*).
Armored marstonia (snail) (*Pyrgulopsis (= Marstonia) pachyta*)	Armored marstonia (*Marstonia pachyta*).
Eastern indigo snake (*Drymarchon corais couperi*)	Eastern indigo snake (*Drymarchon couperi*).

We make these changes to the List at 50 CFR 17.11(h) to reflect the most recently accepted scientific name in accordance with 50 CFR 17.11(c).

In addition, while the List provides the correct scientific name for the fluted kidneyshell, *Ptychobranchus subtentus,* its critical habitat designation at 50 CFR 17.95(f) does not. We are correcting the scientific name of this species in its critical habitat entry, as explained below.

Taxonomic Classification

Ouachita Rock Pocketbook

On October 23, 1991, we published a final rule (56 FR 54950) listing the Ouachita rock-pocketbook (*Arkansia wheeleri*) as an endangered species. At the time of listing and preparation of the recovery plan, standard classifications of mollusks from the United States and Canada (Turgeon et al. 1988, p. 29; Turgeon et al. 1998, p. 32; Williams et al. 1993, p. 11) placed the Ouachita rock pocketbook in the genus *Arkansia.* Williams et al. (2017) published an updated standard list of freshwater mussels of the United States and Canada, in which they made *Arkansia* a synonym of *Arcidens* and thus reassigned the Ouachita rock pocketbook to the latter genus. Williams et al. (2017, p. 46) based their actions on the analyses by Inoue et al. (2014, entire) and the prior recommendations of Clarke (1981, pp. 85–89) and Graf and Cummings (2007, p. 305). This taxonomic change does not affect the range or endangered status of the Ouachita rock pocketbook.

Northern Riffleshell

On January 22, 1993, we published a final rule (58 FR 5638) listing the northern riffleshell (*Epioblasma torulosa rangiana*) as an endangered species. It was taxonomically categorized as a subspecies (*Epioblasma torulosa rangiana*) at the time of listing and recovery plan development. The taxonomy of the northern riffleshell and related taxa has been variable due to uncertain species' designations, a general change in the definition of the species' concept in freshwater mussels (Williams et al. 2017, p. 34), and ecophenotypic variation (characteristics modified by environmental factors). The decline and extinction of many *Epioblasma* occurred before genetic techniques became available to provide data that could be informative to the species' taxonomy. At the time we listed the northern riffleshell as endangered as *Epioblasma torulosa rangiana,* it was one of three subspecies, with the tubercled blossom, *Epioblasma torulosa,* and green blossom, *Epioblasma torulosa gubernaculum* (Turgeon et al. 1998, pp. 34, 182). Cummings and Berlocher (1990, p. 92) found no evidence of intergradation between *E. t. torulosa* and *E. t. rangiana,* and both taxa co-occurred at many sites; based on this evidence, Williams et al. (2017, p. 48) elevated these subspecies to species status. This taxonomic change does not affect the range or endangered status of the northern riffleshell.

Hamiota

The genus *Hamiota* was recently described to accommodate a monophyletic clade (a group descended from a common ancestor) of four species that produce superconglutinates (enclosing their larvae in a minnow-like lure). The four species previously recognized under *Lampsilis* are: *L. altilis, L. australis, L. perovalis,* and *L. subangulata* (Roe and Hartfield 2005, entire; Roe et al. 2001, pp. 2230–2232). The new genus has been recognized within recent taxonomic publications (*e.g.,* Williams et al. 2008; Williams et al. 2017). Williams et al. (2017, p. 49) recognize the reassignment of these species from *Lampsilis* to *Hamiota.* The southern sandshell (*Hamiota australis*) is already recognized as such on the List. The remaining three species are discussed below.

Finelined Pocketbook

On March 17, 1993, we published a final rule (58 FR 14330) listing the finelined pocketbook (*Lampsilis altilis*) as a threatened species. On July 1, 2004, we published a final rule (69 FR 40084) designating critical habitat for the finelined pocketbook. Williams et al. (2017, p. 49) reassigned the scientific name for the finelined pocketbook from *Lampsilis* to *Hamiota altilis.* With this rule, in addition to amending the scientific name of the species in the List, we correct the scientific name for this species in its critical habitat designation at 50 CFR 17.95(f). This taxonomic change does not affect the range, threatened status, or designated critical habitat of the finelined pocketbook.

Orangenacre Mucket

On March 17, 1993, we published a final rule (58 FR 14330) listing the orangenacre mucket (*Lampsilis perovalis*) as a threatened species. On July 1, 2004, we published a final rule (69 FR 40084) designating critical habitat for the orangenacre mucket. In the March 17, 1993, final rule, we also recognized the following names as synonyms of *Lampsilis perovalis: Unio perovalis* Conrad, *Unio doliaris* Lea, *Unio placitus* Lea, and *Unio spilimani* Lea. Williams et al. (2017, p. 49) reassigned the scientific name for the orangenacre mucket from *Lampsilis* to *Hamiota perovalis.* With this rule, in addition to amending the scientific name of the species in the List, we correct the scientific name for this species in its critical habitat designation at 50 CFR 17.95(f). This taxonomic change does not affect the range, threatened status, or designated critical habitat of the orangenacre mucket.

Shinyrayed Pocketbook

On March 16, 1998, we published a final rule (63 FR 12664) listing the shinyrayed pocketbook (*Lampsilis subangulata*) as an endangered species. On November 15, 2007, we published a final rule (72 FR 64286) designating critical habitat for the species. Williams et al. (2017, p. 49) reassigned the scientific name for the shinyrayed pocketbook from *Lampsilis* to *Hamiota subangulata.* With this rule, in addition to amending the scientific name of the species in the List, we correct the scientific name for this species in its critical habitat designation at 50 CFR 17.95(f). This taxonomic change does not affect the range, endangered status, or designated critical habitat of the shinyrayed pocketbook.

Choctaw Bean

On October 10, 2012, we published a final rule (77 FR 61664) listing the Choctaw bean (*Villosa choctawensis*) as an endangered species and designating critical habitat for the species. Turgeon et al. (1998, p. 37) recognized 17 species and 1 subspecies of *Villosa.* The genus is polyphyletic, with species occurring in as many as seven different clades within the Lampsilini (Kuehnl 2009; entire). Based on molecular data (Kuehnl 2009, pp. 100, 106–107; Inoue et al. 2013, entire) and marsupial morphology (Williams et al. 2011, p. 22), Williams et al. (2017, pp. 53–54) reassigned *Villosa choctawensis* to *Obovaria.* Evidence also supports reassignment to *Obovaria* of species recognized by Turgeon et al. (1998) under other genera. Williams et al. (2017, p. 50) reassigned the scientific name for the Choctaw bean from *Villosa* to *Obovaria choctawensis.* With this rule, in addition to amending the scientific name of the species in the List, we correct the scientific name for this species in its critical habitat designation at 50 CFR 17.95(f). This taxonomic change does not affect the range, endangered status, or designated critical habitat of the Choctaw bean.

Spinymussel

The new genus *Parvaspina* was recently described to accommodate a monophyletic clade of two species previously recognized as *Pleurobema collina* and *Elliptio steinstansana* (Perkins et al. 2017, entire). Williams et al. (2017, pp. 47, 51) reassigned the scientific name for the James spinymussel from *Pleurobema* to *Parvaspina collina* and the Tar River spinymussel from *Elliptio* to *Parvaspina steinstansana.*

James Spinymussel

On July 22, 1988, we published a final rule (53 FR 27689) listing the James spinymussel (*Pleurobema collina*) as an endangered species. Turgeon et al. (1998, pp. 32, 183–184) recognized 32 species of *Pleurobema,* making it one of the largest unionid genera. Molecular data largely support the monophyly of *Pleurobema* as depicted by Turgeon et al. (1998, pp. 32, 183–184) with two exceptions. Three studies support reassignment of *Pleurobema* to *Parvaspina collina* (Campbell et al. 2008, pp. 712, 719; Campbell and Lydeard 2012b, pp. 20, 24–26, 29, 34; Perkins et al. 2017, entire). This taxonomic change does not affect the range or endangered status of the James spinymussel.

Tar River Spinymussel

On June 27, 1985, we published a final rule (50 FR 26572) listing the Tar River spinymussel (*Elliptio* (*Canthyria*) *steinstansana*) as an endangered species. The species recovery plan (1987) also uses the scientific name *Elliptio* (*Canthyria*) *steinstansana.* Turgeon et al. (1998, pp. 33, 181) recognized 36 species in the genus *Elliptio,* making it the largest unionid genus in the United States and Canada. Recent molecular studies have largely supported the monophyly of *Elliptio* with two exceptions, including the Tar River spinymussel (Campbell and Lydeard 2012b, p. 20; Perkins et al. 2017, entire). Williams et al. (2017, pp. 38, 41) recognize the reassignment of *Elliptio* to *Parvaspina steinstansana* based on molecular data (Perkins et al. 2017, entire). This taxonomic change does not affect the range or endangered status of the Tar River spinymussel.

Cumberland Pigtoe

On May 7, 1991, we published a final rule (56 FR 21084) listing the Cumberland pigtoe (*Pleurobema gibberum*) as an endangered species. The genus *Pleuronaia* was created as a subgenus by Frierson (1927, p. 58) but has since been elevated to genus level based on phylogenetic analysis of DNA sequence data (Campbell et al. 2005, p. 147) and shell morphology (Williams et al. 2008). Williams et al. (2017, pp. 42, 51) reassign the Cumberland pigtoe from *Pleurobema* to *Pleuronaia* and recognize it as *Pleuronaia gibber.* This taxonomic change does not affect the range or endangered status of the Cumberland pigtoe.

Fluted Kidneyshell

On September 26, 2013, we published a final rule (78 FR 59269) listing the fluted kidneyshell (*Ptychobranchus subtentum*) as an endangered species and designating critical habitat for the species. Williams et al. (2017, pp. 42, 51) lists the gender agreement spelling correction of *Ptychobranchus subtentum* to *P. subtentus* following Lee (2008, p. 262). The taxonomic change to *Ptychobranchus subtentus* was made to the List with a final rule we published on August 4, 2016 (81 FR 51550); however, that rule did not also change the scientific name of the species in its critical habitat designation. We are, therefore, correcting the scientific name of the fluted kidneyshell in its critical habitat designation at 50 CFR 17.95(f) with this direct final rule. This change does not affect the range, endangered status, or designated critical habitat of the fluted kidneyshell.

Round Ebonyshell

On October 10, 2012, we published a final rule (77 FR 61664) listing the round ebonyshell (*Fusconaia rotulata*) as an endangered species and designating critical habitat for the species. The round ebonyshell has been assigned to a number of genera since discovery. Based on a recent molecular study, *Fusconaia rotulata* was reassigned to the new genus *Reginaia* (Campbell and Lydeard 2012a, pp. 20, 25–26, 34). Williams et al. 2017 (p. 50) recognized the *Reginaia* as the new genus for this species. With this rule, in addition to amending the scientific name of the species in the List, we correct the scientific name for this species in its critical habitat designation at 50 CFR 17.95(f). This taxonomic change does not affect the range, endangered status, or designated critical habitat of the round ebonyshell.

Theliderma

The genus *Theliderma* was created by Graf and Cummings (2007, p. 308) to accommodate five species with a common ancestor: *Quadrula cylindrica, Q. intermedia, Q. metanevra, Q. sparsa,* and *Q. stapes* (Serb et al. 2003, p. 9). Williams et al. (2017, p. 52) recognize placement of all five of these species in *Theliderma.*

Cumberland and Appalachian Monkeyface

On June 14, 1976, we published a final rule (41 FR 24062) listing the Cumberland monkeyface and Appalachian monkeyface (*Quadrula intermedia* and *Quadrula sparsa,* respectively) as endangered species. Williams et al. (2017, pp. 43, 52) reassigned the Cumberland monkeyface and Appalachian monkeyface to the genus *Theliderma* (Serb et al. 2003, p. 9; Campbell and Lydeard 2012b, p. 33; see also Graf and Cummings 2007, p. 308) and recognized the scientific names *Theliderma intermedia* and *Theliderma sparsa,* respectively. These pearlymussels have nonessential experimental populations designated at 50 CFR 17.85(a) (for Cumberland monkeyface) and 17.85(b) (for both Appalachian monkeyface and Cumberland monkeyface); with this rule, in addition to amending the scientific name of the species in the List, we correct the scientific name for these species at 50 CFR 17.85(a) and (b). This taxonomic change does not affect the range, endangered status, or nonessential experimental populations for these mussels.

Royal Marstonia

On April 15, 1994, we published a final rule (59 FR 17994) listing the royal marstonia (*Pyrgulopsis ogmorhaphe*) as an endangered species. The nomenclature for the royal marstonia has changed since listing. Thompson and Herschler (2002, pp. 269–270) re-evaluated eastern North American species assigned to *Pyrgulopsis* and, based on strongly differentiated morphological characteristics between eastern and western congeners of *Pyrgulopsis,* recognized them as distinct species of the genus *Marstonia.* Similarly, Johnson et al. (2013, p. 274) used *M. ogmorhaphe* in their Conservation Status of Freshwater Gastropods of Canada and United States. This taxonomic change does not affect the range or endangered status of royal marstonia.

Armored Marstonia

On February 25, 2000, we published a final rule (65 FR 10033) listing the armored marstonia (snail) (*Pyrgulopsis* (= *Marstonia*) *pachyta*) as an endangered species. A subsequent study showed that eastern and western *Pyrgulopsis* were consistently differentiable based on anatomical characters (Thompson and Hershler 2002, pp. 269–270). Therefore, the eastern species of *Pyrgulopis* was placed in the genus *Marstonia* (Thompson and

Hershler 2002, pp. 269–270), and is the currently accepted nomenclature (Johnson et al. 2013, p. 274). This taxonomic change does not affect the range or endangered status of the armored marstonia.

Eastern Indigo Snake

On January 31, 1978, we published a final rule (43 FR 4026) listing the eastern indigo snake (*Drymarchon corais couperi*) as a threatened species. Collins (1991, p. 43) elevated this lineage to species status based on geographic isolation and morphology. Subsequent work supported this designation, and the eastern indigo snake was accepted by the scientific community as its own species, *Drymarchon couperi* (Wüster et al. 2001, p. 163; Crother et al. 2012, p. 59). Ongoing genetic studies further evaluating taxonomic classification suggest potential speciation within *Drymarchon couperi* (Krysko et al. 2016, entire); however, the scientific community has not yet examined and accepted the eastern indigo snake taxonomic change suggested by Krysko et al. (2016). Currently, the eastern indigo snake is accepted by the scientific community as a separate species, *Drymarchon couperi* (Crother et al. 2012, p. 59). This taxonomic change does not affect the range or threatened status of the eastern indigo snake.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To help us to revise this rule, your comments should be as specific as possible. For example, you should tell us the paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act

We have determined that we do not need to prepare environmental assessments or environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), in connection with regulations adopted under section 4(a) of the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We have determined that this rule will not affect Tribes or Tribal lands.

References Cited

A complete list of the referenced materials is available at *http://www.regulations.gov* at Docket No. FWS–R4–ES–2021–0133 or upon request from the U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

For the reasons given in the preamble, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE

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

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

■ 2. In § 17.11 amend the table in paragraph (h), the List of Endangered and Threatened Wildlife by:

■ a. Under REPTILES, revising the entry for ''Snake, eastern indigo'';

■ b. Under CLAMS, revising the entries for ''Bean, Choctaw'', ''Ebonyshell, round'', ''Monkeyface, Appalachian (pearlymussel)'', ''Monkeyface, Cumberland'', ''Mucket, orangenacre'', ''Pigtoe, Cumberland'', ''Pocketbook, finelined'', ''Pocketbook, shinyrayed'', ''Riffleshell, northern'', ''Rock-pocketbook, Ouachita'', ''Spinymussel, James'', and ''Spinymussel, Tar River''; and

■ c. Under SNAILS, revising the entries for ''Marstonia, armored (snail)'' and ''Marstonia, royal''.

The revisions read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
REPTILES				
*	*	*	*	*
Snake, eastern indigo	*Drymarchon couperi*	Wherever found	T	43 FR 4026, 1/31/1978.
*	*	*	*	*
CLAMS				

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
* * *	*	*	*	*
Bean, Choctaw	*Obovaria choctawensis*	Wherever found	E	77 FR 61663, 10/10/2012; 50 CFR 17.95(f).[CH]
* * *	*	*	*	*
Ebonyshell, round	*Reginaia rotulata*	Wherever found	E	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
* * *	*	*	*	*
Monkeyface, Appalachian (pearlymussel).	*Theliderma sparsa*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Monkeyface, Appalachian (pearlymussel).	*Theliderma sparsa*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
Monkeyface, Cumberland	*Theliderma intermedia*	Wherever found, except where listed as an experimental population.	E	41 FR 24062, 6/14/1976.
Monkeyface, Cumberland	*Theliderma intermedia*	U.S.A. (AL—specified portions of the Tennessee River; see § 17.85(a)(1)).	XN	66 FR 32250, 6/14/2001; 50 CFR 17.85(a).[10j]
Monkeyface, Cumberland	*Theliderma intermedia*	U.S.A. (TN—specified portions of the French Broad and Holston Rivers; see § 17.85(b)(1)).	XN	72 FR 52434, 9/13/2007; 50 CFR 17.85(b).[10j]
* * *	*	*	*	*
Mucket, orangenacre	*Hamiota perovalis*	Wherever found	T	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
* * *	*	*	*	*
Pigtoe, Cumberland	*Pleuronaia gibber*	Wherever found	E	56 FR 21084, 5/7/1991.
* * *	*	*	*	*
Pocketbook, finelined	*Hamiota altilis*	Wherever found	T	58 FR 14330, 3/17/1993; 50 CFR 17.95(f).[CH]
Pocketbook, shinyrayed	*Hamiota subangulata*	Wherever found	E	63 FR 12664, 3/16/1998; 50 CFR 17.95(f).[CH]
* * *	*	*	*	*
Riffleshell, northern	*Epioblasma rangiana*	Wherever found	E	58 FR 5638, 1/22/1993.
* * *	*	*	*	*
Rock pocketbook, Ouachita	*Arcidens wheeleri*	Wherever found	E	56 FR 54950, 10/23/1991.
* * *	*	*	*	*
Spinymussel, James	*Parvaspina collina*	Wherever found	E	53 FR 27689, 7/22/1988.
Spinymussel, Tar River	*Parvaspina steinstansana*	Wherever found	E	50 FR 26572, 6/27/1985.
* * *	*	*	*	*
SNAILS				
* * *	*	*	*	*
Marstonia, armored (snail)	*Marstonia pachyta*	Wherever found	E	65 FR 10033, 2/25/2000.
Marstonia, royal	*Marstonia ogmorhaphe*	Wherever found	E	59 FR 17994, 4/15/1994.
* * *	*	*	*	*

■ 3. Amend § 17.85 by:

■ a. In the introductory text of paragraph (a), revising the entry for ''Cumberland monkeyface (pearlymussel)''; and

■ b. In the introductory text of paragraph (b), revising the entries for ''Appalachian monkeyface (pearlymussel)'' and ''Cumberland monkeyface (pearlymussel)''.

The revisions read as follows:

§ 17.85 Special rules—invertebrates.

(a) * * *

Common name	Scientific name
* * * * * * *	
Cumberland monkeyface (pearlymussel)	*Theliderma intermedia.*
* * * * * * *	

* * * * * (b) * * *

Common name	Scientific name
* * * * * * *	
Appalachian monkeyface (pearlymussel)	*Theliderma sparsa.*
Cumberland monkeyface (pearlymussel)	*Theliderma intermedia.*
* * * * * * *	

■ 4. Amend § 17.95(f) by:

■ a. In the entry for ''Eleven Mobile River Basin Mussel Species: Southern acornshell (*Epioblasma othcaloogensis*), ovate clubshell (*Pleurobema perovatum*), southern clubshell (*Pleurobema decisum*), upland combshell (*Epioblasma metastriata*), triangular kidneyshell (*Ptychobranchus greenii*), Alabama moccasinshell (*Medionidus acutissimus*), Coosa moccasinshell (*Medionidus parvulus*), orange-nacre mucket (*Lampsilis perovalis*), dark pigtoe (*Pleurobema furvum*), southern pigtoe (*Pleurobema georgianum*), and fine-lined pocketbook (*Lampsilis altilis*)'', revising the heading, the introductory text to paragraph (1), and the entries for ''Orange-nacre mucket (*Lampsilis perovalis*)'' and ''Fine-lined pocketbook (*Lampsilis altilis*)'' in the table at paragraph (2)(ii);

■ b. In the entry for ''Seven mussel species (in four northeast Gulf of Mexico drainages): Purple bankclimber (*Elliptoideus sloatianus*), Gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*), shinyrayed pocketbook (*Lampsilis subangulata*), Chipola slabshell (*Elliptio chipolaensis*), and fat threeridge (*Amblema neislerii*)'', revising the heading, the introductory text to paragraph (2), and the entry for ''Shinyrayed pocketbook (*Lampsilis subangulata*)'' in the table at paragraph (6);

■ c. In the entry for ''Eight mussel species in four northeast Gulf of Mexico drainages: the Choctaw bean (*Villosa choctawensis*), round ebonyshell (*Fusconaia rotulata*), southern kidneyshell (*Ptychobranchus jonesi*), Alabama pearlshell (*Margaritifera marrianae*), fuzzy pigtoe (*Pleurobema strodeanum*), narrow pigtoe (*Fusconaia escambia*), tapered pigtoe (*Fusconaia burkei*), and southern sandshell (*Hamiota australis*)'', by revising the heading; and

■ d. In the entry for ''Fluted Kidneyshell (*Ptychobranchus subtentum*)'' by revising the heading.

The revisions read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(f) * * *

Eleven Mobile River Basin Mussel Species: Southern acornshell (*Epioblasma othcaloogensis*), ovate clubshell (*Pleurobema perovatum*), southern clubshell (*Pleurobema decisum*), upland combshell (*Epioblasma metastriata*), triangular kidneyshell (*Ptychobranchus greenii*), Alabama moccasinshell (*Medionidus acutissimus*), Coosa moccasinshell (*Medionidus parvulus*), orangenacre mucket (*Hamiota perovalis*), dark pigtoe (*Pleurobema furvum*), southern pigtoe (*Pleurobema georgianum*), and finelined pocketbook (*Hamiota altilis*)

(1) The primary constituent elements essential for the conservation of the southern acornshell (*Epioblasma othcaloogensis*), ovate clubshell (*Pleurobema perovatum*), southern clubshell (*Pleurobema decisum),* upland combshell (*Epioblasma metastriata*), triangular kidneyshell (*Ptychobranchus greenii*), Alabama moccasinshell (*Medionidus acutissimus*), Coosa moccasinshell (*Medionidus parvulus*), orangenacre mucket (*Hamiota perovalis*), dark pigtoe (*Pleurobema furvum*), southern pigtoe (*Pleurobema georgianum*), and finelined pocketbook (*Hamiota altilis*) are those habitat components that support feeding, sheltering, reproduction, and physical features for maintaining the natural processes that support these habitat components. The primary constituent elements include:

* * * * *

(2) * * *

(ii) * * *

Species	Critical habitat units	States
* * * * * * *		
Orangenacre mucket (*Hamiota perovalis*).	Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15	AL, MS.
* * * * * * *		
Finelined pocketbook (*Hamiota altilis*).	Units 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26	AL, GA, TN.

* * * * *

Seven mussel species (in four northeast Gulf of Mexico drainages): Purple bankclimber (*Elliptoideus sloatianus*), Gulf moccasinshell

(*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*), shinyrayed pocketbook (*Hamiota subangulata*), Chipola slabshell (*Elliptio chipolaensis*), and fat threeridge (*Amblema neislerii*)

* * * * *

(2) The primary constituent elements of critical habitat for the purple bankclimber (*Elliptoideus sloatianus*), Gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*), shinyrayed pocketbook (*Hamiota subangulata*), Chipola slabshell (*Elliptio chipolaensis*), and fat threeridge (*Amblema neislerii*) are:

* * * * *

(6) * * *

Species	Critical habitat units	States
* * * * * * *		
Shinyrayed pocketbook (*Hamiota subangulata*).	Units 2, 3, 4, 5, 6, 7, 9	AL, FL, GA.
* * * * * * *		

* * * * *

Eight mussel species in four northeast Gulf of Mexico drainages: Choctaw bean (*Obovaria choctawensis*), round ebonyshell (*Reginaia rotulata*), southern kidneyshell (*Ptychobranchus jonesi*), Alabama pearlshell (*Margaritifera marrianae*), fuzzy pigtoe (*Pleurobema strodeanum*), narrow pigtoe (*Fusconaia escambia*), tapered pigtoe (*Fusconaia burkei*), and southern sandshell (*Hamiota australis*)

* * * * *

Fluted Kidneyshell (*Ptychobranchus subtentus*)

* * * * *

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–03115 Filed 2–16–22; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2019–0113; FF09E22000 FXES11130900000 212]

RIN 1018–BE64

Endangered and Threatened Wildlife and Plants; Reclassification of Stephens' Kangaroo Rat From Endangered To Threatened With a Section 4(d) Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reclassifying the Stephens' kangaroo rat (*Dipodomys stephensi*) from endangered to threatened under the Endangered Species Act of 1973, as amended (Act). This action is based on our evaluation of the best available scientific and commercial information, which indicates that the species' status has improved such that it is not currently in danger of extinction throughout all or a significant portion of its range, but that it is still likely to become so throughout all of its range in the foreseeable future. We also finalize a rule under section 4(d) of the Act that provides for the conservation of the Stephens' kangaroo rat.

DATES: This rule is effective March 21, 2022.

ADDRESSES: This final rule is available on the internet at *https://www.regulations.gov.* Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at *https://www.regulations.gov at* Docket No. FWS–R8–ES–2019–0113.

FOR FURTHER INFORMATION CONTACT: Scott Sobiech, Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008; telephone 760–431–9440. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, a species may warrant reclassification from endangered to threatened if it no longer meets the definition of endangered (in danger of extinction). The Stephens' kangaroo rat was listed as endangered in 1988 (53 FR 38465, September 30, 1988), and we are finalizing our proposed reclassification (downlisting) (85 FR 50991, August 19, 2020) of the Stephens' kangaroo rat as threatened because we have determined it is not currently in danger of extinction. Downlisting a species as a threatened species can be completed only by issuing a rule.

What this document does. This rule reclassifies the Stephens' kangaroo rat from endangered to threatened, with a rule issued under section 4(d) of the Act (hereafter referred to as a ''4(d) rule'').

The basis for our action. Under the Act, we may determine that a species is an endangered species or a threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We may reclassify a listed species if the best commercial and scientific data available indicate a change in status is appropriate. We have determined that the Stephens' kangaroo rat is no longer in danger of extinction, and therefore does not meet the definition of an endangered species, due to a reduction of threats since listing and the implementation of conservation actions. However, the species is still affected by the following threats to the extent that the species meets the definition of a threatened species under the Act:

- Habitat loss and degradation due to urbanization, agricultural activities, and nonnative vegetation; and
- Isolation of existing populations due to habitat fragmentation.

The cumulative effects of climate change and wildfire, which could result in an increase in the extent of nonnative grasslands, represents a low-level stressor to the Stephens' kangaroo rat and its habitat, and based on climate change projections, is likely to remain at this level to the 2060s. Existing regulatory mechanisms and

conservation efforts do not effectively address existing habitat fragmentation or the introduction and spread of nonnative plants or improve population connectivity and dispersal.

We are promulgating a section 4(d) rule. This 4(d) rule prohibits all intentional take of the Stephens' kangaroo rat and specifically tailors the incidental take exceptions under section 9(a)(1) of the Act. This provides protective mechanisms to Federal, State, and Tribal partners and private landowners, so that they may continue with certain activities that benefit the species or its habitat or are not anticipated to cause direct injury or mortality to Stephens' kangaroo rat. We have determined that such measures will facilitate the conservation and recovery of the species.

Previous Federal Actions

Please refer to the proposed rule to reclassify the Stephens' kangaroo rat published on August 19, 2020 (85 FR 50991), for a detailed description of previous Federal actions concerning this species.

Summary of Changes From the Proposed Rule

Based upon our review of the Federal, State, peer review, and public comments and any new relevant information that became available, we reevaluated our proposed rule and made changes as appropriate in this final rule. Other than minor clarifications and incorporation of additional information on the species' biology and populations, this determination differs from the proposal in the following ways:

(1) As discussed in the 2019 species report and 2020 proposed rule, we developed a habitat suitability model (HSM) based on available habitat mapping information, and the Conservation Biology Institute (CBI) was in the process of developing a more detailed range-wide HSM (Service 2019, pp. 14–15). Since that time, CBI completed that more comprehensive HSM for Stephens' kangaroo rat, which we are using to update the potential habitat projections for use as a proxy for the species' demographic information. This new model provides better resolution through use of spectral imagery and other environmental data layers. The new HSM uses a smaller patch size of 50 hectares (ha) (124 acres (ac)) and dispersal distance of 200 meters, compared to what we used in our original model (100 ha (247 ac)) and a dispersal distance of 61.5 meters (202 ft) as a cutoff for fragmented patches. Therefore, we removed the habitat fragmentation calculations in the updated species report (Service 2021, entire) that were based on the 100-ha (247-ac) size and shorter dispersal distance.

Incorporation of the more recent HSM also required us to revise the amount and ownership breakdown of modeled habitat for Stephens' kangaroo rat. The amount of modeled habitat in the original model, identified in the proposed rule, was 91,538 ac (37,044 ha), compared to the new model (184,367 ac (74,610 ha)). The amount of conserved lands also increased from 28,567 ac (11,561 ha) in the proposed rule, to 68,701 ac (27,802 ha) in this final rule. This includes approximately 1,287 ac (521 ha) of modeled habitat within the species' range in San Bernardino County, California.

(2) We updated this final rule and the species report with all the above changes and with other suggested edits received during the open comment period. The revised species report is version 1.2 (Service 2021, entire).

(3) We revised the section 4(d) rule based on public comments regarding fire safety measures and have made the defensible space requirements more stringent than the State of California fire code as requested.

Supporting Documents

A team of Service biologists prepared a species report for the Stephens' kangaroo rat (Service 2021, entire). The team was composed of Service biologists, in consultation with other species experts. The species report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and our August 22, 2016, memorandum updating and clarifying the role of peer review of listing actions under the Act, we sought peer review of the information contained in the Stephens' kangaroo rat species report. We sent the species report to four independent peer reviewers and received one response. Results of this structured peer review process can be found at *https://www.regulations.gov.* The status report was also submitted to our Federal and State partners for scientific review. We received review from two partners (Department of Defense (DoD) and California Department of Fish and Wildlife (CDFW)). We incorporated the results of these reviews, as appropriate, into the final status report, which is the foundation for this final rule.

Reclassification Determination

The Stephens' kangaroo rat is a small, nocturnal mammal that has a dusky cinnamon buff overfur, pure white underfur, and a lateral white tail band. The tail is crested and bicolored (Service 1997, pp. 1, 2, 25; Service 2021, chapter 2). Kangaroo rats possess a number of behavioral, morphological, and physiological adaptations that allow them to inhabit warm, arid environments (Service 2021, pp. 2, 24).

Stephens' kangaroo rat habitat generally consists of open grasslands and sparsely vegetated scrub (Moore-Craig 1984, p. 6; O'Farrell and Uptain 1987, p. 44). The Stephens' kangaroo rat constructs and lives in underground burrow systems that are used as shelter, protection from predators, food storage (caching), and nesting. Areas of occupied (patchy) habitat consist of burrow entrances connected by a network of well-defined surface runways.

Populations of the Stephens' kangaroo rat occur in three geographic regions of southern California: Western Riverside County, western San Diego County, and central San Diego County. At the time of listing in 1988, the known geographic range of the species included 11 general areas in Riverside and San Diego Counties, California (Service 1988, entire; Service 2021, chapter 3). Currently the species is extant or presumed extant in 17 areas (11 areas in Riverside County and 6 areas in San Diego County) (Service 2021, table 1, p. 5). Based on our analysis of recent detections and observations, the Stephens' kangaroo rat continues to be found in a patchy distribution in suitable (*e.g.,* grasslands, open areas with forbs) habitat in western-southwestern Riverside County and central-northwestern San Diego County. Exact population trends and density estimates for the Stephens' kangaroo rat are not determinable at this time, given incomplete survey information and difficulty in detecting the species during surveys (Brehme *et al.* 2017, p. 8).

Because population trends have not been determinable for Stephens' kangaroo rat, suitable habitat was modeled in conjunction with species occurrence information to provide an estimate of currently available habitat (Service 2021, table 4, p. 53). This potentially suitable modeled habitat is used in lieu of rangewide occupied habitat estimates or rangewide population estimates. This modeled habitat was used in conjunction with current and historical survey reports to provide estimates of population-level occupancy throughout the range

(Service 2021, table 1, pp. 5–6). Additional background information on the Stephens' kangaroo rat can be found in the draft recovery plan and species report (Service 1997, entire; Service 2021, entire).

Current Conservation Efforts

Two large-scale habitat conservation planning efforts have been implemented in Riverside County. Since listing, the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) has been implemented by the Riverside County Habitat Conservation Agency (RCHCA) (RCHCA 1996, entire), and the Western Riverside County Multi-Species Habitat Conservation Plan (Western Riverside MSHCP) has been implemented by the Regional Conservation Authority (Dudek and Associates 2003, entire)). The implementation of these conservation plans has helped to offset potential losses of habitat from urban and agricultural development. Ongoing management for Stephens' kangaroo rat and implementation of recovery actions by these agencies has helped reduce impacts throughout much of the species' range in Riverside County.

Three military installations also occur within the range of the species in western San Diego County. These DoD facilities (Marine Corps Base Camp Pendleton (Camp Pendleton); Naval Base Coronado Remote Training Site Warner Springs (Warner Springs); and Naval Weapons Station Seal Beach Detachment Fallbrook (Detachment Fallbrook) have developed, in coordination with the Service, integrated natural resources management plans (INRMPs) and are committed to actively managing their activities and habitat for the conservation of the Stephens' kangaroo rat. The INRMPs are based, to the maximum extent practicable, on ecosystem management principles and provide for the management of Stephens' kangaroo rat and its habitat while sustaining necessary military land uses. These three DoD facilities have implemented numerous actions to manage and conserve areas occupied by Stephens' kangaroo rat that aid in species recovery.

Implementation of these conservation efforts has greatly reduced the impact of loss and degradation of habitat for the species on the lands conserved under the two HCPs and managed at the three military installations. See *Draft Recovery Plan Implementation and Status Criteria* below, for how these efforts are assisting conservation and reducing threats for the species.

Draft Recovery Plan Implementation and Status Criteria

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. Under section 4(f)(1)(B)(ii), recovery plans must, to the maximum extent practicable, include objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of section 4 of the Act, that the species be removed from the List.

Recovery plans provide a roadmap for us and our partners on methods of enhancing conservation and minimizing threats to listed species, as well as measurable criteria against which to evaluate progress towards recovery and assess the species' likely future condition. However, they are not regulatory documents and do not substitute for the determinations and promulgation of regulations required under section 4(a)(1) of the Act. A decision to revise the status of a species, or to delist a species, is ultimately based on an analysis of the best scientific and commercial data available to determine whether a species is no longer an endangered species or a threatened species, regardless of whether that information differs from the recovery plan.

There are many paths to accomplishing recovery of a species, and recovery may be achieved without all of the criteria in a recovery plan being fully met. For example, one or more criteria may be exceeded while other criteria may not yet be accomplished. In that instance, we may determine that the threats are minimized sufficiently and that the species is robust enough that it no longer meets the definition of an endangered species or a threatened species. In other cases, we may discover new recovery opportunities after having finalized the recovery plan. Parties seeking to conserve the species may use these opportunities instead of methods identified in the recovery plan. Likewise, we may learn new information about the species after we finalize the recovery plan. The new information may change the extent to which existing criteria are appropriate for identifying recovery of the species. The recovery of a species is a dynamic process requiring adaptive management that may, or may not, follow all of the guidance provided in a recovery plan.

Draft Recovery Plan Information

A draft recovery plan for the Stephens' kangaroo rat was developed in 1997 (Service 1997, entire). Although it was never finalized, the draft recovery plan is part of the public record on the Service's views on recovery for the species at that time. The objective of the draft recovery plan is to protect and maintain sufficient populations of Stephens' kangaroo rat and its habitat. The plan states this objective can be accomplished by: (a) Establishing ecosystem-based conservation units; (b) preventing destruction and degradation of habitat; (c) managing use of rodenticides and other pesticides; (d) reducing nonnative predators such as domestic cats; (e) establishing research programs to examine the species' biological and ecological needs; and (f) developing and implementing a proactive outreach program for the public and landowners.

The draft plan also identifies several downlisting and delisting criteria (Service 1997, pp. 52–60) for the species. The downlisting criteria include: (1) Establishment of four reserves, which encompass at least 15,000 ac (6,070 ha) of occupied habitat and are permanently protected, funded, and managed, in western Riverside County (inside or outside any habitat conservation planning area) (Service 1997, pp. 39–40); and (2) establishment of one ecosystem-based reserve in either western or central San Diego County that is permanently protected, funded, and managed. Ecosystem-based reserves are anticipated to retain their biological diversity and are associated with large areas of suitable habitat (Service 1997, p. 49). Non-ecosystem reserves are biologically more isolated and are expected to require more intensive management. Both ecosystem and non-ecosystem reserves are needed to retain genetic and phenotypic diversity and provide redundancy to provide protection for species' viability from losses resulting from catastrophic events.

The delisting criteria for the Stephens' kangaroo rat identified in the draft recovery plan (Service 1997, pp. 53–60) are: (1) Establish a minimum of five reserves in western Riverside County, of which one is ecosystem-based, and that encompass at least 16,500 ac (6,675 ha) of occupied habitat that is permanently protected, funded, and managed; and (2) establish two ecosystem-based reserves in San Diego County. One of these San Diego County reserves needs to be established in the Western Conservation Planning Area, and one reserve needs to be established in the Central

Conservation Planning Area. These reserves are to be permanently protected, funded, and managed.

While the criteria in the draft recovery plan appropriately indicate the need for habitat protection and management of reserves, the criteria do not reflect the species' current conservation status and no longer adequately identify the current threats to the species. At the time the draft recovery plan was developed, habitat loss was the major concern for the species. Due to the implementation of land conservation and management actions (see *Current Conservation Efforts*), other threats may now need greater attention and be a focus for recovery actions (see Summary of Biological Condition and Threats). As a result, the downlisting and delisting criteria in the draft recovery plan may not reflect the only means to achieving recovery for the species. However, we still agree with the conservation objectives outlined in the draft recovery plan regarding ecosystem-based reserves.

Currently, under the SKR HCP and Western Riverside MSHCP, eight reserves have been established for Stephens' kangaroo rat in Riverside County. This number exceeds the four reserves identified by criterion 1 of the draft recovery plan (Service 1997, p. 52). Criterion 1 of the draft recovery plan also identifies that the reserve lands should total approximately 15,000 ac (6,070 ha). We estimate that, of the 331,343 ac (53,153 ha) of modeled potentially suitable habitat for Stephens' kangaroo rat in Riverside County, approximately 36,465 ac (14,757 ha) of the modeled habitat is considered within conserved lands (including reserves) in Riverside County. The majority of these lands are conserved in eight core reserves [19,378 ac (7,842 ha)] under the SKR HCP and Western Riverside MSHCP; however, 17,087 ac (6,915 ha) outside these reserves are also protected as Federal, State, local, and private lands (Service 2021, appendix D). The draft recovery plan also instructs that the 15,000 ac ((6,070 ha) of conserved lands should be in just four reserves. The number of acres conserved in the four largest reserves (17,118 ac (6,927 ha)) currently exceeds this value with four additional reserves, although smaller, that still provide conservation value for the Stephens' kangaroo rat. In addition, three of the four smaller reserves have the opportunity for expansion due to the surrounding lands not being developed or in agricultural use (Service 2021, appendix E). Thus, we conclude that this criterion has been exceeded.

Criterion 2 for downlisting states that one ecosystem-based reserve be established in either western or central San Diego County, though no measure of acreage was indicated in the Recovery Plan. We estimate that approximately 51,737 ac (20,937 ha) of modeled suitable habitat occurs in San Diego County (Service 2021, appendix D). Approximately 62 percent (32,207 ac (13,034 ha)) of this area is located on lands that have been either conserved, are in conservation easement, or are located on public or DoD lands. Current efforts are also underway to develop an HCP for San Diego County that would benefit Stephens' kangaroo rat and other listed species. Though surveys are being conducted in a reserve near Ramona Grassland, the HCP for San Diego County is not yet finalized, and no ecosystem-based reserve has been established on private lands in San Diego County. However, we have also identified lands on DoD facilities in San Diego County that are important for the long-term persistence of Stephens' kangaroo rat throughout its range. In coordination with the Service, INRMPs for the species have been developed and implemented at three military installations (Camp Pendleton, Detachment Fallbrook, and Warner Springs) (U.S. Navy 2016, entire; U.S. Marine Corps 2018, entire). These INRMPs provide for ongoing management and include actions that assist in the long-term conservation of Stephens' kangaroo rat on DoD lands.

The total modeled habitat within DoD lands with INRMPs is 11,957 ac (4,839 ha). The amount of modeled habitat at each installation is approximately 7,619 ac (3,083 ha) for Camp Pendleton, 2,663 ac (1,078 ha) for Detachment Fallbrook, and 1,675 ac (678 ha) for Warner Springs. The INRMPs are based, to the maximum extent practicable, on ecosystem management principles and provide for the management of Stephens' kangaroo rat and its habitat while sustaining necessary military land uses (Service 2021, pp. 39–43). Therefore, the INRMPs effectively meet the intent of the draft recovery plan's criterion 2 for downlisting by providing long-term management for the conservation of Stephens' kangaroo rat with one ecosystem-based reserve in western San Diego County at Camp Pendleton and Detachment Fallbrook.

We conclude that the number and amount of reserved lands being protected, funded, and managed in Riverside and San Diego Counties provide conservation benefits to Stephens' kangaroo rat and exceed the downlisting criteria in the draft recovery plan.

The delisting criteria for the Stephens' kangaroo rat includes: (1) Establishment of a minimum of five reserves in western Riverside County, of which one is ecosystem-based, and that encompass at least 16,500 ac (6,675 ha) of occupied habitat that is permanently protected, funded, and managed; and (2) establishment of two ecosystem-based reserves in San Diego County.

In Riverside County a total of 36,465 ac (14,757 ha) has been conserved, including 19,378 ac (7,842 ha) in eight Stephens' kangaroo rat core reserves, meeting the delisting criteria for the number of reserves needed. However, one ecosystem-based reserve is still needed in Riverside County. We expect additional lands will be conserved through further implementation of the two HCPs. In San Diego County, the number of ecosystem-based reserves (currently one at Camp Pendleton and Detachment Fallbrook) does not meet the criteria identified in the draft recovery plan for delisting for having two ecosystem-based reserves, with one in central San Diego County and one in western San Diego County. Therefore, we will not meet all of the delisting criteria in the draft recovery plan until there is: (1) At least one ecosystem-based reserve that is occupied, permanently protected, funded, and managed is established in Riverside County; and (2) at least one additional ecosystem-based reserve that is occupied, permanently protected, funded, and managed is established in central San Diego County.

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an ''endangered species'' or a ''threatened species.'' The Act defines an ''endangered species'' as a species that is in danger of extinction throughout all or a significant portion of its range and a ''threatened species'' as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species' continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects. We consider these same five factors in downlisting a species from endangered to threatened (50 CFR 424.11(c)–(e)).

We use the term ''threat'' to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term ''threat'' includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources. The term ''threat'' may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an ''endangered species'' or a ''threatened species.'' In determining whether a species meets either definition, we must evaluate all identified threats by considering the species' expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an ''endangered species'' or a ''threatened species'' only after conducting this cumulative analysis and describing the expected effect on the species now and in the foreseeable future.

The Act does not define the term ''foreseeable future,'' which appears in the statutory definition of ''threatened species.'' Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis. The term foreseeable future extends only so far into the future as we can reasonably determine that both the future threats and the species' responses to those threats are likely. In other words, the foreseeable future is the period of time in which we can make reliable predictions. ''Reliable'' does not mean ''certain''; it means sufficient to provide a reasonable degree of confidence in the prediction. Thus, a prediction is reliable if it is reasonable to depend on it when making decisions.

It is not always possible or necessary to define foreseeable future as a particular number of years. Analysis of the foreseeable future uses the best scientific and commercial data available and should consider the timeframes applicable to the relevant threats and to the species' likely responses to those threats in view of its life-history characteristics. Data that are typically relevant to assessing the species' biological response include species-specific factors such as lifespan, reproductive rates or productivity, certain behaviors, and other demographic factors.

Analytical Framework

The species report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to, and conservation measures for, the species and its habitat. The species report does not represent our decision on whether the species should be reclassified as a threatened species under the Act. It does, however, provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies. The following is a summary of the key results and conclusions from the species report; the full species report (Service 2021, entire) can be found at Docket No. FWS–R8–ES–2019–0113 on *https://www.regulations.gov.*

To assess Stephens' kangaroo rat's current and future viability and demographic risks, we consider the concepts of resilience, representation, and redundancy (Shaffer and Stein 2000, pp. 301–302; Wolf *et al.* 2015, entire). Briefly, resiliency supports the ability of the species to withstand environmental and demographic stochasticity (*e.g.,* wet or dry, warm or cold years), redundancy supports the ability of the species to withstand catastrophic events (*e.g.,* long-term droughts, severe wildfire), and representation supports the ability of the species to adapt over time to long-term changes to environmental conditions or habitat (*e.g.,* climate changes, successional changes to habitat). In general, the more resilient and redundant a species is and the more representation it has, the more likely it is to sustain populations over time, even under changing environmental conditions. Using these principles, we identified the species' ecological requirements for survival and reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species' viability.

Summary of Biological Condition and Threats

In this section, we summarize the biological condition of the species and its resources, and the threats that influence the species' current and future condition, in order to assess the species' overall viability and the risks to that viability. For a complete discussion and additional information on the biological condition of the species, see the species report (Service 2021, entire).

The Stephens' kangaroo rat is currently found in a patchy distribution in Riverside and San Diego Counties, California. The distribution and density of populations of the Stephens' kangaroo rat can vary temporally, within and between years, and spatially, depending on natural changes in habitat conditions and succession of plant communities. There has been no formal assessment of the population structure for the Stephens' kangaroo rat such as the minimum habitat patch size or an estimate of the minimum number of interconnected patches needed to support a stable population. Researchers believe that the species' population structure in southern California follows a metapopulation dynamic in which the availability of suitable habitat patches is both spatially and temporally dynamic and is based on the equilibrium between colonization and extirpation of local populations (Brehme *et al.* 2006, p. 6). We conclude that the Stephens' kangaroo rat continues to occur in suitable habitat in seemingly stable populations across its range.

We evaluated all potential threats related to the Stephens' kangaroo rat from: (1) Habitat loss, fragmentation, modification, degradation, or other habitat changes due to urban and agricultural development, invasive plants, wildfire, or prescribed burns; (2) overutilization of the species for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) use of rodenticides; and (5) the effects of climate change (resulting in increased effects from

drought, higher temperatures, precipitation changes, and wildfire). We identified the main threats to the species to be the threats identified in (1) above.

The timeframe for analysis of the threats facing the Stephens' kangaroo rat varies. However, the major threat driving the overall status of Stephens' kangaroo rat is from the effects of past habitat fragmentation. Based on biological and environmental factors and how those are influenced by the driving threats acting on the species, we consider 25–30 years to be the foreseeable future within which we can reasonably determine that the future threat, and Stephens' kangaroo rat's response to the threat, of habitat fragmentation is likely. This time period includes multiple generations of the species and allows adequate time for existing conservation efforts (such as current land management or additional land protections implemented through existing management plans) to be implemented or changes in threats to be indicated through population responses.

Much of the loss of suitable Stephens' kangaroo rat habitat occurred due to urban and agricultural development in the early to middle 20th century. This loss resulted in fragmentation of the species' range, which currently impacts the species' ability to colonize, recolonize, disperse, and maintain a functioning metapopulation structure within these areas. Current conservation efforts have helped to preserve and manage a significant amount of habitat for Stephens' kangaroo rat across its range. However, some of these lands are not connected, making fragmentation an issue even for some preserved lands and the overall species population dynamics in the future. Because of fragmentation, mechanisms such as colonization and recolonization or population enhancement through dispersal will be unable to function in portions of the species' range. Small scale habitat loss is still occurring outside of conserved areas, causing an increase in population isolation and habitat disconnectivity. In order to counteract these impacts, additional conservation of lands and management actions will continue to be necessary for the species. Although we have not currently identified any population losses as a result of the current level of habitat fragmentation, we have determined habitat fragmentation to be the main driver of future species' viability and for this to be a moderate-level threat for Stephens' kangaroo rat populations in both western Riverside and San Diego Counties.

Based on the best scientific data available for our analysis, we found the current major stressor to Stephens' kangaroo rat is the latent effects of large-scale habitat loss which has resulted in habitat fragmentation for the species. Currently, populations of the species persist throughout its historical range and likely maintain subsequent genetic makeup and adaptive capabilities. The species currently has a sufficient number of managed populations distributed throughout its historical range (across two counties), providing a margin of safety to withstand catastrophic events. There are also several populations that are presently managed over a large area that could withstand stochastic events. Based on this analysis, Stephens' kangaroo rat is currently maintaining its representation, redundancy, and resiliency. In the future, the impacts from habitat fragmentation may continue to affect Stephens' kangaroo rat populations, and if not addressed could impact their overall fitness by reducing representation (reducing genetic heterozygosity, increased inbreeding), resiliency (impacts from stochastic events), and redundancy (fewer healthy populations, fewer populations overall). This suggests that restoration of connectivity or translocation efforts may be needed to maintain sufficient populations in the future.

Other potential habitat destruction or modification-related threats evaluated in the species report include habitat impacts from nonnative ungulates, off-highway vehicle activity, and the effects of fire suppression or prevention activities. We determined that these were either not a threat (nonnative ungulates) or represented a low-level threat to the species' habitat. Disease or overutilization for commercial, recreational, scientific, or educational purposes are not presently threats to the species and are not expected to change in the future. Predation is not a threat to the species beyond impacts to a few individuals, now or into the future. We determined that the risk of mortality or injury as a result of the use of rodenticides represents a low-level risk at the individual level both currently and in the future due to the current restrictions for general public use of rodenticides and the conduct of these activities in a manner consistent with Federal and applicable State laws, including Environmental Protection Agency label restrictions for pesticide application. Wildfire is both a natural and human-caused event in the currently occupied range of the Stephens' kangaroo rat. In general, studies have found that wildland or controlled fire management actions represent a beneficial effect to the species. At present, core reserves and other areas in Riverside County are currently being managed for conversion of habitat due to the recent establishment of a nonnative invasive plant, *Oncosiphon piluliferum* (stinknet), which represents a low-level, but not yet rangewide, threat to Stephens' kangaroo rat habitat.

We also assessed the effects of climate change on Stephens' kangaroo rat and its habitat. The best available downscaled regional data using representative concentration pathways for moderate (RCP4.5) and high (RCP8.5) emission concentrations on current and potential future trends related to climate change within locations occupied by the Stephens' kangaroo rat indicate that the areas occupied by the species will be subject to increased temperatures and extreme precipitation events with extended periods of drought. Based on model projections, we can reliably predict this will continue until at least the mid- to late-21st century (2060 to 2100). The effects to the habitat occupied by the Stephens' kangaroo rat from climate change from precipitation changes appear to be minimal. Temperature increases for the area may have an effect on the species' habitat by increasing the potential for wildfires due to drier fuel loads. However, drought conditions appear to provide favorable conditions to the species by reducing cover and creating open spaces. Food resources (seeds) will likely remain stable. The cumulative effects of climate change and wildfire, which could result in an increase in the extent of nonnative grasslands, represents a low-level threat to the Stephens' kangaroo rat and its habitat, and, based on climate change projections, is likely to remain at this level to the 2060s.

We note that, in determining the threats facing the species, we have not only analyzed individual effects on the species, but we have also analyzed their potential cumulative effects and incorporated the cumulative effects into the species report for the species. To assess the current and future condition of the species, we undertake an iterative analysis that encompasses and incorporates the threats individually and then accumulates and evaluates the effects of all the factors that may be influencing the species, including threats and conservation efforts. Because we consider not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment

integrates the cumulative effects of the factors and replaces a standalone cumulative effects analysis.

Currently implemented and ongoing conservation measures including Federal and State mechanisms provide protections to the Stephens' kangaroo rat and its habitat. These include HCPs and INRMPs that benefit Stephens' kangaroo rat and its habitat by implementing management actions that contribute to species' conservation and long-term viability. The Act also provides protections through section 7 and the consultation process and through section 10 using incidental take permits on non-Federal lands (see *Current Conservation Efforts*).

Summary of Comments and Recommendations

In the proposed rule published on August 19, 2020 (85 FR 50991), we requested that all interested parties submit written comments on the proposal by October 19, 2020. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published in The Press-Enterprise and San Diego Union-Tribune. We did not receive any requests for a public hearing. All substantive information received during the comment period has either been incorporated directly into this final determination or addressed below.

Peer Reviewer Comments

As discussed in Supporting Documents above, we received comments from one peer reviewer. We reviewed all comments we received from the peer reviewer for substantive issues and new information regarding the information contained in the species report. The peer reviewer generally concurred with our methods and conclusions, and provided additional information, clarifications, and suggestions to improve the final species report. Peer reviewer comments are addressed in the following summary and were incorporated into the final species report as appropriate (Service 2021, entire).

Comments from peer review were generally in support of our findings and analysis. The main concern was how we developed our internal spatial model, which was used to estimate Stephens' kangaroo rat habitat. This model has since been replaced by a more robust model created by CBI (Spencer *et al.* 2021, entire). The RCHCA, who implements the SKR HCP, supported the development of this finer scale model for Stephens' kangaroo rat, which uses Sentinel-2 satellite imagery that can be more readily updated in the future to look at changes in habitat quality (Spencer *et al.* 2021, p. 25). As a result, the species report and this final rule have been updated with new information using the new habitat suitability model.

The reviewer also commented on the relatively low genetic diversity for the species, compared to the high genetic diversity typical of other *Dipodomys* species. In the species report, we discuss that the Stephens' kangaroo rat genetic diversity is the highest in the northern part of the range and decreases in the southern part of the range. Results from a genetic study indicate that the entire range was historically connected and functioning as one continuous population. However, there is evidence that recent habitat fragmentation has caused occurrences within the population to become increasingly isolated, creating a metapopulation-like structure across the range. As described in the Summary of Biological Condition and Threats, we consider habitat fragmentation and isolation a threat to the species and potentially the major cause of the species' lower genetic diversity.

Partner Reviewer Comments

We received comments from the CDFW and from the DoD facilities identified above regarding the proposed rule. Overall, the commenters supported the finding and provided information to improve the document. One commenter had questions about the original habitat model we used, which has since been replaced with a more robust model. Another commenter provided information about the effects of climate change that has been incorporated into the updated species report (Service 2021). Another comment asked that we clarify whether ''conserved lands'' on DoD installations is based on management via INRMPs. When discussing conserved lands, we are including modeled habitat that occurs on DoD facilities that are managed by INRMPs and are important for the long-term persistence of Stephens' kangaroo rat throughout its range. Modeled habitat on DoD lands were included as conserved lands in the species report and in our analysis because they are not likely to be impacted by urban and agricultural development and provide for conservation of the species. The INRMPs implemented on military lands, are expected to continue to provide protections to the species and its habitat. Therefore, we anticipate that current levels of military activity are expected to continue into the foreseeable future, allowing Stephens' kangaroo rat to continue coexisting on military lands.

We also received comments and questions specific to the 4(d) rule from three DoD installations about how a 4(d) rule would affect consultation. Nothing in the 4(d) rule for Stephens' kangaroo rat will change in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or the ability of the Service to enter into partnerships for the management and protection of Stephens' kangaroo rat. However, interagency cooperation may be further streamlined through planned programmatic consultations for the species between us and other Federal agencies, where appropriate. Comments 1–5 below are some additional questions from military installations and our responses regarding the 4(d) rule:

Comment 1: Several commenters asked whether other activities not specified in the 4(d) rule could be exempted. They stated that under special conditions actions may not be done specifically for Stephens' kangaroo rat but may have a net benefit for the species and they wondered if those activities might also apply to the 4(d) rule. Commenters provided examples of the types of activities they wanted us to consider exempting under the 4(d) rule (*i.e.,* ripping of soil, chain dragging, mechanical scraping, pre-suppression fire activities, additional wildfire suppression activities, and other activities associated with grazing, such as erecting a fence).

Response: The specific activities associated with ripping of soil, chain dragging, mechanical scraping or other non-specific wildfire suppression activities are not included in the 4(d) rule as exceptions from the general section 9 take prohibitions identified under the Act. We included exceptions that are incidental to activities conducted within the range of the Stephens' kangaroo rat for the purpose of reducing the risk or severity of habitat modification resulting from wildfire and designed to maintain or restore open habitat for Stephens' kangaroo rat, even if these actions may result in some short-term or small level of localized negative effect to Stephens' kangaroo rats. Therefore, activities conducted under plans developed in coordination with the Service that are for the purpose of maintaining, enhancing, or restoring open areas and are beneficial for providing the habitat needs of Stephens' kangaroo rat will be exceptions from

section 9(a)(1) of the Act as discussed above. Activities that are not conducted for the purpose of Stephens' kangaroo rat habitat enhancement are not covered under the 4(d) rule and should be discussed further through consultation and coordination under applicable sections of the Act.

Comment 2: A few commenters asked whether the 4(d) rule exempts incidental take for plans that were not developed in coordination with the Service.

Response: We did not provide exceptions from section 9(a)(1) of the Act for plans that are not developed in coordination with the Service. Specific activities and their impacts will need to be identified and coordinated with the Service. Activities identified in the 4(d) rule could be exempted if they are under a plan developed in coordination with the Service and conducted for the purpose of providing benefits to the species or maintaining or restoring habitat for Stephens' kangaroo rat. Note, Federal agencies that fund, permit, or carry out the activities described in *Comment 1* will still need to ensure, in consultation with the Service, that the activities are not likely to jeopardize the continued existence of the species.

Comment 3: A few commenters asked whether specific activities in their INRMP could be covered by the 4(d) rule and whether these activities still required coverage under a biological opinion or a section 10(a)(1)(A) permit. Could activities be covered by the 4(d) rule rather than modifying a biological opinion?

Response: The 4(d) rule for Stephens' kangaroo rat will not change in any way the consultation requirements under section 7 of the Act, or our ability to enter into partnerships for the management and protection of the Stephens' kangaroo rat. Regardless of the provisions of a 4(d) rule, Federal agencies are still required to consult with the Service for actions that may affect a listed species. However, if activities are exempted under the 4(d) rule, the Federal action agency will not need take coverage through a biological opinion or a section 10(a)(1)(A) permit. Therefore, the consultation process may be streamlined. However, Federal agencies that fund, permit, or carry out the activities described in this rule will still need to ensure, in consultation with the Service, that the activities are not likely to jeopardize the continued existence of the species.

Comment 4: A commenter asked how interagency cooperation may be further streamlined through planned programmatic consultations for the species between Federal agencies and the Service.

Response: Programmatic consultations can streamline consultation workload for both the Service and our Federal partners. Forms can be developed to help the Service, Federal agencies, and the regulated public easily understand whether a given action complies with the 4(d) rule and programmatic consultation or not. While work is required up front to complete this kind of consultation, significant streamlining should result once the consultation is completed.

Comment 5: A commenter requested that the Service consider additional exemptions from section 9 prohibitions for certain military training activities on military installations with a completed INRMP. The commenter is requesting exemption language for specific activities that the Service has previously determined are ''not likely to adversely affect'' the Stephens' kangaroo rat through prior section 7 consultations.

Response: We included certain activities in the 4(d) rule that we determined have minimal impacts on the species or its habitat or that will be beneficial for the species' conservation. Including previous actions would not be appropriate, even if they were previously determined as ''not likely to adversely affect'', impacts of actions may vary or conditions for the species may have changed. Activities within plans that are developed in coordination with the Service and that are conducted for the purpose of maintaining, enhancing, or restoring open areas and are beneficial for providing the habitat needs of Stephens' kangaroo rat will be exempted under section 9(a)(1) of the Act as discussed in the Provisions of the 4(d) Rule, below. Other activities that are not conducted for the purpose of Stephens' kangaroo rat habitat enhancement are not covered under the 4(d) rule and should be discussed further through consultation with the Service.

Public Comments

We received public comments from 22 members of the public. The majority of individual commenters did not agree that the species should be downlisted to threatened status, although most did not provide substantive information. Commenters expressed concerns about: (1) A lack of conserved habitat due to increased development, (2) the effects from climate change, (3) a lack of information about population trends, and (4) the potential inadequacy of DoD lands to conserve the species or qualify as ecosystem-based reserves.

Comment 6: One commenter pointed out that the Service produced 24 no-jeopardy biological opinions since 2014 and indicated that understanding the cumulative impacts to the Stephens' kangaroo rat over the years is a metric that must be included in evaluating the proposal to downlist because it provides data on how much habitat is no longer available for recovery.

Response: We considered the best available information when assessing the status of the Stephens' kangaroo rat. In our evaluation of the amount of potentially available suitable habitat for the species, we considered impacts from current and future threats as well as their cumulative effects in our status evaluation including any activities associated with Service-issued biological opinions.

Comment 7: Four commenters expressed concern over the effects from climate change and the negative impacts to Stephens' kangaroo rat, including flooding, changes in food availability, precipitation, and temperature. The commenters believe these threats are more deleterious than the Service's determination in the species report and that the species should not be downlisted. One commenter indicated that future impacts cannot be mitigated by management actions, and another commenter believes findings from researchers (Wilkening *et al.* 2019, entire) run counter to the Service's determination that climate change is a low to moderate threat.

Response: We considered the best available information when assessing the status of the Stephens' kangaroo rat. This included an evaluation of threats, including projected impacts from climate change. Climate change at the levels projected in models could impact Stephens' kangaroo rat habitat in the future. That said, the effects of climate change may also benefit the Stephens' kangaroo rat by drying of the habitat, which would most likely reduce vegetation and thatch buildup, which in turn could create more open habitat conditions that benefit Stephens' kangaroo rat. The availability of food resources (primarily grass seeds) is not expected to be greatly impacted from environmental changes with annual grasses favoring wet years and perennial grasses favoring dry years. Some shifts from perennial grasses to nonnative annual grasses may occur, but southern California grasslands have a moderate resistance and recovery potential from such climatic changes (EcoAdapt 2017, entire). The research cited by the commenter (Wilkening *et al.* 2019, p. 8) states that Stephens' kangaroo rat appears to be resilient to direct impacts

of climate change, and that management strategies, including translocations, can be used to offset potential indirect impacts from climate change. Based on our assessment, we do not find that the current threats associated with climate change facing Stephens' kangaroo rat are to such an extent and magnitude that the species meets the definition of an endangered species.

Comment 8: Six commenters expressed concern of future development increases and the resulting decline in habitat quantity and quality available to Stephens' kangaroo rat.

Response: We considered the best available information when assessing the status of the Stephens' kangaroo rat, including an evaluation of impacts from future development and areas protected and managed for the species. We acknowledge that development within the range of Stephens' kangaroo rat will continue to occur in the future. However, the rate, extent, and magnitude of development has been greatly curtailed due to conservation measures currently in place to conserve habitat for the species. Although future development will continue to be an ongoing threat, large areas of conserved habitat are managed by the SKR HCP and Western Riverside MSHCP to help recover Stephens' kangaroo rat and account for the majority of conserved lands in Riverside County (35,888 ac (14,524 ha)). In San Diego County, 32,207 ac (13,034 ha) are considered conserved. DoD installations manage for Stephens' kangaroo rat through implementation of INRMPs on approximately 11,957 ac (4,839 ha). Implementation of management actions for the species through HCPs in Riverside County and INRMPs in San Diego County help to prevent further habitat loss. We expect that additional lands will be conserved in the future through the two existing HCPs as part of their permit agreements. Therefore, we do not consider future development to be a driving force for determining the status of the species into the foreseeable future based on the level of threats associated with future development.

Comment 9: Two commenters expressed concern with defining DoD lands as ''conserved'' and do not believe these lands adequately protect Stephens' kangaroo rat. They argue that additional habitat needs to be conserved before we downlist the species and that DoD lands are not adequate to conserve the species or qualify as ecosystem-based reserves.

Response: When analyzing the threat to the Stephens' kangaroo rat from development, we considered lands conserved if they were not likely to be impacted by urban and agricultural development. Modeled habitat within conserved lands for both Riverside and San Diego Counties included conservation easements, conserved lands, and public/quasi-public, Federal, State, and DoD lands that are not likely to be impacted by urban and agricultural development. DoD lands were included because of the commitment military installations are making to manage for Stephens' kangaroo rat through implementation of their INRMPs. The development of the INRMPs was in coordination with both the Service and CDFW, and these plans include specific measures for habitat protection and conservation for the Stephens' kangaroo rat. Based on prior survey reports, occurrences of Stephens' kangaroo rat are doing well under current management and the Service has no reason to conclude that the military's management approaches will change in the future. Therefore, we have determined it appropriate to consider DoD lands being managed under INRMPs to be conserved for the purposes of restricting development as well as managing other threats to the species.

Ecosystem-based reserves are anticipated to retain their biological diversity and are associated with large areas of suitable habitat. Current implementation of actions by the installations through their INRMPs effectively meets the intent of the draft recovery plan's second criterion for downlisting by providing long-term management for the conservation of Stephens' kangaroo rat with one ecosystem-based reserve in western San Diego County at Camp Pendleton and Detachment Fallbrook.

Comment 10: Two commenters expressed concerns over habitat fragmentation, with one commenter stating that fragmented and isolated populations are continuing to be impacted by development, fire, and off-road activities, notably in San Diego County. In the commenters' view, until all fragmented populations are showing a strong and steady increase, Stephens' kangaroo rat should not be downlisted from endangered to threatened.

Response: Due in part to the threats that the commenters cited, the Stephens' kangaroo rat will continue to receive the Act's protections as a threatened species. Past rapid habitat loss from development was one of the reasons for initially listing the Stephens' kangaroo rat with an endangered status. Implementation of conservation efforts for protecting and managing habitat has curtailed large-scale habitat losses, and those measures along with other actions have largely met the intent of the criteria in the draft recovery plan for downlisting the species to threatened. Based on the best available data, we have determined that habitat fragmentation remains a moderate-level stressor to the Stephens' kangaroo rat and its habitat, and we can reliably predict that these habitat conditions are likely to remain into the foreseeable future. Translocations could potentially be used in the future, if necessary, to reintroduce the species back into suitable areas and help restore connectivity. Ongoing genetics work will help inform if and where translocations are needed. These efforts and habitat restoration efforts would help to better connect occupied areas and mitigate the impacts of fragmentation.

Comment 11: One commenter stated that habitat is constantly changing and that it may become less suitable for Stephens' kangaroo rat through lack of management, inappropriate management, or other competing management priorities. Even in situations where land has been protected for conservation purposes (as opposed to the simple restriction of conversion to other land uses), Stephens' kangaroo rat may not be the priority for management, and other conservation uses may compete for management resources and priorities.

Response: Activities to help protect Stephens' kangaroo rat and its habitat are being implemented through existing management and conservation plans. These actions that provide a benefit to the Stephens' kangaroo rat as identified in these plans (HCPs, INRMPs) will continue to be implemented after the species is downlisted in coordination with the Service. A rangewide management and monitoring plan has also recently been completed for the species to help coordinate recovery efforts with partners and facilitate Stephens' kangaroo rat management throughout its range (Spencer *et al.* 2021, entire).

Comment 12: Several commenters raised concerns with downlisting Stephens' kangaroo rats based on the lack of current population or density estimates and lack of recent and consistent rangewide monitoring for the species. One commenter also indicated that the use of modeled suitable habitat does not capture the status and trends of population size and density in a manner sufficient to decide the actual health of the Stephens' kangaroo rat population.

Response: The habitat suitability model used in the species report is used to further understand the species status,

as population estimates are unknown and fluctuate greatly. Although population data is incomplete, habitat models and near term population trends show sufficient resiliency that Stephens' kangaroo rat is not in danger of extinction now, and therefore does not meet the definition of an endangered species. The modeling provides an estimate of how much suitable habitat is available in each of the five ecoregions described. Based on the new habitat suitability model, 184,367 ac (74,610 ha) of modeled habitat was identified for the Stephens' kangaroo rat, with approximately 131,343 ac (53,153 ha) located in Riverside County and 51,737 ac (20,937 ha) in San Diego County. Until additional, standardized population monitoring information becomes available across the entire range of the species and robust statistical models are developed, we consider the results from the CBI spatial analyses to be based on the best available information and support sufficient resiliency for the species across its range.

Comment 13: One commenter stated that conservation requirements described in the draft recovery plan have yet to be achieved—specifically, the need for 15,000 ac (6,070 ha) over four reserves (instead of eight as indicated in the species report) in Riverside County and the need for one ecosystem-based reserve in San Diego County. The Service's reasoning that the requirements need not be met to achieve species recovery is flawed.

Response: We assessed the status of the Stephens' kangaroo rat and determined that the species meets the definition of threatened. The draft recovery plan identified establishment of four reserves, which encompass at least 15,000 ac (6,070 ha) in western Riverside County. To date approximately 35,888 ac (14,524 ha) have been conserved through HCPs in western Riverside County, including 19,378 ac (7,842 ha) that have been conserved in the eight managed core reserves. A total of 17,118 ac (6,927 ha) have been conserved in the four largest reserves. Therefore, the current total reserve number and acreages exceed that identified in the draft recovery plan.

The draft recovery plan also identified that one ecosystem-based reserve be established in San Diego County. In San Diego County, 32,207 ac (13,034 ha) are conserved with 11,957 ac (4,839 ha) of modeled habitat among the three DoD installations. The installations are actively managing for the species through implementation of their INRMPs, and we find that DoD will continue to manage these areas in the future. The INRMPs are based, to the maximum extent practicable, on ecosystem management principles and provide for the management of Stephens' kangaroo rat and its habitat while sustaining necessary military land uses. The DoD has a close working relationship with the Service and CDFW and has shown a commitment through their actions in protecting sensitive species and their habitat including Stephens' kangaroo rat. Based on the latest survey reports, occupancy is stable or increasing on military lands and Stephens' kangaroo rats do not appear to be negatively impacted from the military activities that have been occurring for many years. Furthermore, we have determined that existing conservation actions, such as those implemented in the INRMPs, are expected to continue to provide protections for the species and its habitat; therefore, we do not predict a change in these trends in the future. We have determined that the conservation activities occurring at DoD facilities in San Diego County meet the intent of the recovery criterion 2 to downlist. Therefore, the number and amount of reserved lands being protected, funded, and managed in Riverside and San Diego Counties provide conservation benefits to Stephens' kangaroo rat and meet the intent of the downlisting criteria.

Comment 14: One commenter indicated the species should not be downlisted because the Service would protect Stephens' kangaroo rats more if they were listed as endangered.

Response: We do not consider whether a species is more or less protected as either endangered or threatened in our determination of whether a species warrants reclassification. In this downlisting determination, the Stephens' kangaroo rat will continue to have all the section 9 take prohibitions as an endangered species except for certain activities identified under section 4(d) for the species. We have determined that these exceptions will not significantly impact the species' status and provide for incentives to landowners to further work toward and provide conservation for the species. In addition, section 7 of the Act requires consultation for both endangered and threatened species to ensure Federal actions do not jeopardize the continued existence of the species.

Comment 15: The San Diego County Fire Authority requested that the proposed 4(d) rule account for local jurisdictions that have more stringent defensible space requirements than the State of California fire code.

Response: We have amended the 4(d) language in the final rule to include local fire codes/ordinances using the additional language recommended by the commenter.

Determination of Stephens' Kangaroo Rat Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an ''endangered species'' as a species that is in danger of extinction throughout all or a significant portion of its range and a ''threatened species'' as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. For a more detailed discussion on the factors considered when determining whether a species meets the definition of an endangered species or a threatened species and our analysis on how we determine the foreseeable future in making these decisions, please see Regulatory and Analytical Framework.

Status Throughout All of Its Range

After evaluating threats to the species and assessing the cumulative effect of the threats under the section 4(a)(1) factors, we find that the current viability of the Stephens' kangaroo rat is higher now than at the time of listing due to a reduction of threats, discovery of additional areas occupied by the species, and implementation of extensive conservation actions and management by partnering agencies throughout the species' range.

In particular, the Stephens' kangaroo rat was listed as endangered in 1988, mostly due to the direct and indirect effects of rapid loss, degradation, and fragmentation of habitat for the species. Since the time of listing, numerous searches and surveys have resulted in the discovery of additional areas where Stephens' kangaroo rat occurs. Currently, 18 areas (12 areas in Riverside County and 6 areas in San Diego County) have been identified, 7 more than what was known at the time of listing. Although not considered a population expansion since listing, the discovery of additional occupied areas has reduced the level of threat for the species as a whole and increased the redundancy for the species making it more able to recover from catastrophic events. While we do not have specific quantified information on the status and trends for populations of the species, no significant population declines or

extirpations have been observed since listing.

Also, since the time of listing, several large-scale habitat conservation efforts (SKR HCP, Western Riverside MSHCP) have been implemented by the RCHCA and Regional Conservation Authority, respectively. These two conservation efforts have established a total of eight adaptively managed reserves for Stephens' kangaroo rat in Riverside County. In addition, the DoD developed INRMPs for conserving the species and its habitat on three military facilities in San Diego County. DoD works with the Service in development and implementation of the plans to consider and conserve threatened and endangered species and their habitat. Ongoing monitoring studies and conservation actions implemented under the Sikes Act authority at these three DoD installations in San Diego County provide important conservation benefits to the Stephens' kangaroo rat, as summarized above and in the species report (Service 2021, pp. 75–79).

Together, these conservation efforts in Riverside and San Diego Counties have conserved approximately 68,701 ac (27,802 ha) of modeled Stephens' kangaroo rat habitat throughout the species' range. These conservation measures have met the intent of the downlisting criteria identified in our draft recovery plan.

Thus, after assessing the best available information, we conclude that the Stephens' kangaroo rat no longer meets the Act's definition of an endangered species. We therefore proceed with determining whether the Stephens' kangaroo rat is likely to become endangered within the foreseeable future throughout all of its range.

Although current conservation efforts have preserved and managed lands occupied by the species, in some instances these preserved areas are not connected. In addition, we recognize that localized small-scale habitat loss is still occurring and the ongoing impacts from past and future habitat fragmentation will continue to affect the species' population dynamics. Stephens' kangaroo rat population mechanisms such as colonization and recolonization or population enhancement through dispersal will be unable to function in portions of the species' range. In addition, some areas where the species is found are not located in preserved or managed lands and the habitat within these areas may be degraded and not fully provide for the needs of the species causing additional fragmentation. These threats will result in increasing population isolation and habitat disconnectivity, and we expect that additional conservation of lands and management actions will continue to be necessary for the species.

In consideration of these various impact issues and after assessing the best scientific and commercial information available, we conclude that the Stephens' kangaroo rat is not currently in danger of extinction but is likely to become in danger of extinction in the foreseeable future throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. The court in *Center for Biological Diversity* v. *Everson,* 2020 WL 437289 (D.D.C. Jan. 28, 2020) (*Center for Biological Diversity*), vacated the aspect of the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37578; July 1, 2014) that provided that the Service does not undertake an analysis of significant portions of a species' range if the species warrants listing as threatened throughout all of its range (79 FR 37578, July 1, 2014). Therefore, we proceed to evaluating whether the species is endangered in a significant portion of its range—that is, whether there is any portion of the species' range for which both (1) the portion is significant, and (2) the species is in danger of extinction in that portion. Depending on the case, it might be more efficient for us to address the ''significance'' question or the ''status'' question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species' range.

Following the court's holding in *Center for Biological Diversity,* we now consider whether there are any significant portions of the species' range where the species is in danger of extinction now (*i.e.,* endangered). In undertaking this analysis for Stephens' kangaroo rat, we choose to address the status question first—we consider information pertaining to the geographic distribution of both the species and the threats that the species faces to identify any portions of the range where the species is endangered.

The statutory difference between an endangered species and a threatened species is the time horizon in which the species becomes in danger of extinction: An endangered species is in danger of extinction now, while a threatened species is not in danger of extinction now but is likely to become so in the foreseeable future. Thus, we considered the time horizon for the threats that are driving the Stephens' kangaroo rat to warrant listing as a threatened species throughout all of its range. As stated above, the effects of habitat fragmentation (limiting dispersal and recolonization, reducing genetic exchange, isolating populations) is the greatest future threat to the species. These effects are expected to occur in the future throughout its range in both western Riverside and San Diego Counties as genetic structuring continues increase throughout the range. As further explained below, however, based on limited known current population sizes, distribution, and trends, it appears that the species currently has a relatively stable status.

The Service recognizes that fragmentation driven by continuing development is expected to impact the species into the future, and that existing conserved and managed lands in both western Riverside and San Diego Counties have slowed or limited the negative impacts created from such fragmentation. These land conservation and management efforts are currently benefiting the species to the level that the species is not now endangered. The Service further recognizes, however, that because development and loss of habitat were so extensive and severe in the past, work will be needed in the future to reconnect populations in conserved areas currently being managed as ecosystem reserves and areas outside those considered as ecosystem reserves, such as central San Diego County.

The impacts from future habitat fragmentation will continue to isolate populations. This is especially true if land conservation efforts are not able to conserve areas between populations for connectivity. In addition, currently occupied lands, both conserved and not conserved, will require ongoing management such as prescribed fire or other measures to reduce vegetation buildup ensuring habitat suitability and persistence of the species. We expect vegetation control will be an ongoing habitat management concern and the species will continue to be reliant to some degree on habitat or species management into the future.

To review these threats in the context of a potential portion of the Stephens'

kangaroo rat range that may be endangered, it must be considered that the Stephens' kangaroo rat's population structure follows a metapopulation dynamic and is based on the equilibrium between colonization and extirpation of local populations. And although estimates have been made on habitat patch size and its availability, there has been no rangewide systematic assessment of the population structure for the Stephens' kangaroo rat to determine the specific requirements or characteristics of stable populations or estimate the minimum number of interconnected patches needed to support a potential metapopulation. Without these forms of information, the current and best available information on habitat conditions, species persistence within occupied areas, and species distribution indicates that the current populations appear stable.

The Service understands the importance of habitat and population connectivity is emphasized for a species that exists through an equilibrium of colonization and extirpation of local populations. And as a result of the largescale habitat loss in the past, our analysis and modeling of the existing suitable habitat available to the Stephens' kangaroo rat shows the species faces some level of habitat isolation in both western Riverside and San Diego Counties. The challenges to the species from this isolation, however, although currently impacting the species, will most likely manifest themselves to a greater extent in future generations as the timeframe of genetic isolation increases and may reach a point where the metapopulation dynamics of the populations will become further stressed or decline and not allow for normal bolstering of populations or recolonization. These analyses indicate that restoring connectivity and/or conducting translocation efforts may be needed to address the increased difficulty of the species to recolonize areas in the future and to maintain populations that may otherwise become extirpated.

The best scientific and commercial data available do not otherwise indicate that any of the threats to the species and the species' responses to those threats discussed above are more prevalent or immediate in any portion(s) of the species' range.

Given this assessment and recognizing that the current amount and type of reserves for Stephens' kangaroo rat does not meet the draft recovery plan requirements for delisting, we still conclude that the best scientific and commercial data available indicate that the time horizon of threats to the species and the species' responses to those threats, is similar throughout its range and likely to occur in the foreseeable future. Therefore, we determine that the Stephens' kangaroo rat is not in danger of extinction now in any portion of its range, but that the species is likely to become in danger of extinction within the foreseeable future throughout all of its range. This is consistent with the courts' holdings in *Desert Survivors* v. *Department of the Interior,* No. 16–cv–01165–JCS, 2018 WL 4053447 (N.D. Cal. Aug. 24, 2018), and *Center for Biological Diversity* v. *Jewell,* 248 F. Supp. 3d, 946, 959 (D. Ariz. 2017).

Determination of Status

Our review of the best scientific and commercial data available indicates that the Stephens' kangaroo rat meets the definition of a threatened species. Therefore, we are downlisting the Stephens' kangaroo rat as a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

In addition, it is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within the range of the listed species. Because we are listing this species as a threatened species, the prohibitions in section 9 will not apply directly. We are therefore putting into place a set of regulations to provide for the conservation of the species in accordance with section 4(d), which also authorizes us to apply any of the prohibitions in section 9 to a threatened species. The 4(d) rule, which includes a description of the kinds of activities that will or will not constitute a violation, complies with this policy.

Final Rule Issued Under Section 4(d) of the Act

Section 4(d) of the Act contains two sentences. The first sentence states that the Secretary shall issue such regulations as [s]he deems necessary and advisable to provide for the conservation of species listed as threatened. The U.S. Supreme Court has noted that statutory language like ''necessary and advisable'' demonstrates a large degree of deference to the agency (see *Webster* v. *Doe,* 486 U.S. 592 (1988)). Conservation is defined in the Act to mean the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Additionally, the second sentence of section 4(d) of the Act states that the Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants. Thus, the combination of the two sentences of section 4(d) provides the Secretary with wide latitude of discretion to select and promulgate appropriate regulations tailored to the specific conservation needs of the threatened species. The second sentence grants particularly broad discretion to us when adopting the prohibitions under section 9.

The courts have recognized the extent of the Secretary's discretion under this standard to develop rules that are appropriate for the conservation of a species. For example, courts have upheld rules developed under section 4(d) as a valid exercise of agency authority where they prohibited take of threatened wildlife, or include a limited taking prohibition (see *Alsea Valley Alliance* v. *Lautenbacher,* 2007 U.S. Dist. Lexis 60203 (D. Or. 2007); *Washington Environmental Council* v. *National Marine Fisheries Service,* 2002 U.S. Dist. Lexis 5432 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (*see State of Louisiana* v. *Verity,* 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, ''once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him with regard to the permitted activities for those species. He may, for example, permit taking, but not importation of such species, or he may choose to forbid both taking and importation but allow the transportation of such species'' (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

Exercising this authority under section 4(d), we have developed a rule that is designed to address the Stephens' kangaroo rat's specific threats and conservation needs. Although the statute does not require us to make a ''necessary and advisable'' finding with respect to the adoption of specific prohibitions under section 9, we find that this rule as a whole satisfies the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the Stephens' kangaroo rat. As discussed under Summary of Biological Condition and Threats, we have concluded that the Stephens' kangaroo rat is likely to become in danger of extinction within the

foreseeable future primarily due to the population effects from habitat loss and degradation and fragmentation due to isolation of existing populations.

Because the Stephens' kangaroo rat's population structure follows a metapopulation dynamic and is based on the equilibrium between colonization and extirpation of local populations, the importance of habitat and population connectivity is emphasized. The fragmented habitat currently limits the species' ability to colonize, recolonize, disperse, and maintain a functioning metapopulation structure. Habitat degradation has led to areas being overgrown and not being able to provide the habitat needs of the species. Because habitat fragmentation and degradation affects so many aspects of the species' life history and population dynamics, we have determined that it is appropriate to apply all the prohibitions and provisions for endangered wildlife under section 9(a)(1) of the Act for the Stephens' kangaroo rat except as described and explained below. Applying these section 9(a)(1) prohibitions will help minimize threats that could cause further declines in the status of the species. The provisions of this 4(d) rule will promote conservation of the Stephens' kangaroo rat by encouraging management of the landscape in ways that meet both land management considerations and the conservation needs of the species. The provisions of this rule are one of many tools that we will use to promote the conservation of the Stephens' kangaroo rat.

Provisions of the 4(d) Rule

This 4(d) rule will provide for the conservation of the Stephens' kangaroo rat by prohibiting the following activities, except as otherwise authorized or permitted: Importing or exporting; take; possession and other acts with unlawfully taken specimens; delivering, receiving, transporting, or shipping in interstate or foreign commerce in the course of commercial activity; or selling or offering for sale in interstate or foreign commerce.

Under the Act, ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Some of these provisions have been further defined in regulation at 50 CFR 17.3. Take can result knowingly or otherwise, by direct and indirect impacts, intentionally or incidentally. Regulating incidental and/or intentional take will help preserve the species' remaining populations, slow their rate of decline, and decrease cumulative, negative effects from other threats.

As described in our analysis of the species' status, the primary driver of the Stephens' kangaroo rat's continued viability is the effects from habitat loss and degradation and habitat fragmentation. These threats reduce habitat availability and suitability due to a lack of connectivity between areas and buildup of dense vegetation resulting from a lack of disturbance. The Stephens' kangaroo rat prefers open, annual grasslands and open intermediate-seral-stage (secondary succession) plant communities that are maintained by disturbance. Areas with dense vegetation (grasses or shrubs) are avoided and are not suitable habitat. Therefore, activities that are conducted for the purpose of maintaining, enhancing, or restoring open areas are beneficial for providing the habitat needs of the species because such activities contribute to species conservation and long-term species viability. Such activities may include, but are not limited to: Nonnative or invasive plant removal, grazing activities for the purpose of vegetation management, prescribed burns, wildfire suppression activities, mowing, activities designed to promote native annual forbs and maintain or restore open habitat for the species, or other actions related to habitat restoration or species recovery efforts.

More specifically, nonnative, invasive, or noxious plant removal includes noxious weed control in the course of habitat management and restoration to benefit Stephens' kangaroo rat or other sensitive species in the grassland habitat. Livestock grazing includes those grazing activities conducted as part of habitat management and restoration to benefit Stephens' kangaroo rat or other native species in the grassland habitat as described in plans developed in coordination with the Service. Fire and wildfire management and suppression includes activities such as prescribed burns, fuel reduction activities, maintenance of fuel breaks by mowing, defensible space maintenance actions, and firefighting activities associated with actively burning fires to reduce risk to life or property. Discing or blading areas to maintain fuel breaks, unless being conducted for suppression of active wildfires, should be avoided in areas occupied by the species unless otherwise approved by the Service.

We find that actions taken by management entities in the range of the Stephens' kangaroo rat for the purpose of reducing the risk or severity of habitat degradation and designed to promote native annual forbs and maintain or restore open habitat for Stephens' kangaroo rat, even if these actions may result in some short-term or small level of localized negative effect to Stephens' kangaroo rats, will further the goal of reducing the likelihood of the species becoming an endangered species, and will also continue to contribute to its conservation and long-term viability.

We recognize that the types of actions identified above are often undertaken by land management entities or private landowners through inclusion in land management plans, strategies, or cooperative agreements that are approved by the Service, and that these plans, strategies, and agreements address identified negative effects to Stephens' kangaroo rat conservation. We find that such approved plans, strategies, or agreements, developed in coordination with the Service, will adequately reduce or offset any negative effects to Stephens' kangaroo rat so that they will not result in a further decline of the species. Likewise, actions undertaken by management entities included in formal land management conservation plans developed in coordination with the Service (such as INRMPs), where the intended purpose is consistent with the conservation needs of the Stephens' kangaroo rat, also provide an overall conservation benefit that contributes to long-term species viability and reduces the likelihood of the species becoming endangered in the future.

We may issue permits to carry out otherwise prohibited activities, including those described above, involving threatened wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.32. With regard to threatened wildlife, a permit may be issued for the following purposes: Scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act. The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

We recognize the special and unique relationship with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique

position to assist us in implementing all aspects of the Act. In this regard, section 6 of the Act provides that we shall cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with us in accordance with section 6(c) of the Act, who is designated by his or her agency for such purposes, will be able to conduct activities designed to conserve Stephens' kangaroo rat that may result in otherwise prohibited take without additional authorization.

Nothing in this 4(d) rule will change in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or our ability to enter into partnerships for the management and protection of the Stephens' kangaroo rat. However, interagency cooperation may be further streamlined through planned programmatic consultations for the species between us and other Federal agencies, where appropriate.

Required Determinations

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

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with determining a species' listing status under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-To-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes.

We informed all Tribes within the Carlsbad Fish and Wildlife Office boundary about the proposed downlisting of Stephens' kangaroo rat, including the 4(d) rule, and species report. We conveyed that a 4(d) rule will provide additional management flexibility for landowners within the species' range to conduct weed and fire management activities and other beneficial actions that are outlined in approved management plans. We also excluded modeled habitat on Tribal lands from our viability analysis, including lands owned by the Morongo Band of Mission Indians, Soboba Band of Luiseno Indians, Cahuilla Band of Mission Indians, Pechanga Band of Luiseno Mission Indians, Rincon Band of Luiseno Mission Indians, San Pasqual Band of Diegueno Mission Indians, Iipay Nation of Santa Ysabel, and Mesa Grande Band of Diegueno Mission Indians (a small 10–15 acre parcel classified as a Public Domain Allotment was also excluded in San Diego County). This exclusion means that we find that actions such as management and habitat conservation are not required on Tribal lands to achieve species recovery.

References Cited

A complete list of references cited in this rulemaking is available on the internet at *https://www.regulations.gov* and upon request from the Carlsbad Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are the staff members of the Fish and Wildlife Service's Species Assessment Team and the Carlsbad Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

■ 2. Amend § 17.11, in paragraph (h), by revising the entry for ''Kangaroo rat, Stephens' '' under **Mammals** in the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
		Mammals		
*	*	*	*	* * *
Kangaroo rat, Stephens'.	*Dipodomys stephensi* (incl. *D. cascus*).	Wherever found	T	53 FR 38465, 9/30/1988; 87 FR [Insert **Federal Register** page where the document begins]; 2/17/2022; 50 CFR 17.40(t).[4d]
*	*	*	*	* * *

■ 3. Amend § 17.40 by adding paragraph (t) to read as follows:

§ 17.40 Special rules—mammals.

* * * * *

(t) Stephens' kangaroo rat (*Dipodomys stephensi*).

(1) *Prohibitions.* The following prohibitions that apply to endangered wildlife also apply to Stephens' kangaroo rat. Except as provided under paragraph (t)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

(i) Import or export, as set forth at § 17.21(b) for endangered wildlife.

(ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.

(iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.

(iv) Interstate or foreign commerce in the course of commercial activity, as set forth at § 17.21(e) for endangered wildlife.

(v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions.* In regard to Stephens' kangaroo rat, you may:

(i) Conduct activities as authorized by a permit under § 17.32.

(ii) Take, as set forth at § 17.21(c)(2) through (4) for endangered wildlife.

(iii) Take, as set forth at § 17.31(b).

(iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at § 17.21(d)(2) for endangered wildlife.

(v) Implement livestock grazing in the course of habitat management and restoration to benefit Stephens' kangaroo rat or other native species in the grassland habitat as approved by the Service.

(vi) Conduct the following wildfire suppression activities:

(A) Activities necessary to maintain the minimum clearance (defensible space) requirement from any occupied dwelling, occupied structure, or to the property line, whichever is nearer, to provide reasonable fire safety and to reduce wildfire risks consistent with the State of California fire codes or local fire codes/ordinances.

(B) Fire management actions (*e.g.,* prescribed burns, hazardous fuel reduction activities) on protected/preserve lands to maintain, protect, or enhance habitat occupied by Stephens' kangaroo rat. These activities are to be coordinated with and reported to the Service in writing and approved the first time an individual or agency undertakes them.

(C) Maintenance of existing fuel breaks.

(D) Firefighting activities associated with actively burning wildfires to reduce risk to life or property.

(vii) Remove nonnative, invasive, or noxious plants for the purpose of Stephens' kangaroo rat conservation as approved by the Service. This includes noxious weed control and other vegetation reduction in the course of habitat management and restoration to benefit Stephens' kangaroo rat, including mechanical and chemical control, provided that these activities are conducted in a manner consistent with Federal and applicable State laws, including Environmental Protection Agency label restrictions for herbicide application.

(viii) Implement activities conducted as part of a plan developed in coordination with the Service or the California Department of Fish and Wildlife that are for the purpose of Stephens' kangaroo rat conservation.

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–03317 Filed 2–16–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–HQ–ES–2021–0138; FF09E21000 FXES1111090FEDR 223]

RIN 1018–BG58

Endangered and Threatened Wildlife and Plants; Adding Rice's Whale to and Updating Three Humpback Whale Entries on the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), in accordance with the Endangered Species Act of 1973, as amended (Act), are amending the List of Endangered and Threatened Wildlife (List) by adding Rice's whale (*Balaenoptera ricei*). We are also updating the entries for the Central America, Mexico, and Western North Pacific distinct population segments (DPSs) of humpback whales (*Megaptera novaeangliae*) to reflect the designation of critical habitat for these DPSs. These amendments are based on previously published determinations by the National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration, Department of Commerce, which has jurisdiction for these species.

DATES: *Effective date:* This rule is effective February 17, 2022.

Applicability date: The Rice's whale listing was applicable as of October 22, 2021. The humpback whale critical habitat designations were applicable as of May 21, 2021.

FOR FURTHER INFORMATION CONTACT: Caitlin Snyder, Chief, Branch of Domestic Listing, U.S. Fish and Wildlife Service, MS: ES, 5275 Leesburg Pike, Falls Church, VA 22041–3803; telephone 703–358–2171.

SUPPLEMENTARY INFORMATION:

Background

In accordance with the Act (16 U.S.C. 1531 *et seq.*) and Reorganization Plan No. 4 of 1970 (35 FR 15627; October 6, 1970), NMFS has jurisdiction over the marine taxa specified in this rule. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as an endangered species or a threatened species. Under section 4(a)(3)(A)(i) of the Act, NMFS must designate any habitat of endangered or threatened species which is then considered to be critical habitat. NMFS makes these determinations and critical habitat designations via its rulemaking process. We, the Service, are then responsible for publishing final rules to amend the List in title 50 of the Code of Federal Regulations (CFR) at 50 CFR 17.11(h).

On December 8, 2016, NMFS published a proposed rule to list the Gulf of Mexico Bryde's whale as an endangered species (81 FR 88639). NMFS solicited public comments on the proposed rule for 75 days (81 FR 88639, December 8, 2016; 81 FR 92760, December 20, 2016; 82 FR 9707, February 8, 2017) and accepted public comments during a public hearing on January 19, 2017. NMFS addressed all public comments received in response to the proposed rule in its April 15, 2019, final rule (84 FR 15446) to list the Gulf of Mexico Bryde's whale as an endangered species. NMFS determined that the Gulf of Mexico Bryde's whale is an unnamed subspecies of Bryde's whales (*Balaenoptera edeni*). The listing of the Gulf of Mexico Bryde's whale went into effect on May 15, 2019. We did not publish an administrative action at that time to add the Gulf of Mexico Bryde's whale to the List at 50 CFR 17.11(h).

On August 23, 2021, NMFS published a direct final rule (86 FR 47022) to revise the taxonomy and common name of *Balaenoptera edeni* (*unnamed subspecies;* Bryde's Whale—Gulf of Mexico subspecies) to reflect the most recently accepted scientific name, in

accordance with 50 CFR 224.101(e). Based on the best scientific data available at that time, NMFS determined that revising the entry at 50 CFR 224.101(h) was warranted as follows: Change the common name from Bryde's whale (Gulf of Mexico subspecies) to Rice's whale, change the scientific name from *Balaenoptera edeni* (unnamed subspecies) to *Balaenoptera ricei,* and change the description of the listed entity from Bryde's whales that breed and feed in the Gulf of Mexico to ''wherever found.'' NMFS provided an opportunity for the public to submit significant adverse comments in response to the direct final rule; they received none. The direct final rule went into effect on October 22, 2021. By publishing this final rule, we are taking the necessary administrative step to amend the List at 50 CFR 17.11(h) to include the Rice's whale.

We are also updating the entries on the List for the Central America, Mexico, and Western North Pacific DPSs of humpback whales to reflect the designation of critical habitat for these three DPSs. On October 9, 2019, NMFS published a proposed rule (84 FR 54354) identifying critical habitat for these three DPSs of humpback whales and solicited public comments on the proposed rule through January 31, 2020 (see 84 FR 65346, November 27, 2019). NMFS also solicited public comments at six public hearings (84 FR 55530, October 17, 2019; 84 FR 65346, November 27, 2019). NMFS addressed all public comments received in its April 21, 2021, final rule (86 FR 21082) designating critical habitat for these three DPSs.

The humpback whale critical habitat designations went into effect on May 21, 2021. By publishing this final rule, we are taking the necessary administrative step to codify these changes in the List at 50 CFR 17.11(h).

Administrative Procedure Act

Because NMFS provided an opportunity for public comment on the proposed rules for these taxa, and because this action of the Service to amend the List in accordance with the determinations by NMFS is nondiscretionary, the Service finds good cause that the notice and public comment procedures of 5 U.S.C. 553(b) are unnecessary for this action. We also find good cause under 5 U.S.C. 553(d)(3) to make this rule effective immediately. The NMFS rules extended protection under the Act to these species by listing Rice's whale in 50 CFR part 224 and designating critical habitat for the Central America, Mexico, and Western North Pacific DPSs of humpback whales in 50 CFR part 226; this rule is an administrative action to add one species to, and update the entries of three species on, the List at 50 CFR 17.11(h). The public would not be served by delaying the effective date of this rulemaking action.

Required Determinations

National Environmental Policy Act

We have determined that an environmental assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the CFR, as set forth below.

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

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

■ 2. Amend § 17.11, in paragraph (h), the List of Endangered and Threatened Wildlife, under mammals, by:

■ a. Revising the entries for ''Whale, humpback [Central America DPS],'' ''Whale, humpback [Mexico DPS],'' and ''Whale, humpback [Western North Pacific DPS];'' and

■ b. Adding an entry in alphabetical order for ''Whale, Rice's''.

The revisions and addition read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
MAMMALS				
*	*	*	*	*
Whale, humpback [Central America DPS].	*Megaptera novaeangliae* ..	Central America DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016;[N] 81 FR 93639, 12/21/2016; 87 FR [INSERT **Federal Register** PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022; 50 CFR 226.227.[CH]
Whale, humpback [Mexico DPS].	*Megaptera novaeangliae* ..	Mexico DPS—see 50 CFR 223.102.	T	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016;[N] 81 FR 93639, 12/21/2016; 87 FR [INSERT **Federal Register** PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022; 50 CFR 223.213; 50 CFR 223.214; 50 CFR 226.227.[CH]
Whale, humpback [Western North Pacific DPS].	*Megaptera novaeangliae* ..	Western North Pacific DPS—see 50 CFR 224.101.	E	35 FR 8491, 6/2/1970; 35 FR 18319, 12/2/1970; 81 FR 62260, 9/8/2016;[N] 81 FR 93639, 12/21/2016; 87 FR [INSERT **Federal Register** PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022; 50 CFR 224.103; 50 CFR 226.227.[CH]

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
Whale, Rice's	*Balaenoptera ricei*	Wherever found	E	84 FR 15446, 4/15/2019; 86 FR 47022, 8/23/2021;[N] 87 FR [INSERT **Federal Register** PAGE WHERE THE DOCUMENT BEGINS], 2/17/2022.
*	*	*	*	*

Martha Williams,

Principal Deputy Director, Exercising the Delegated Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2022–03114 Filed 2–16–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 180117042–8884–02; RTID 0648–XB791]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Temporary rule; closure of the Atlantic bluefin tuna Angling category southern area large medium and giant fishery for 2022.

SUMMARY: NMFS closes the southern area Angling category fishery for large medium and giant (''trophy'' (*i.e.,* measuring 73 inches (185 cm) curved fork length or greater)) Atlantic bluefin tuna (BFT). This action applies to Highly Migratory Species (HMS) Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels when fishing recreationally.

DATES: Effective 11:30 p.m., local time, February 12, 2022, through December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Larry Redd, Jr., *larry.redd@noaa.gov,* 301–427–8503, Nicholas Velseboer, *nicholas.velsboer@noaa.gov,* 978–281–9260, or Thomas Warren, *thomas.warren@noaa.gov,* 978–281–9347.

SUPPLEMENTARY INFORMATION: Atlantic HMS fisheries, including BFT fisheries, are managed under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. Section 635.27 divides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and as implemented by the United States among the various domestic fishing categories, per the allocations established in the 2006 Consolidated HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

Under § 635.28(a)(1), NMFS files a closure notice with the Office of the Federal Register for publication when a BFT quota (or subquota) is reached or is projected to be reached. Retaining, possessing, or landing BFT under that quota category is prohibited on and after the effective date and time of a closure notice for that category, for the remainder of the fishing year, until the opening of the subsequent quota period or until such date as specified.

The 2022 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar-year quota, began January 1, 2022. The Angling category season opened January 1, 2022, and continues through December 31, 2022. The Angling category baseline quota is 232.4 metric tons (mt), of which 5.3 mt is allocated for the harvest of large medium and giant (trophy) BFT by vessels fishing under the Angling category quota, with 1.8 mt allocated for each of the following areas: North of 39°18′ N lat. (off Great Egg Inlet, NJ); south of 39°18′ N lat. and outside the Gulf of Mexico (the ''southern area''); and in the Gulf of Mexico. Trophy BFT measure 73 inches (185 cm) curved fork length or greater.

Angling Category Large Medium and Giant Southern ''Trophy'' Fishery Closure

Based on landings data from the NMFS Automated Catch Reporting System and the North Carolina Tagging Program, as well as average catch rates and anticipated fishing conditions, NMFS projects the Angling category southern area trophy BFT subquota of 1.8 mt will be reached shortly. Therefore, retaining, possessing, or landing large medium or giant (*i.e.,* measuring 73 inches (185 cm) curved fork length or greater) BFT south of 39°18′ N lat. and outside the Gulf of Mexico by persons aboard Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels (when fishing recreationally) must cease at 11:30 p.m. local time on February 12, 2022. This closure will remain effective through December 31, 2022. This action applies to Angling category permitted vessels and Atlantic HMS Charter/Headboat permitted vessels when fishing recreationally for BFT, and is taken consistent with the regulations at § 635.28(a)(1). This action is intended to prevent overharvest of the Angling category southern area trophy BFT subquota.

If needed, subsequent Angling category adjustments will be published in the **Federal Register**. Information regarding the Angling category fishery for Atlantic tunas, including daily retention limits for BFT measuring 27 inches (68.5 cm) to less than 73 inches (185 cm) and any further Angling category adjustments, is available at *hmspermits.noaa.gov* or by calling (978) 281–9260. HMS Angling and HMS Charter/Headboat permit holders may catch and release (or tag and release) BFT of all sizes, subject to the requirements of the catch-and-release and tag-and-release programs at § 635.26. Anglers are also reminded that all BFT that are released must be handled in a manner that will maximize survival, and without removing the fish from the water, consistent with requirements at § 635.21(a)(1). For additional information on safe handling, see the ''Careful Catch and Release'' brochure available at *https://www.fisheries.noaa.gov/resource/outreach-and-education/careful-catch-and-release-brochure/.*

HMS Charter/Headboat and Angling category vessel owners are required to report the catch of all BFT retained or

discarded dead, within 24 hours of the landing(s) or end of each trip, by accessing *hmspermits.noaa.gov,* using the HMS Catch Reporting app, or calling (888) 872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m.).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act and regulations at 50 CFR part 635 and is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the 2006 Consolidated HMS FMP and its amendments provide for inseason adjustments and fishery closures to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. This fishery is currently underway and delaying this action could result in excessive trophy BFT landings that may result in future potential quota reductions for the Angling category, depending on the magnitude of a potential Angling category overharvest. NMFS must close the southern area trophy BFT fishery before additional landings of these sizes of BFT occur. Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30-day delay in effectiveness.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: February 11, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–03389 Filed 2–11–22; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 220210–0043; RIN 0648–BL07]

Revisions to Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan and Sector Annual Catch Entitlements; Correction

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

ACTION: Final rule; adjustment to specifications; correction.

SUMMARY: This final rule distributes sector allocation carried over from fishing year 2020 into fishing year 2021 and corrects the regulations implementing Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan. This action is necessary to correct regulatory errors and to allocate carryover quota to sectors. The carryover adjustments are routine and formulaic, and industry expects them each year.

DATES: The correction to 50 CFR 648.85 is effective February 16, 2022. The distribution of sector allocation carried over into fishing year 2021 is effective February 16, 2022, through April 30, 2022.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, (978) 281–9232.

SUPPLEMENTARY INFORMATION: On July 28, 2021, we published a final rule approving Framework Adjustment 61 to the Northeast Multispecies Fishery Management Plan (FMP) (86 FR 40353), which set or adjusted 2021–2023 annual catch limits (ACL) for 17 of the 20 groundfish stocks, and 2021 ACLs for three shared U.S./Canada stocks. Framework 61 also approved and implemented the Universal Sector Exemption for Acadian Redfish (Redfish). This rule distributes unused sector quota carried over from fishing year 2020 and corrects a regulatory error which incorrectly defines the boundaries of the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II.

Sector Carryover Allocations From Fishing Year 2019

Carryover regulations at 50 CFR 648.87(b)(1)(i)(C) allow each groundfish sector to carry over an amount of unused Annual Catch Entitlement (ACE) equal to 10 percent of the sector's original ACE for each stock (except for Georges Bank [GB] yellowtail flounder) that is unused at the end of the fishing year into the following fishing year. We are required to adjust ACE carryover to ensure that the total unused ACE combined with the overall sub-ACL does not exceed the Acceptable Biological Catch (ABC) for the fishing year in which the carryover may be harvested. We have completed 2020 fishing year data reconciliation with sectors and determined final 2020 fishing year sector catch and the amount of allocation that sectors may carry over from the 2020 to the 2021 fishing year. Unused ACE from fishing year 2020 available to carry over to 2021 was reduced for the following stocks: Georges Bank (GB) cod; GB haddock; Gulf of Maine (GOM) haddock; Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder; Cape Cod/GOM yellowtail flounder; American plaice; witch flounder; GB winter flounder; GOM winter flounder; SNE/MA winter flounder; redfish; white hake; and pollock. Complete details on carryover reduction percentages can be found at: *https://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/h/groundfish_catch_accounting.*

Table 1 includes the maximum amount of allocation that sectors may carry over from the 2020 to the 2021 fishing year. Table 2 includes the *de minimis* amount of carryover for each sector for the 2021 fishing year. If the overall ACL for any allocated stock is exceeded for the 2021 fishing year, the allowed carryover harvested by a sector, minus the pounds in the sector's *de minimis* amount, will be counted against its allocation to determine whether an overage subject to an accountability measure occurred. Tables 3 and 4 list the final ACE available to sectors for the 2021 fishing year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stock's ABC.

Correction to Redfish Exemption Areas

The Redfish Exemption Program defined at § 648.85(e)(1) allows sector vessels to target redfish using a 5.5-inch (14.0-centimeter (cm)) mesh codend within the Redfish Exemption Area, defined in the regulations at § 648.85(e)(1)(ii). Also included in the regulations for the Redfish Exemption Program are two seasonal closure areas in which no vessel may participate in the Redfish Exemption Program. These are the Redfish Exemption Area Cod Closure defined at § 648.85(e)(1)(ii)(A) and the Redfish Exemption Area Seasonal Closure II defined at § 648.85(e)(1)(ii)(B).

Portions of the boundaries for both the Redfish Exemption Area and the Redfish Exemption Area Seasonal Closure II follow the boundaries of the U.S. Exclusive Economic Zone (EEZ). The regulations that currently list the points delineating these areas state that the areas are defined by straight lines connecting the following points in the order stated. For both areas, when straight lines are drawn between points located on the U.S. EEZ and preceding or subsequent points, the boundaries of the areas that result do not follow the boundaries of the U.S. EEZ as intended.

As a result, small portions of the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II currently extend past the boundary of the U.S. EEZ, into Canadian waters.

This rule corrects this error by revising the regulations at § 648.85(e)(1)(ii) and § 648.85(e)(1)(ii)(B) to correctly state that the lines connecting points located on the U.S. EEZ follow the boundary of the U.S. EEZ.

Though the erroneous definitions for the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II extended these areas past the U.S. EEZ into Canadian waters, they did not authorize vessels to fish in Canadian waters. The correction being implemented by this rule, as a result, does not change any operational aspect of the Redfish Exemption Program. Instead, it is an administrative change designed to ensure regulations are written accurately and to reduce confusion.

BILLING CODE 3510–22–P

Table 1 -- Finalized Carryover ACE from Fishing Year 2020 to Fishing Year 2021 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	16,430	445	0	172,200	4,524	0	19	1,789	1,675	1,833	29	4,445	449	6,702	3,101	74,863
MCCS	0	3,075	7,233	0	293,325	195,771	0	40	3,069	39,704	15,287	410	1,305	689	101,539	45,233	279,414
MOON	0	15,676	2,043	0	348,252	66,035	0	8	2,158	2,472	2,691	362	869	850	31,373	3,389	120,505
NEFS 2	0	8,592	16,303	0	998,907	489,133	0	45	20,959	35,991	22,998	1,304	8,611	1,580	182,749	32,056	328,328
NEFS 4	0	9,773	5,180	0	543,722	193,158	0	61	5,333	30,760	13,961	280	2,601	371	43,523	2,554	151,973
NEFS 5	0	633	0	0	76,224	77	0	544	171	1,397	884	177	3	4,513	171	256	941
NEFS 6	0	4,166	1,913	0	335,199	95,904	0	139	3,799	14,815	9,527	697	1,785	714	80,586	15,479	81,206
NEFS 7	0	3,816	510	0	219,355	39,487	0	55	1,054	9,731	3,315	3,208	99	1,092	30,411	7,266	37,814
NEFS 8	0	11,010	738	0	723,744	15,839	0	192	5,474	10,544	5,793	9,680	1,720	3,625	10,814	3,657	26,651
NEFS 10	0	694	1,500	0	16,518	27,904	0	15	3,573	3,495	3,225	4	3,188	225	3,962	1,765	16,898
NEFS 11	0	526	7,499	0	3,257	62,453	0	0	2,106	5,492	2,529	1	746	8	22,989	11,039	197,132
NEFS 12	0	830	1,742	0	8,761	22,060	0	0	6,542	1,625	894	0	2,639	81	2,682	963	17,163
NEFS 13	0	15,608	473	0	1,914,135	21,091	0	634	5,440	27,537	14,551	7,034	750	5,864	51,879	7,624	58,560
SHS1	0	2,997	1,805	0	211,991	83,214	0	3	1,814	17,332	6,096	842	1,151	281	35,386	15,167	59,532
SHS2	0	3,233	2,937	0	115,913	67,454	0	83	3,474	10,954	4,673	1,471	1,513	1,294	36,748	14,738	138,355
SHS3	0	30,802	5,466	0	3,165,469	712,483	0	359	12,605	97,318	43,852	11,971	1,636	11,425	480,629	69,394	562,369
Total	0	127,861	55,787	0	9,146,972	2,096,587	0	2,197	79,360	310,842	152,109	37,470	33,061	33,061	1,122,143	233,681	2,151,704

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Mooncusser Sector (MOON), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS)

Table 2 -- *De Minimis* Carryover ACE from Fishing Year 2020 to Fishing Year 2021 (lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	0	3,112	42	0	33,154	410	0	1	261	297	319	2	497	65	1,215	479	13,949
MCCS	0	594	854	0	57,731	25,155	0	9	761	8,223	3,234	150	345	128	20,736	6,365	55,008
MOON	0	2,882	371	0	64,706	8,361	0	3	459	507	526	117	176	155	10,123	3,389	43,053
NEFS 2	0	1,567	1,586	0	180,523	50,399	0	6	3,823	6,616	4,252	399	1,519	265	32,422	3,997	59,450
NEFS 4	0	1,784	665	0	98,270	20,115	0	8	975	5,627	2,572	86	460	63	14,236	2,554	28,075
NEFS 5	0	114	0	0	9,813	77	0	63	145	273	190	39	3	718	39	37	157
NEFS 6	0	750	174	0	60,581	9,965	0	18	638	2,691	1,744	214	294	121	14,530	2,013	14,987
NEFS 7	0	112	1	0	6,712	38	0	4	8	148	74	37	3	12	337	35	741
NEFS 8	0	2,349	141	0	155,321	11,531	0	26	1,051	4,502	1,847	3,693	245	649	10,814	1,999	16,374
NEFS 10	0	127	147	0	2,985	2,906	0	2	653	639	594	1	564	38	715	292	3,122
NEFS 11	0	96	689	0	586	6,320	0	0	372	939	466	0	127	1	4,007	1,917	35,865
NEFS 12	0	152	187	0	1,584	2,470	0	0	1,310	471	181	0	817	16	486	132	3,182
NEFS 13	0	3,049	48	0	360,681	2,215	0	82	1,068	5,171	2,805	2,413	144	1,122	9,462	1,011	11,073
SHS1	0	1,344	178	0	127,614	20,470	0	3	433	6,721	2,697	842	159	193	17,608	5,652	26,427
SHS2	0	886	100	0	30,534	3,391	0	16	866	1,706	715	1,077	261	529	2,422	847	5,231
SHS3	0	4,092	441	0	441,998	54,337	0	24	1,468	11,904	5,637	2,186	192	1,377	68,790	9,990	80,588
Total	0	23,010	5,624	0	1,632,793	218,160	0	265	14,291	56,435	27,853	11,256	5,806	5,452	207,942	40,709	397,282

Table 3 -- Total ACE Available to Sectors in Fishing Year 2021 including Final Carryover (mt)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	25	124	2	127	1,455	21	0	0	13	14	15	0	25	3	58	23	667
MCCS	5	24	42	222	2,530	1,230	2	0	36	391	154	7	16	6	987	309	2,622
MOON	23	115	18	248	2,845	409	1	0	22	24	25	5	8	7	473	217	2,008
MPB	0	1	3	3	31	116	0	0	2	31	10	0	1	0	80	33	314
NEFS 2	12	63	79	693	7,948	2,508	1	0	183	316	203	19	73	13	1,554	196	2,846
NEFS 4	14	71	32	377	4,327	1,000	1	0	47	269	123	4	22	3	665	168	1,342
NEFS 5	1	5	1	38	442	12	1	3	7	13	9	2	2	35	2	2	8
NEFS 6	6	30	9	233	2,667	496	2	1	31	129	83	10	14	6	696	98	717
NEFS 7	1	6	0	26	378	20	1	0	1	11	5	3	0	1	29	5	51
NEFS 8	19	93	7	596	6,777	530	14	1	50	209	86	172	12	31	519	92	755
NEFS 10	1	5	7	11	131	144	0	0	31	31	28	0	27	2	34	14	149
NEFS 11	1	4	35	2	26	315	0	0	18	45	22	0	6	0	192	92	1,716
NEFS 12	1	6	9	6	70	122	0	0	62	22	9	0	38	1	23	6	152
NEFS 13	24	121	2	1,385	15,844	110	23	4	51	247	134	113	7	54	453	49	529
NHPB	0	0	3	0	0	3	0	0	0	1	0	0	0	0	2	2	21
SHS 1	11	52	9	490	5,395	966	2	0	20	313	125	44	8	9	815	263	1,226
SHS 2	7	35	6	117	1,320	184	3	1	41	82	35	50	13	25	127	45	300
SHS 3	32	167	22	1,697	19,787	2,788	7	1	72	584	276	105	9	68	3,338	485	3,911
Total	182	921	287	6,272	71,973	10,974	58	13	686	2,733	1,342	534	282	262	10,046	2,100	19,331

Table 4 -- Total ACE Available to Sectors in Fishing Year 2021 with including Final Carryover (1,000 lb)

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	54	273	5	281	3,207	46	0	0	28	31	34	0	54	7	128	51	1,470
MCCS	10	52	93	489	5,578	2,711	4	1	79	862	339	15	36	13	2,175	682	5,780
MOON	50	254	39	548	6,271	902	2	0	48	53	55	12	19	16	1,044	478	4,426
MPB	1	3	7	6	69	255	0	0	5	69	21	0	3	0	175	74	693
NEFS 2	27	138	175	1,528	17,523	5,529	3	1	403	698	448	41	161	28	3,425	432	6,273
NEFS 4	31	157	72	832	9,539	2,205	3	1	103	593	271	9	49	7	1,467	371	2,959
NEFS 5	2	10	2	83	974	26	1	7	15	29	20	4	5	76	4	4	17
NEFS 6	13	66	19	513	5,881	1,092	5	2	68	284	184	22	31	13	1,534	217	1,580
NEFS 7	2	13	1	57	834	43	2	0	2	25	11	7	0	2	64	11	112
NEFS 8	41	205	15	1,315	14,941	1,169	31	3	111	461	191	379	26	68	1,145	204	1,664
NEFS 10	2	11	16	25	290	318	0	0	69	67	63	0	60	4	75	31	329
NEFS 11	2	8	76	5	57	694	0	0	39	99	49	0	13	0	424	203	3,784
NEFS 12	3	13	20	13	154	269	0	0	138	49	19	0	84	2	51	14	335
NEFS 13	53	267	5	3,053	34,929	243	51	9	112	545	295	248	15	118	998	109	1,166
NHPB	0	0	7	0	0	7	0	0	0	2	0	0	0	0	4	4	46
SHS 1	23	114	20	1,080	11,893	2,130	4	0	45	689	276	98	17	20	1,796	580	2,702
SHS 2	15	76	13	258	2,911	407	7	2	90	182	76	109	28	54	279	99	661
SHS 3	71	369	50	3,741	43,624	6,146	16	3	159	1,288	608	231	21	149	7,360	1,068	8,621
Total	402	2,030	634	13,828	158,674	24,193	129	29	1,513	6,025	2,959	1,176	622	578	22,148	4,630	42,619

Classification

NMFS is issuing this rule pursuant to 305(d) of the Magnuson-Stevens Act, which provides specific authority for implementing this action. Section 305(d) authorizes NMFS to take action because in a previous action taken pursuant to section 304(b), the Council designed the FMP to authorize NMFS to annually adjust and distribute sector carryover. See § 648.87(b)(1)(i)(C). Additionally, pursuant to section 305(d), this action is necessary to carry out the Northeast Multispecies FMP, because the regulatory corrections to the Redfish Exemption Area and Redfish Exemption Area Seasonal Closure II at § 648.85(e)(1)(ii) and § 648.85(e)(1)(ii)(B) are necessary to correctly administrate the Redfish Exemption Program. The NMFS Assistant Administrator has determined that this final rule is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable laws.

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

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public notice and opportunity for public comment on the allocation adjustments and corrections because allowing time for notice and comment would be impracticable, unnecessary, and contrary to the public interest. We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) and (3), so that this final rule may become effective in a timely manner and the fishery may maximize the economic benefits of the adjusted allocations to the fishery.

Notice and comment and a 30-day delay in effectiveness would be impracticable, unnecessary, and contrary to the public interest. The distribution of unused quota carried over from the previous fishing year is an annual adjustment action that is expected by industry. These adjustments increase available catch. They are routine, formulaic, and authorized by regulation. The public had prior notice and opportunity to participate in the development of and comment on the regulations implementing this process and expects this adjustment each year. Delaying these adjustments would result in a delay in the distribution of unused carryover to sectors, and could negate or reduce the intended economic benefits and increased operational flexibility provided by these adjustments. We only recently finalized carryover for 2020 based on data available in the late fall.

The regulatory revisions in this rule are necessary to correct regulatory errors made in the implementation of Framework 61. Correcting these errors is not subject to our discretion, so there would be no benefit to allowing time for notice and comment. Immediate implementation corrects information published in Framework Adjustment 61 and provides industry with the most accurate information. Delaying these corrections could cause confusion about compliance with legal requirements. The need for these corrections was discovered only recently, so quicker action on our part was not possible.

Also, because advanced notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* do not apply to this rule. Therefore, no final regulatory flexibility analysis is required and none has been prepared.

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

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: February 10, 2022.

Samuel D. Rauch, III,

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

For the reasons stated in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.85, revise the introductory text of paragraph (e)(1)(ii) and paragraph (e)(1)(ii)(B) to read as follows:

§ 648.85 Special management programs.

* * * * *

(e) * * *

(1) * * *

(ii) *Redfish Exemption Area.* The Redfish Exemption Area is the area defined by straight lines connecting the following points in the order stated, except between points D and E and E and F, the boundary follows the outer limits of the U.S. EEZ. (A chart depicting this area is available from the Regional Administrator upon request):

TABLE 14 TO PARAGRAPH (e)(1)(ii) INTRODUCTORY TEXT

Point	N lat.	W long.
A	43°00′	69°55′
B	43°00′	69°30′
C	43°20′	69°30′
D	43°20′	(1)
E	42°53.24′	67°44.55′
F	42°20′	(2)
G	42°20′	67°40′
H	42°00′	67°40′
I	42°00′	69°37′
J	42°20′	69°55′
A	43°00′	69°55′

[1] U.S. EEZ longitude, approximately 67°35.07′.

[2] U.S. EEZ longitude, approximately 67°18.17′.

* * * * *

(B) *Redfish Exemption Area Seasonal Closure II.* No vessel may participate in the Redfish Exemption Program inside the Redfish Exemption Area Seasonal Closure II from September 1 through December 31 of each year. The Redfish Exemption Area Seasonal Closure II is the area defined by straight lines connecting the following points in the order stated, except between points F and G the boundary follows the outer limits of the U.S. EEZ:

TABLE 16 TO PARAGRAPH (e)(1)(ii)(B)

Point	N lat.	W long.
M	42°47.17′	67°40′
F	42°20′	(1)
G	42°20′	67°40′
M	42°47.17′	67°40′

[1] U.S. EEZ longitude, approximately 67°18.17′.

* * * * *

[FR Doc. 2022–03338 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 87, No. 33
Thursday, February 17, 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 71

[Docket No. FAA–2021–1141 Airspace Docket No. 21–AGL–34]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; La Porte, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at La Porte, IN. The FAA is proposing this action as the result of an airspace review due to the decommissioning of the La Porte non-directional beacon (NDB) and the La Porte Localizer (LOC).

DATES: Comments must be received on or before April 4, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–1141/Airspace Docket No. 21–AGL–34, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at La Porte Municipal, La Porte, IN, to support instrument flight rule operations at this airport and removing the Class E airspace extending upward from 700 feet above the surface at La Porte Hospital, La Porte, IN, as the instrument procedures have been cancelled and the airspace is no longer required.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–1141/Airspace Docket No. 21–AGL–34.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface to within 6.5-mile (decreased from a 7.3-mile) radius of La Porte Municipal Airport, La Porte, IN; removing the La Porte NDB and associated extension; and removing the La Porte Hospital Heliport point in space and associated airspace from the airspace legal description as the instrument procedures have been cancelled and the airspace is no longer required.

This action is the result of an airspace review due to the decommissioning of the La Porte NDB and the La Porte LOC which provided guidance to instrument procedures at this airport.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

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

* * * * *

AGL IN E5 La Porte, IN [Amended]

La Porte Municipal Airport, IN
(Lat. 41°34′21″ N, long. 86°44′04″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of La Porte Municipal Airport.

Issued in Fort Worth, Texas, on February 10, 2022.

Steven Phillips,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2022–03264 Filed 2–16–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–1128; Airspace Docket No. 21–ASW–25]

RIN 2120–AA66

Proposed Amendment of the Class E Airspace; Weatherford, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Weatherford, OK. The FAA is proposing this action as the result of an airspace review due to the decommissioning of the Weatherford non-directional beacon (NDB). The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before April 4, 2022.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–1128/Airspace Docket No. 21–ASW–25, at the beginning of your comments. You may also submit comments through the internet at *https://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of

airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Thomas P. Stafford Airport, Weatherford, OK, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2021–1128/Airspace Docket No. 21–ASW–25.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *https://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *https://www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021. FAA Order JO 7400.11F is publicly available as listed in the **ADDRESSES** section of this document. FAA Order JO 7400.11F lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile (reduced from a 7.1-mile) radius of Thomas P. Stafford Airport, Weatherford, OK, and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the city associated with the airport in the header of the airspace legal description to comply with changes to FAA Order JO 7400.2N, Procedures for Handling Airspace Matters.

This action is the result of an airspace review due to the decommissioning of the Weatherford NDB, which provided guidance to instrument procedures at this airport.

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11F, dated August 10, 2021, and effective September 15, 2021, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in FAA Order JO 7400.11.

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

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

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

* * * * *

ASW OK E5 Weatherford, OK [Amended]

Thomas P. Stafford Airport, OK
(Lat. 35°32′45″ N, long. 98°40′07″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Thomas P. Stafford Airport.

Issued in Fort Worth, Texas, on February 10, 2022.

Steven Phillips,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2022–03267 Filed 2–16–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 2

[223A2100DD/AAKC001030/A0A501010.999900]

Notice of Consultations on Appeals From Administrative Actions

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notification of Tribal consultation sessions.

SUMMARY: Indian Affairs will conduct consultation sessions with federally recognized Tribes to obtain oral and written comments concerning appeals from administrative actions.

DATES: Please see the **SUPPLEMENTARY INFORMATION** section of this notice for dates of the sessions. Tribes are also invited to submit written input by 11:59 p.m. Eastern Time, Thursday, March 24, 2022.

ADDRESSES:

Consultations: The Department's consultations will be held via Zoom and telephone. Please see *Tribal Consultation and Registration* under the **SUPPLEMENTARY INFORMATION** section of this notice for registration links.

Written comments: Tribes are also invited to submit written input to *consultation@bia.gov,* with the subject line ''Appeals from Administrative Actions.''

FOR FURTHER INFORMATION CONTACT: Joaquin Gallegos, Special Assistant, Office of the Assistant Secretary—Indian Affairs, email: *joaquin_gallegos@ios.doi.gov;* telephone: (202) 208–7163 or 800–877–8339 (TTY).

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs (BIA) is proposing to update its regulations governing administrative appeals of decisions issued by Indian Affairs officials. This proposed rule, among other things, aims to: Reflect changes in Indian Affairs organization that have occurred in the 30 years since the regulations were last updated; clarify how to administratively appeal actions from each Indian Affairs official; allow for more expedited reviews of requests to compel action by an Indian Affairs official; and add provisions to allow for administrative appeals of Statements of Performance issued by the Bureau of Trust Funds Administration. Additional information may be found at *https://www.bia.gov/tribal-consultation/25-cfr-part-2-administrative-appeals.*

Tribal Consultation and Registration

As expressed in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' the Department is committed to honoring the unique government-to-government political relationship that exists between the Federal Government and federally recognized Indian Tribes as listed at 87 FR 4636 (January 28, 2022). The tribal consultation sessions will be held virtually on the following dates:

- On Thursday, February 17, 2022, from 2:00 p.m. to 4:00 p.m. eastern time. Please register in advance for this meeting using the following link: *https://doitalent.zoomgov.com/meeting/register/vJItcuisrTktHVSk1s0jP9hyMX4SdtmkSak.*
- On Tuesday, February 22, 2022, from 3:00 p.m. to 5:00 p.m. eastern time. Please register in advance for this meeting using the following link: *https://doitalent.zoomgov.com/meeting/register/vJItcOqvpjItEwolbCchRrYehp7kfjVpVBo.*

Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Joaquin Gallegos, email: *joaquin_gallegos@ios.doi.gov;* telephone: (202) 208–7163 or 800–877–8339 (TTY).

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2022–03466 Filed 2–16–22; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2022–0073]

RIN 1625–AA00

Special Local Regulations; Annual Events in Captain of the Port Delaware Bay Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish special local regulations for four annual marine events in the Captain of the Port (COTP), Delaware Bay Zone. This action is necessary to protect participants, spectators, and vessels from the hazards associated with the varying types of marine events. This proposed rulemaking would prohibit persons and vessels from being in the regulated areas during the enforcement period unless authorized by the COTP or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before March 21, 2022.

ADDRESSES: You may submit comments identified by docket number USCG–2022–0073 using the Federal Decision Making Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST1 Jennifer Padilla, Waterways Management Division, Sector Delaware Bay, U.S. Coast Guard; telephone (215) 271–4889, email *Jennifer.l.padilla@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

Marine events are held on a recurring basis on the navigable waters within the Captain of the Port, Delaware Bay Zone. Historically, the Coast Guard established annual temporary final regulations for each of these recurring events.

This proposed rule would consistently inform the public in a timely manner through permanent publication in Title 33 of the Code of Federal Regulations. This proposed rule would add recurring marine events requiring a special local regulation to 33 CFR 100.501 Table 1 to Paragraph (i)(1) Sector Deleware Bay COTP Zone.

By establishing permanent regulations containing these marine events, the Coast Guard would eliminate the need to establish temporary rules for events that occur on an annual basis and thereby limit the costs associated with cumulative regulations. Adding descriptions of these marine events and their timeframes to the CFR would provide greater notice to the public about the reoccurring events and better meet the Coast Guard's intended purpose of ensuring safety during these events. The Coast Guard proposes this rulemaking under authority in 46 U.S.C. 70034. This proposed rulemaking would prohibit persons and vessels from being

in the regulated areas during an enforcement period unless authorized by the COTP or a designated representative. We invite your comments on this proposed rulemaking.

III. Discussion of Proposed Rule

The Coast Guard is proposing to add four reoccurring special local regulations for annual marine events in the Captain of the Port Delaware Bay to 33 CFR 100.501 in Table 1 to Paragraph (i)(1). The Coast Guard will publish annual notice of the exact dates and times of the effective periods of the regulations. For each event, the notices will also provide the geographical description of each regulated area and other pertinent details concerning the nature of the events. This proposed rule is necessary to protect participants, spectators, and vessels from the hazards associated with the varying types of marine events. During the enforcement periods of these special local regulations, non-participant persons or vessels would be prohibited from entering into, remaining within, transiting through, or anchoring in the regulated area unless authorized by the Captain of the Port Delaware Bay or a designated representative of the Captain of the Port. The regulatory text we are proposing appears at the end of this document.

Below is a description of the four reoccurring marine events we propose to add to Table 1 to Paragraph (i)(1) in 100.501.

1. Stockton Boat Race

This marine event would occur one weekend in March or April annually. The event would be in Atlantic City, NJ, where the following area makes up the regulated area: All navigable waters of the New Jersey Intracoastal Waterway in Atlantic City, NJ, within the polygon bounded by the following: Originating on the southwest portion at approximate position latitude 39°20′57″ N, longitude 074°27′59″ W; thence northeasterly along the shoreline to latitude 39°21′35″ N, longitude 074°27′06″ W; thence east across the mouth of Beach Thorofare to the shoreline at latitude 39°21′41″ N, longitude 074°26′55″ W; thence east along the shoreline to latitude 39°21′42″ N, longitude 074°26′51″ W; thence southeast across the New Jersey Intracoastal Waterway to the shoreline at latitude 39°21′43″ N, longitude 074°26′41″ W; thence southwest along the shoreline to approximate position latitude 39°20′55″ N, longitude 074°27′57″ W; thence north to the point of origin. The sponsor is Stockton University.

2. Escape the Cape Swim

This marine event would take place on one Saturday or Sunday in June. The regulated area would be in Lower Township, NJ in the following area: All navigable waters of the Delaware Bay in Lower Township, NJ, bounded by a line drawn from: Latitude 39°0′57″ N, longitude 074°56′56″ W in Villas, NJ, thence west to latitude 39°00′59″ N, longitude 074°57′15″ W, thence south to latitude 38°58′08″ N, longitude 074°58′11″ W, thence east to latitude 38°58′04″ N, longitude 074°57′52″ W in North Cape May, NJ, thence north along the shoreline to the point of origin. The sponsor is DelMoSports.

3. Around the Island Paddle

This marine event would occur on one Saturday or Sunday in June, July or August. The proposed regulated area location is in Cape May County, NJ. The following area would be a moving regulated area: All waters within 50 yards in front of the lead safety vessel preceding the first event participants, to 50 yards behind the safety vessel trailing the last event participants, and 100 yards on either side of participant and safety vessels during the event. The regulated area will move with the safety vessels and participants as they transit the waters east through Cape May Harbor, south through Cape May Inlet, west through the Atlantic Ocean, north through the Delaware Bay, then east through Cape May Canal, and terminate at the Lost Fishermen's Memorial in Cape May Harbor. The regulated area will move at the pace of event patrol vessels and participants. The sponsor is the Desatnick Foundation.

4. Manasquan Inlet Intracoastal Tug

This marine event would occur on one Saturday or Sunday in September or October. The location would be Manasquan Inlet, NJ. The following area would make up the regulated area: All waters of Manasquan Inlet extending 400 feet from either side of the rope located between approximate locations latitude 40°06′09″ N, longitude 74°02′08″ W and latitude 40°06′14″ N, longitude 74°02′08″ W. The sponsor is the Borough of Manasquan.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, scope, duration, and historical data concerning the scope and potential impact of these marine events. The special local regulation areas within this proposed rule have been enforced on an annual basis through individual temporary final regulations through temporary regulations. The regulated areas would be enforced in limited areas on six days out of the year, usually for only a few hours on those days. Specifically, the Manasquan Inlet Intracoastal Tug often schedules breaks during the event to temporarily let vessels pass through the inlet waterway entrance. Vessels will be able to contact the COTP for permission to transit the regulated areas or instructions for safely transiting around the area during enforcement periods.

B. Impact on Small Entities

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

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

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

Under section 213(a) of the Small Business Regulatory Enforcement

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed 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 made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves special local regulations at various locations and at various times to maintain the safety of event participants, spectators, and transitting vessel traffic. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

Submitting comments. We encourage you to submit comments through the Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2022–0073 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

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

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. In § 100.501, amend Table 1 to Paragraph (i)(1) by adding the following events after the last entry to read as follows:

§ 100.501 Special Local Regulations; Marine Events Within the Fifth Coast Guard District.

* * * * *

TABLE 1 TO PARAGRAPH (i)(1)

Event	Regulated area	Enforcement period(s) [1]	Sponsor
*	* * * * *	*	*
Stockton Boat Race	All navigable waters of the New Jersey Intracoastal Waterway in Atlantic City, NJ, within the polygon bounded by the following: Originating on the southwest portion at approximate position latitude 39°20′57″ N, longitude 074°27′59″ W; thence northeasterly along the shoreline to latitude 39°21′35″ N, longitude 074°27′06″ W; thence east across the mouth of Beach Thorofare to the shoreline at latitude 39°21′41″ N, longitude 074°26′55″ W; thence east along the shoreline to latitude 39°21′42″ N, longitude 074°26′51″ W; thence southeast across the New Jersey Intracoastal Waterway to the shoreline at latitude 39°21′43″ N, longitude 074°26′41″ W; thence southwest along the shoreline to approximate position latitude 39°20′55″ N, longitude 074°27′57″ W; thence north to the point of origin.	One weekend in March or April.	Stockton University.
Escape the Cape Swim.	All navigable waters of the Delaware Bay in Lower Township, NJ, bounded by a line drawn from: Latitude 39°0′57″ N, longitude 074°56′56″ W in Villas, NJ, thence west to latitude 39°00′59″ N, longitude 074°57′15″ W, thence south to latitude 38°58′08″ N, longitude 074°58′11″ W, thence east to latitude 38°58′04″ N, longitude 074°57′52″ W in North Cape May, NJ, thence north along the shoreline to the point of origin.	One Saturday or Sunday in June.	DelMoSports.
Around the Island Paddle.	All waters within 50 yards in front of the lead safety vessel preceding the first event participants, to 50 yards behind the safety vessel trailing the last event participants, and 100 yards on either side of participant and safety vessels during the event. The regulated area will move with the safety vessels and participants as they transit the waters east through Cape May Harbor, south through Cape May Inlet, west through the Atlantic Ocean, north through the Delaware Bay, then east through Cape May Canal, and terminate at the Lost Fishermen's Memorial in Cape May Harbor. The regulated area will move at the pace of event patrol vessels and participants.	One Saturday or Sunday in June, July or August.	Desatnick Foundation.
Manasquan Inlet Intracoastal Tug.	All waters of Manasquan Inlet extending 400 feet from either side of the rope located between approximate locations latitude 40°06′09″ N, longitude 74°02′08″ W and latitude 40°06′14″ N, longitude 74°02′08″ W.	One Saturday or Sunday in September or October.	Borough of Manasquan.

[1] As noted, the enforcement dates and times for each of the listed events in this table are subject to change. In the event of a change, or for enforcement periods listed that do not allow a specific date or dates to be determined, the Captain of the Port will provide notice to the public by publishing a Notice of Enforcement in the **Federal Register**, as well as, issuing a Broadcast Notice to Mariner.

* * * * *

Dated: February 10, 2022.

Leon McClain, Jr.,

Captain, U.S. Coast Guard, Alternate Captain of the Port, Delaware Bay.

[FR Doc. 2022–03256 Filed 2–16–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2021–0931; FRL–9541–01–R8]

Air Plan Conditional Approval; Colorado; Revisions to Regulation Number 7 and Oil and Natural Gas RACT Requirements for 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing conditional approval of portions of State Implementation Plan (SIP) revisions submitted by the State of Colorado on May 14, 2018 and May 13, 2020. The revisions are to Colorado Air Quality Control Commission (Commission or AQCC) Regulation Number 7 (Reg. 7), and address Colorado's SIP obligation to require reasonably available control technology (RACT) for sources covered by the 2016 oil & natural gas control techniques guidelines (CTG or CTGs) for Moderate nonattainment areas under the 2008 ozone National Ambient Air Quality Standard (NAAQS). These revisions address the final remaining pieces of the May 14, 2018 and May 13, 2020 submittals that we have not previously acted on. The EPA is taking this action pursuant to the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 21, 2022.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2021–0931, to the Federal Rulemaking Portal: *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not 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. Publicly available docket materials are available electronically in *www.regulations.gov.* To reduce the risk of COVID–19 transmission, for this action we do not plan to offer hard copy review of the docket. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the docket.

FOR FURTHER INFORMATION CONTACT: Abby Fulton, Air and Radiation Division, EPA, Region 8, Mailcode 8ARD–IO, 1595 Wynkoop Street, Denver, Colorado 80202–1129, telephone number: (303) 312–6563, email address: *fulton.abby@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. What action is the EPA proposing to take?

As explained below, the EPA is proposing to conditionally approve various revisions to the Colorado SIP that were submitted to the EPA in two separate SIP submittals; one was received by the EPA on May 14, 2018 and the other on May 13, 2020. In particular, we propose to conditionally approve into the SIP certain Reg. 7 rules to meet the 2008 8-hour ozone NAAQS oil and gas CTG RACT requirements for Moderate nonattainment areas that were not acted on in our July 3, 2018,[1] February 24, 2021,[2] and November 5, 2021 [3] rulemakings. This proposed conditional approval is based on the State's commitment to make specified further revisions to these rules, and submit them for approval into the SIP, to address deficiencies identified in our November 5, 2021 rulemaking.

Under section 110(k)(4) of the CAA, the EPA may conditionally approve a plan based on a commitment from a state to adopt specific enforceable measures by a date certain no later than one year from the date of approval. The conditionally approved provisions are a part of the SIP and thus are federally enforceable as of the effective date of the final conditional approval. If the EPA conditionally approves the identified Reg. 7 rules, the State must meet its commitment to submit the necessary SIP revisions to the EPA by June 30, 2022. If the State fails to do so, this action will automatically become a disapproval on that date. If the State submits timely SIP revisions but the EPA finds the SIP submittal to be incomplete, this action will become a disapproval on the date of the EPA's incompleteness finding. In either case, the EPA will notify the State by letter that the conditional approval has converted to a disapproval, and as of the date of that notification the conditionally approved measures will no longer be a part of the approved Colorado SIP. The EPA subsequently will publish a document in the **Federal Register** notifying the public that the conditional approval converted to a disapproval.

If the State submits the necessary SIP revisions by June 30, 2022, the conditionally approved provisions will remain a part of the SIP until the EPA approves or disapproves the new SIP revisions through notice-and-comment rulemaking. If the EPA takes final action approving the new revisions into the SIP, in the same final action the EPA will also convert the conditional approval to a full approval by making appropriate revisions to the description of the SIP in the Code of Federal Regulations. If the EPA disapproves the new SIP revisions, the conditional approval will convert to a disapproval, and the conditionally approved provisions will no longer be a part of the approved Colorado SIP.

Any conditional approval action that converts to a disapproval will start an 18-month clock for application of mandatory sanctions under CAA section 179(b) and a two-year clock for the EPA to promulgate a Federal implementation plan under CAA section 110(c)(1). The basis for our proposed action is discussed in this proposed rulemaking. Technical information that we are relying on, as well as the State's October 20, 2021 commitment letter, is in the docket, available at *http://www.regulations.gov,* Docket No. EPA–R08–OAR–2021–0931.

II. Background

2008 8-Hour Ozone NAAQS Nonattainment

On March 12, 2008, the EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 parts per million (ppm) (based on the annual fourth-highest daily maximum 8-hour average concentration, averaged over 3 years), to provide increased protection of public health and the environment.[4] The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. Specifically, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm.[5]

Effective July 20, 2012, the EPA designated as nonattainment any area that was violating the 2008 8-hour ozone NAAQS based on the three most recent years (2008–2010) of air monitoring data.[6] With that rulemaking, the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado area (Denver or DMNFR Area) area was designated nonattainment and classified as Marginal.[7] Ozone nonattainment areas are classified based on the severity of their ozone levels, as determined using the area's design value. The design value is the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration at a monitoring site.[8] Areas that were designated as Marginal nonattainment were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data.[9]

On May 4, 2016, the EPA published its determination that the Denver Area, among other areas, had failed to attain the 2008 8-hour ozone NAAQS by the attainment deadline, and that it was accordingly reclassified to Moderate ozone nonattainment status.[10] Colorado

[1] Final Rule, Approval and Promulgation of State Implementation Plan Revisions; Colorado; Attainment Demonstration for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, and Approval of Related Revisions, 83 FR 31068, 31069–31072.

[2] Final Rule, Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 7 and RACT Requirements for 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, 86 FR 11125, 11126–11127.

[3] Final Rule, Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 7; Aerospace, Oil and Gas, and Other RACT Requirements for the 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, 86 FR 61071, 61072.

[4] Final rule, National Ambient Air Quality Standards for Ozone, 73 FR 16436 (March 27, 2008). The EPA has since further strengthened the ozone NAAQS, but the 2008 8-hour standard remains in effect. See Final Rule, National Ambient Air Quality Standards for Ozone, 80 FR 65292 (Oct. 26, 2015).

[5] 40 CFR 50.15(b).

[6] Final rule, Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards, 77 FR 30088 (May 21, 2012).

[7] *Id.* at 30110. The nonattainment area for the 2008 ozone standard includes Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas and Jefferson Counties, and portions of Larimer and Weld Counties. *See* 40 CFR 81.306.

[8] 40 CFR part 50, appendix I.

[9] *See* 40 CFR 51.903.

[10] Final rule, Determinations of Attainment by the Attainment Date, Extensions of the Attainment

submitted SIP revisions to the EPA on May 31, 2017 to meet the Denver Area's requirements under the Moderate classification.[11] The EPA took final action on July 3, 2018, approving the majority of the May 31, 2017 submittal, but deferring action on portions of the submitted Reg. 7 RACT rules.[12] On February 24, 2021, the EPA took final action approving additional RACT SIP obligations for Moderate ozone nonattainment areas.[13]

Areas that were designated as Moderate nonattainment were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2018, based on 2015–2017 monitoring data.[14] On December 26, 2019, the EPA published its determination that the Denver Area, among other areas, had failed to attain the 2008 8-hour ozone NAAQS by the attainment deadline, and that it was accordingly reclassified to Serious ozone nonattainment status.[15]

SIP Control Measures, Reg. 7

Colorado's Reg. 7, entitled ''Control of Ozone via Ozone Precursors and Control of Hydrocarbons via Oil and Gas Emissions,'' contains general RACT requirements as well as specific emission limits applicable to various industries. The EPA approved the repeal and re-promulgation of Reg. 7 in 1981,[16] and has approved various revisions to parts of Reg. 7 over the years. In 2008, the EPA approved revisions to the control requirements for condensate storage tanks in Section XII,[17] and later approved revisions to Reg. 7, Sections I through XI and Sections XIII through XVI.[18] The EPA also approved Reg. 7 revisions to Section XVII.E.3.a establishing control requirements for rich-burn reciprocating internal combustion engines.[19] In 2018 the EPA approved Reg. 7 revisions in Sections XII (volatile organic compound (VOC) emissions from oil and gas operations) and XIII (emission control requirements for VOC emissions from graphic art and printing processes), as well as non-substantive revisions to numerous other parts of the regulation.[20]

In February 2021, the EPA approved Reg. 7 revisions in Sections I (Applicability), IX (Surface Coating Operations), X (Use of Cleaning Solvents), XIII (Graphics Arts and Printing), XVI (Controls of Emissions from Stationary and Portable Engines and Other Combustion Equipment in the 8-Hour Ozone Control Area), and XIX (Control of Emissions from Specific Major Sources of VOC and/or NO_X in the 8-hour Ozone Control Area). Revisions to incorporation by reference dates to rules and reference methods in Sections II, VI, VIII, IX, X, XII, XIII, XVI and XVII were also approved, as well as non-substantive revisions to numerous other parts of the regulation.[21]

Most recently, in November 2021, the EPA approved submitted revisions to Sections II (general provisions), XII (Volatile Organic Compound Emissions from Oil and Gas Operations), and XVIII (emissions from natural gas-actuated pneumatic controllers located at or upstream of natural gas processing plants) of Reg. 7 from State submissions in 2018 and 2019.[22] From the State's 2020 submission, the EPA approved revisions that fully reorganized Reg. 7. into Parts A–E; updated requirements for gasoline transport trucks, bulk terminals, and service stations in Part B; added general solvent use requirements in Part C, Section II.F; and added stationary internal combustion engine and flare RACT requirements for major sources of VOC and/or NO_X in the Denver Area in Part E. Revisions to incorporation by reference dates to rules, updates to reference methods, and typographical, grammatical and formatting corrections were made throughout Reg. 7. Additionally, the EPA finalized approval of the State's negative declaration—(that is, its statement that there are no covered sources in the DMNFR Area) as to the aerospace CTG.

In our November 5, 2021 final rule, we deferred action on several portions of the submittals, because we determined that Colorado's SIP revisions did not meet oil and gas CTG RACT requirements for testing and monitoring requirements for combustion control devices for storage vessels and centrifugal compressors. On October 20, 2021, Colorado submitted a letter to the EPA committing to correct the deficiencies through rulemaking in December 2021. On December 17, 2021, the Colorado AQCC approved revisions that are consistent with the commitments in the letter.[23] Based on the State's commitment to correcting the deficiencies identified by the EPA, and recognizing the substantial progress made toward fulfilling that commitment, we are now proposing conditional approval of the oil and gas CTG RACT rules for which we deferred action on in November 2021.

III. Summary of the State's SIP Submittals

We are proposing to take action on parts of Colorado SIP submittals made on two different dates:

May 14, 2018 Submittal

This submittal contains amendments to Reg. 7, Sections XII (Volatile Organic Compound Emissions from Oil and Gas Operations) and XVIII (Natural Gas-Actuated Pneumatic Controllers Associated with Oil and Gas Operations) to meet RACT for oil and gas sources covered by the EPA's 2016 Oil and Gas CTG.[24] We have previously acted on all parts of this SIP submittal except for revisions to Reg. 7, Section XII.J.1., concerning centrifugal compressors, as to which we are now proposing conditional approval.

May 13, 2020 Submittal

This submittal includes a full reorganization of Reg. 7 into Parts A–E, amends oil and gas storage tank requirements to establish a storage tank control threshold, updates storage tank monitoring requirements, and aligns related recordkeeping and reporting requirements. The submittal also updates RACT requirements for major sources of VOC and NO_X in the DMNFR area, including expanded categorical combustion equipment requirements in Part E, Section II (formally Section XVI.D.) and new categorical general solvent use requirements in Part C, Section II (formerly Section X.). The submittal also includes updates to the requirements for gasoline transport truck testing and vapor control systems,

Date, and Reclassification of Several Areas for the 2008 Ozone National Ambient Air Quality Standards, 81 FR 26697 (May 4, 2016).

[11] CAA section 182 outlines SIP requirements applicable to ozone nonattainment areas in each classification category. Areas classified Moderate under the 2008 8-hour ozone NAAQS had a submission deadline of January 1, 2017 for these SIP revisions. 81 FR at 26699.

[12] 83 FR at 31068.

[13] 86 FR 11125.

[14] *See* 40 CFR 51.903.

[15] Final rule, Finding of Failure To Attain and Reclassification of Denver Area for the 2008 Ozone National Ambient Air Quality Standard, 84 FR 70897 (Dec. 26, 2019); *see* 40 CFR 81.306.

[16] Final rule, Colorado: Approval and Promulgation of State Implementation Plans, 46 FR 16687 (March 13, 1981).

[17] Final rule, Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Regulation No. 7, Section XII, Volatile Organic Compounds From Oil and Gas Operations, 73 FR 8194 (Feb. 13, 2008).

[18] Final rule, Approval and Promulgation of State Implementation Plans; State of Colorado; Attainment Demonstration for the 1997 8-Hour Ozone Standard, and Approval of Related Revisions, 76 FR 47443 (Aug. 5, 2011).

[19] Final rule, Approval and Promulgation of Implementation Plans; State of Colorado; Regional Haze State Implementation Plan, 77 FR 76871 (Dec. 31, 2012).

[20] *See* 83 FR at 31068, 31071.

[21] 86 FR 11125.

[22] 86 FR 61071.

[23] *See https://www.coloradosos.gov/CCR/eDocketDetails.do?trackingNum=2021-00594.*

[24] Control Techniques Guidelines for the Oil and Natural Gas Industry, EPA–453/B–16–001 (Oct. 2016).

and contains typographical, grammatical, and formatting corrections throughout. We have previously acted on all parts of this SIP submittal except for revisions to Reg. 7, Sections I.D., I.E, and I.F. concerning storage tanks, and Section I.J.1. concerning centrifugal compressors. We are now proposing conditional approval of those revisions.

We are proposing to conditionally approve these measures into the SIP because, as discussed further below, the State has committed to adopt additional measures to address the concerns noted in our November 5, 2021 final rule. These measures are described in the State's October 20, 2021 commitment letter:

October 20, 2021 Commitment Letter

In its letter, which is included in the docket for this proposed action, the State committed to adopt SIP revisions adding monitoring and performance testing requirements for storage vessel and wet seal centrifugal compressor combustion devices in Reg. 7, Part D, Section I. This commitment to remedy the deficiencies explained in our November 5, 2021 rule is the basis for our proposal to conditionally approve the previously submitted revisions. Further, as discussed above, with the December 17, 2021 action by the Colorado Air Quality Commission the State has made substantial progress toward fulfilling its commitment.

IV. Procedural Requirements

The CAA requires that states meet certain procedural requirements before submitting SIP revisions to the EPA, including the requirement that states adopt SIP revisions after reasonable notice and public hearing.[25] In previous rules, we have already found that Colorado has satisfied this requirement with respect to the SIP submittals under consideration here. For additional background and previous findings, see the proposed and final rules at 85 FR 63066, 63068 (Oct. 6, 2020); 86 FR 11125 (Feb. 24, 2021); 86 FR 32656, 32658 (June 22, 2021); and 86 FR 61071 (Nov. 5, 2021).[26]

V. Reasonably Available Control Technology (RACT) Analysis

A. Background

The CAA requires that SIPs for certain nonattainment areas include RACT for each source of VOC in the area covered by a CTG, and for all other major stationary sources of VOC.[27] The EPA has defined RACT as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility.[28] The CAA amendments of 1990 introduced the requirement for existing major stationary sources of NO_X in certain ozone nonattainment areas to install and operate NO_X RACT.[29]

The EPA provides guidance concerning what types of controls can constitute RACT for a given source by issuing CTG and Alternative Control Techniques (ACT) documents.[30] States must submit a SIP revision requiring the implementation of RACT for each source in the area for which the EPA has issued a CTG (for each source in the area that is covered by a CTG issued by the EPA), and for any major source in the area not covered by a CTG.[31]

On October 20, 2016, the EPA issued final CTGs for reducing VOC emissions from existing oil and natural gas equipment and processes.[32] Under the schedule in the oil and gas CTG, revisions to SIP provisions to address RACT for sources covered by the CTG were due on October 27, 2018. Sources covered by the CTG include those in 2008 ozone NAAQS nonattainment areas classified as Moderate (or higher). The emissions controls determined by the State to be RACT for sources covered by the oil and gas CTG were required to be implemented as soon as practicable, but no later than January 1, 2021.[33] In November 2017, the Commission adopted revisions to Reg. 7 that addressed RACT requirements for each source covered by the oil and gas CTG.

B. Evaluation of RACT for Oil and Gas CTG Sources

As part of its May 14, 2018 submittal and as supplemented in connection with the December 2021 AQCC rulemaking, the Colorado Air Pollution Control Division (Division) conducted a RACT analysis to demonstrate that the RACT requirements for the oil and gas CTG for covered sources in the DMNFR 2008 8-hour ozone NAA have been fulfilled. The Division conducted the RACT analysis by listing the state regulations that implement or exceed the RACT recommendations in the oil and gas CTG, and by detailing the basis for concluding that these regulations fulfill RACT, through comparison with established RACT recommendations described in the CTG. The RACT demonstration is contained in the State's Technical Support Document for Reasonably Available Control Technology for the Oil and Gas Industry (document set 38) of the May 14, 2018 submittal; at pp. 417–425 of the May 13, 2020 submittal; and in the Supplement to the Technical Support Document for RACT for the Oil and Gas Industry (draft Oct. 28, 2021).[34] We have reviewed Colorado's new and revised VOC rules for the categories covered by the oil and gas CTG and the demonstrations submitted by Colorado, and have compared the emission limitations and control requirements with those of the CTG.[35] On November 5, 2021, we approved the majority of the May 14, 2018 and May 13, 2020 submittals, but deferred action on Reg. 7 Sections I.D., I.E, and I.F. from the May 13, 2020 submittal for storage tanks, and Section I.J.1. for centrifugal compressors. The scope of this proposal only covers the parts of the May 14, 2018 and May 13, 2020 submittals that the EPA deferred action on in our November 5, 2021 final rule. This proposal is not indented to re-open or re-visit any aspect of the November 5, 2021 final rule. The following section includes a detailed discussion of the rules that the EPA is proposing to take action on here.

[25] CAA section 110(a)(2).

[26] For the anticipated SIP revisions that were described in the State's October 20, 2021 commitment letter, the AQCC provided notice in the Colorado Register on September 20, 2021 and held public hearings on the revisions on December 14–17, 2021. The Commission adopted the revisions on December 17, 2021. After the State submits these new measures as SIP revisions, we will evaluate the sufficiency of the public process in separate actions in which we will propose and, if appropriate, finalize approval of the commitment submission into the SIP.

[27] CAA section 182(b)(2).

[28] *See* Proposed rule, General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas—Supplement (on Control Techniques Guidelines), 44 FR 53761, 53762 (Sep. 17, 1979).

[29] CAA section 182(f), appropriate, finalize approval of the commitment submission into the SIP.

[29] 1 CAA section 182(b)(2).

[30] *See https://www.epa.gov/ground-level-ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques* (accessed January 6, 2022) for a list of the EPA-issued CTGs and ACTs (also available within the docket).

[31] *See* CAA section 182(b)(2). *See also* Note, RACT Qs & As—Reasonably Available Control Technology (RACT): Questions and Answers, William Harnett, Director, Air Quality Policy Division, EPA (May 2006), available at *https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/20060518_harnett_ract_q&a.pdf.*

[32] Notice of availability, Release of Final Control Techniques Guidelines for the Oil and Natural Gas Industry, 81 FR 74798 (Oct. 27, 2016); *see also* Control Techniques Guidelines for the Oil and Natural Gas Industry, EPA–453/B–16–001 (Oct. 2016).

[33] Docket ID No. EPA–HQ–OAR–2015–0216–0238.

[34] Cited materials are in the docket for this action.

[35] *See* the May 2021 and December 2021 EPA TSDs included in the docket for this action.

Based on our review, and as supported by the State's commitment to develop and submit additional testing and monitoring requirements, we propose to conditionally approve the submitted rules as consistent with the control measures, definitions, recordkeeping, and test methods in the CTG and the CAA, and as providing for the lowest emission limitation through application of control techniques that are reasonably available considering technological and economic feasibility. Therefore, we propose to conditionally approve the rules noted above, as to which we deferred acting on in our November 5, 2021 final rule, as satisfying CAA RACT requirements for the oil and gas CTG sources in the DMNFR Area.[36] For more information, see the EPA TSDs prepared in conjunction with our November 5, 2021 final rule [37] and this action.

VI. The EPA's Evaluation of SIP Control Measures in Reg. 7

We evaluated Colorado's May 14, 2018 and May 13, 2020 submittals regarding revisions to the State's Reg. 7 to meet RACT requirements for sources covered by the oil and gas CTG. We approved the majority of the State's submissions in our November 5, 2021 final rule.[38] We did not, however, finalize our approval of several provisions related to the State's RACT determination for the oil and gas CTG, in light of our evaluation of issues raised in comments received on our June 22, 2021 proposed rule.[39] The provisions that the EPA deferred action on are related to testing and monitoring of combustion control devices. In this document, we are proposing to conditionally approve the limited remaining pieces of the May 14, 2018 and May 13, 2020 submittals that were not previously acted on. More specifically, in the EPA's November 5, 2021 final rule, we deferred action on the following: Reg. 7, Section XII. J.1.[40] from the May 14, 2018 submittal for centrifugal compressors; Sections I.D., I.E, and I.F. from the May 13, 2020 submittal for storage tanks; and I.J.1. for centrifugal compressors. This document proposes to conditionally approve only these specific provisions. Our conditional approval is based on the State's October 20, 2021 commitment to make specified further revisions and submit them to the EPA for approval. These further revisions have been approved by the Colorado AQCC but have not yet been formally submitted to the EPA; we will act on them separately after they are submitted.

For ease of review, Colorado submitted the full text of Reg. 7 as SIP revisions (with the exception of provisions designated ''State Only''). The EPA is only seeking comment on Colorado's proposed substantive changes to the SIP-approved version of Reg. 7, which are described below. We are not seeking comment on the revised portions of the regulation that the EPA previously approved into the SIP.

As noted above, Colorado designated various parts of Reg. 7 State Only, and in Section I.A.1.c indicated that sections designated State Only are not federally enforceable. The EPA concludes that provisions designated State Only have not been submitted for the EPA's approval, but are provided for informational purposes. Hence, the EPA is not proposing to act on the portions of Reg. 7 designated State Only, and this proposed rule does not discuss them further except as relevant to discussion of the portions of the regulation that Colorado intended to be federally enforceable.

Evaluation

A. May 14, 2018 SIP Submittal and October 20, 2021 Commitment Letter

The State's May 14, 2018 SIP submittal contains amendments to Reg. 7, Sections II.B., XII and XVIII to meet RACT for oil and gas sources covered by the EPA's 2016 oil and gas CTG. The submittal also includes clarifying revisions and typographical, grammatical, and formatting corrections throughout Reg. 7. We finalized approval of the majority of the May 14, 2018 SIP revisions in our November 5, 2021 rulemaking [41] but deferred action on Reg. 7, Section XII.J.1. based on our evaluation of issues raised in adverse comments received on the corresponding proposal.[42] Colorado sent the EPA a letter committing to correct the deficiencies, and based on that commitment we are now proposing to take action on Section XII.J.1. for centrifugal compressors.

a. Section XII.J.1

Section XII.J.1 contains new provisions for centrifugal compressors. Section XII.J.1.a. requires that by January 2, 2018, VOC emissions from wet seal fluid degassing systems on wet seal centrifugal compressors located between the wellhead and the point of custody transfer to the natural gas transmission and storage segment must be reduced by at least 95%. Section XII.J.1.b. requires wet seal fluid degassing systems to be equipped with continuous, impermeable covers that are connected through a closed vent system that routes emissions from the wet seal fluid degassing system to the process or control device. Section XII.J.1.c. requires annual visual inspections of the cover and closed vent systems for defects that could result in air emissions.

Under Section XII.J.1.d., owners or operators must conduct annual EPA Method 21 inspections of covers and closed vent systems to determine whether they operate with VOC emissions less than 500 ppm. Section XII.J.1.e. requires first attempts at repair to occur no later than five days after detecting defects or leaks, and repairs to be completed no later than 30 days after detection. Section XII.J.1.f. sets forth criteria for delaying inspection or repair due to unsafe conditions and accessibility issues. Owners or operators are required to maintain records of each cover or closed vent system that is unsafe or difficult to inspect and schedule for inspection when circumstances allow.

Section XII.J.1.g. includes requirements for monthly inspections of combustion devices to ensure that the devices are operating with no visible emissions.

Section XII.J.1.h. includes recordkeeping requirements to demonstrate compliance with Section XII.J.1. Owners and operators must maintain records for a minimum of five years. As an alternative to the inspection, repair, and recordkeeping provisions, owners and operators may inspect, repair, and document cover and closed vent systems in accordance with the LDAR program in Section XII.L. Section XII.J.1.j. allows owners and operators to comply with emissions, inspections, repair, and recordkeeping provisions of a New Source Performance Standard (NSPS) including 40 CFR part 60, subparts OOOO and OOOOa in lieu of Sections XII.J.1.a. through i.

[36] *See https://www.epa.gov/ground-level-ozone-pollution/ract-information.*

[37] 86 FR 61071 (Nov. 5, 2021).

[38] *Id.*

[39] Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 7; Aerospace, Oil and Gas, and Other RACT Requirements for 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area, 86 FR 32656.

[40] Since renumbered to Colorado Reg. 7, Part D, Section I.J.1.

[41] 86 FR 61071. EPA is not reopening any aspect of that Nov. 5, 2021 final rule in this proposal.

[42] *See* ''Comments on Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 7; Aerospace, Oil and Gas, and Other RACT Requirements for 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area,'' July 22, 2021. Available within the docket for this action and also on regulations.gov docket ID EPA–R08–OAR–2021–0262–0018.

The oil and gas CTG recommends visible emissions and performance tests to demonstrate that the combustion devices being used meet the 95% VOC emission reduction RACT level of control.[43] After reviewing comments received[44] on our June 22, 2021 proposal to approve, among other things, Section XII.J.1 into the SIP,[45] we determined that Colorado's SIP submittals do not include requirements for performance testing of combustion devices at wet seal centrifugal compressors. We therefore recommended that the State adopt performance testing and associated recordkeeping and reporting requirements to adequately address RACT for centrifugal compressors.

Colorado's October 20, 2021 letter commits to adding visible emission testing and repair requirements for combustion devices in Section I.J.1.g. The comment letter also commits to adding Section I.J.1.h., which would require performance testing of combustion devices in accordance with Section 60.5413a(b) by May 1, 2023, and subsequent performance tests no longer than 60 months following the previous performance test. Control device models tested in accordance with 40 CFR part 60, subpart OOOOa, § 60.5413a(d) and demonstrating continuous compliance in accordance with 40 CFR part 60, subpart OOOOa, § 60.5413a(e)(1) would not be subject to the performance test requirement. Section I.J.i.(i)(E) would require records of control device performance tests or manufacturer demonstration of control device model performance tests, and associated inlet gas flow rates. Section I.J.1.i.(i)(F) would require records of visual inspections including the time and date of each inspection and a description of any problems observed, description and date of any corrective action(s) taken, and name of employee or third party performing corrective action(s). These anticipated revisions described in Colorado's commitment letter are consistent with periodic testing recommendations in the oil and gas CTG. Accordingly, we find that the revisions committed to for Sections I.J.1.g., h., and i. in the State's October 20, 2021 letter would address the identified deficiencies, and we propose to conditionally approve Section XII.J.1.

B. May 13, 2020 SIP Submittal

The State's May 13, 2020 SIP submittal contains amendments to Reg. 7, including control for VOC emissions from oil and gas operations. We finalized approval of the majority of the May 13, 2020 SIP revisions in our November 5, 2021 rulemaking,[46] but based on concerns related to those raised in comments received on the corresponding proposal, we deferred action on SIP revisions to the State's storage tank control strategy in Part D, Sections I.D.–D.3.a.(i), I.D.3.b.–b.(i), I.D.3.b.(ii), I.D.3.b.(v), I.D.3.b.(vii), I.D.3.b.(ix), I.D.4.–I.E.1.a., I.E.2.–.c.(ii), I.E.2.c.(iv)–c.(viii), I.F.–1.d., I.F.1.g.–g.(xii), I.F.1.h.–F.2.a., I.F.2.c.–c.(vi), I.F.3.–3.a, and I.F.3.c.–c.(i)(C) because those Sections are related to the performance testing of storage tank combustion equipment deficiencies identified in Section I.E. As part of the October 20, 2021 letter submitted by Colorado to the EPA, the State committed to correcting the deficiencies in Section I.E., and based on that commitment we are now taking action on Part D, Section I.D–F. storage tank controls.

a. Section I.D.

Section I.D. contains provisions for storage tank emissions controls. In 2004 the Commission adopted the initial system-wide control strategy, which required operators to reduce emissions from their system of condensate tanks. The ''system'' was composed of condensate tanks with uncontrolled actual VOC emissions equal to or greater than two tons per year (tpy), and allowed operators to decide which tanks to control if emissions from the ''system'' were reduced by specified percentages. The revisions in Section I.D. replace the system-wide control strategy with an individual storage tank control strategy in Section I.D.3. Operators in the DMNFR Area were required to install controls on storage tanks with uncontrolled actual VOC emissions equal to or greater than four tpy by May 1, 2020. The control requirements in Section I.D. were expanded to include crude oil and produced water tanks. According to the Division, this will result in more tanks being controlled.[47] Section I.D.3.a.(i) requires that storage tanks with uncontrolled actual emissions of VOC equal to or greater than four tpy collect and control emissions from each storage tank by routing emissions to and operating air pollution control equipment that achieves a VOC control efficiency of 95%; combustion devices must have a design destruction efficiency of at least 98% for VOC unless authorized by permit before March 1, 2020. Section I.D.3.c. requires that storage tanks below the four tpy threshold that increase emissions above the threshold must be in compliance within 60 days of the first date of the month in which the threshold was exceeded. The Commission has determined that the four tpy threshold and implementation timetable is cost-effective, technically feasible, and will ensure no backsliding as provided for in the CAA, Section 110(l).[48]

Colorado also submitted a provision for inclusion in the SIP that was previously State-only. Section I.D.2.a. requires that operators of newly constructed tanks employ controls during the first 90 days after the date of first production. It is appropriate to include this provision in the SIP because it will ensure that the requirements for emissions controls on startup are federally enforceable, to avoid confusion as to whether compliance with the requirement can be considered a limitation upon a source's potential to emit for purposes of permitting.

b. Section I.E.

Section I.E. contains provisions for monitoring of storage tanks and air pollution control equipment. Section I.E. was revised to apply the monitoring requirements for all storage tanks controlled pursuant to Section I.D., which will ensure monitoring of condensate tanks, crude oil, and produced water tanks on a weekly basis per Section I.E.2.c. The required inspections have also been updated to include elements that can impact the performance of well production facility equipment and reduce emissions including checking that burner trays are not visibly clogged, that pressure relief valves are properly sealed, and that vent lines are closed. Inspection documentation requirements in former Section XII.E.3. were removed and moved to Section I.F.2.c.(iii) in order to condense all recordkeeping requirements in Section I.F.

The oil and gas CTG recommends periodic performance testing to demonstrate compliance with the

[43] P. 5–28 of the Control Techniques Guidelines for the Oil and Natural Gas Industry, EPA–453/B–16.–001 (Oct. 2016).

[44] P. 19 of ''Comments on Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 7; Aerospace, Oil and Gas, and Other RACT Requirements for 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area,'' July 22, 2021.

[45] 86 FR 32656.

[46] 86 FR 61071. The EPA is not reopening any aspect of that Nov. 5, 2021 final rule in this proposal.

[47] See pp. 592–593 of the May 13, 2020 submittal.

[48] See p. 591 of the May 13, 2020 submission.

recommended RACT level of control.[49] After reviewing comments received [50] on our June 22, 2021 proposal [51] to, among other things, approve RACT for storage tanks subject to the oil and gas CTG, we determined that Colorado's SIP submittals do not include requirements for performance testing of combustion devices at storage tanks. We therefore recommended that the State adopt performance testing and associated recordkeeping and reporting requirements to adequately address RACT for storage tanks.

Colorado's October 20, 2021 letter commits to adding new performance testing requirements for control devices in Section I.E.3. As described in the commitment letter, Section I.E.3.a. will require that storage vessels that have the potential for VOC emissions equal to or greater than six tpy (control action emissions) conduct periodic performance testing of control devices to comply with the 95% VOC control efficiency requirement in Section I.D.3.a.(i). Section I.E.3.a.(i) will require that performance testing be conducted in accordance with Section 60.5413a(b) by May 2023, and that subsequent performance testing occur no more than 30 months following the previous performance test. Section I.E.3.a.(ii) will exempt control device models that have been tested in accordance with Section 60.5413a(d) and that are demonstrating compliance in accordance with Section 60.5413a(e)(1) from performance test requirements in Section I.E.3.a.(i). Section I.E.3.a.(iii) requires storage vessels to maintain records of performance tests or manufacturer demonstrations and associated inlet gas flow rate records specified in Section I.E.3.a.(ii) for five years and to make records available to the Division upon request. These revisions are consistent with periodic testing recommendations in the oil and gas CTG.

c. Section I.F.

Section I.F. contains provisions for storage tank recordkeeping and reporting. As a result of replacing the system-wide control strategy with the fixed control threshold in Section I.D., recordkeeping and reporting requirements for demonstrating compliance with Section I.D. were revised in Section I.F. Operators subject to the system-wide control strategy were given until August 31, 2020, to submit the report for the time period in 2020 during which the system-wide control strategy remained effective (*i.e.,* January 1–April 30, 2020). Section I.F.2 contains the recordkeeping and reporting scheme for the tanks subject to the new four tpy control threshold provision. Under Sections I.F.2. and I.F.3., owners or operators of storage tanks subject to Section I.D.3. must maintain records and submit annual reports including information regarding inspections, calendar monthly VOC emissions, emission factors used, and the control efficiency of air pollution control equipment. Reports must be retained for a minimum of five years.

d. Section I.J.1.

Section I.J.1. (previously Section XII.J.1.) contains requirements for centrifugal compressors. The revisions to Section I.J.1.–j. renumber the regulation and do not change the substance of the requirements from the May 14, 2018 submittal.

The revisions described in this section [52] will strengthen the SIP, and (once the State has submitted the revised regulations described in its commitment letter) will meet CAA and RACT requirements. We therefore propose to conditionally approve these revisions into the SIP.

VII. Proposed Action

For the reasons expressed above, the EPA proposes to conditionally approve revisions to Sections XII.J.1 of Reg. 7 from the State's May 14, 2018 submittal and Part D, Sections I.D., I.E., I.F., and I.J.1. of Reg. 7 from the State's May 13, 2020 submission as shown in Table 1.

The EPA is proposing to conditionally approve revisions to Reg.7, Part D, Sections I.E.3. (including subsections (a)(i) through (iii)) and I.J.1.g. through i. Additionally, the EPA is proposing to conditionally approve Colorado's determination that Reg. 7, Part D satisfies RACT requirements for the Colorado ozone SIP for the 2016 oil and natural gas CTG. Under section 110(k)(4) of the Act, the EPA may approve a SIP revision based on a commitment by a state to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision. On October 20, 2021, Colorado submitted a letter committing to adopt and submit specific revisions by June 30, 2022.[53] Specifically, the State has committed to add requirements for performance testing of certain combustion devices consistent with the EPA's oil and gas CTG by using the same frequency, testing protocol, and recordkeeping requirements that will apply to storage vessels and wet seal centrifugal compressors required to be controlled under the EPA's oil and gas CTG (*i.e.,* storage vessels that have the potential for VOC emissions equal to or greater than 6 tpy). If we finalize our proposed conditional approval, Colorado must adopt and submit the specific revisions it has committed to by June 30, 2022 in order for the conditional approval to convert to full approval. We note that the Colorado AQCC adopted the revisions as outlined in the commitment letter on December 17, 2021, and we anticipate that the State will meet its deadline to submit these measures as SIP revisions. However, if Colorado does not comply with its commitment by June 30, 2022, if we find Colorado's SIP submission provided to fulfill the commitment to be incomplete, or if we disapprove the SIP submission, this conditional approval will convert to a disapproval. If any of these occur and our conditional approval converts to a disapproval, that will constitute a disapproval of a required plan element under part D of title I of the Act, which will start an 18-month clock for sanctions [54] and the two-year clock for a federal implementation plan.[55]

[49] P. 4–25 of the Control Techniques Guidelines for the Oil and Natural Gas Industry, EPA–453/B–16–001 (Oct. 2016).

[50] P. 19 of ''Comments on Approval and Promulgation of Implementation Plans; Colorado; Revisions to Regulation Number 7; Aerospace, Oil and Gas, and Other RACT Requirements for 2008 8-Hour Ozone Standard for the Denver Metro/North Front Range Nonattainment Area,'' July 22, 2021.

[51] 86 FR 32656.

[52] With the exception of revisions described in the State's commitment letter, which have not been submitted as SIP revisions yet. As previously noted, those revisions will be evaluated in a separate rulemaking after the state submits them to the EPA.

[53] Although CAA section 110(k)(4) allows the EPA to make a conditional approval based on a commitment to act within one year of the final conditional approval, Colorado has committed to act on a much more accelerated schedule.

[54] *See* CAA section 179(a)(2).

[55] *See* CAA section 110(c)(1)(B).

TABLE 1—LIST OF COLORADO REVISIONS TO REG. 7 THAT THE EPA PROPOSES TO CONDITIONALLY APPROVE

Revised Sections in May 14, 2018 and May 13, 2020 Submittals Proposed for Approval.
May 14, 2018 Submittal: XII.J.1.
May 13, 2020 Submittal: Part D, Sections I.D.–D.3.a.(i), I.D.3.b.–b.(i), I.D.3.b.(ii), I.D.3.b.(v), I.D.3.b.(vii), I.D.3.b.(ix), I.D.4.–I.E.1.a., I.E.2.–.c.(ii), I.E.2.c.(iv)–c.(viii), I.F.–1.d., I.F.1.g.–g.(xii), I.F.1.h.–F.2.a., I.F.2.c.–c.(vi), I.F.3.–3.a, I.F.3.c.–c.(i)(C), and I.J.1.
Revised Sections from Colorado's Oct. 20, 2021 Commitment Letter: Part D, Sections I.E.3.–a.(iii), I.J.1.g.–h., I.J.1.i., and I.J.1.i.(i)(E)–(F).

VIII. Consideration of Section 110(l) of the CAA

Under section 110(l) of the CAA, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress toward attainment of the NAAQS, or any other applicable requirement of the Act. In addition, section 110(l) requires that each revision to an implementation plan submitted by a state shall be adopted by the state after reasonable notice and public hearing.

The Colorado SIP revisions that the EPA is proposing to conditionally approve do not interfere with any applicable requirements of the Act. The Reg. 7 revisions submitted by the State on May 13, 2018 and May 14, 2020 are intended to strengthen the SIP and to serve as RACT for certain sources for the Colorado ozone SIP. Colorado's submittals provide adequate evidence that the revisions were adopted after reasonable public notices and hearings. Therefore, CAA section 110(l) requirements are satisfied.

IX. Environmental Justice Considerations

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994) directs federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. Additionally, Executive Order 13985 (86 FR 7009, Jan. 25, 2021) directs federal agencies to assess whether and to what extent their programs and policies perpetuate systemic barriers to opportunities and benefits for underserved populations, and Executive Order 14008 (86 FR 7619, Feb. 1, 2021) directs federal agencies to develop programs, policies, and activities to address the disproportionately and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities.

To identify potential environmental burdens and susceptible populations in the DMNFR area, a screening analysis was conducted using the EJSCREEN [56] tool to evaluate environmental and demographic indicators within the area, based on available data from the Census Bureau's American Community Survey. The tool outputs showing the results of this assessment are in the docket for this action. These results indicate that within the DMNFR area there are census block groups that are above the national averages and above the 80th percentile (in comparison to the nation as a whole) for the numbers of persons experiencing low income and people of color. These populations may be vulnerable and subject to disproportionate impacts within the meaning of the executive orders described above. Further, as the EJSCREEN analysis is a screening-level assessment and not an in-depth review, it is possible that there are other vulnerable groups within the DMNFR area.

As to all vulnerable groups within the DMNFR area, as explained below we believe that this action will be beneficial and will tend to reduce impacts. When the EPA establishes a new or revised NAAQS, the CAA requires the EPA to designate all areas of the U.S. as either nonattainment, attainment, or unclassifiable. If an area is designated nonattainment for a NAAQS, the state must develop a plan outlining how the area will attain and maintain the standard by reducing air pollutant emissions. In this action we are proposing to conditionally approve state rules as meeting the CAA standard for RACT, which the EPA has defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Approval of these rules into the SIP will establish federally enforceable requirements that will reduce emissions from oil and gas operations in the area. These requirements will contribute to the increased protection of those residing, working, attending school, or otherwise present in those areas, and we propose to determine that this rule, if finalized, will not have disproportionately high or adverse human health or environmental effects on communities with environmental justice concerns.

[56] EJSCREEN is an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators; available at *https://www.epa.gov/ejscreen/what-ejscreen.*

X. Incorporation by Reference

In this document, the EPA is proposing to include regulatory text in an EPA final rule that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference Colorado AQCC Regulation 7 pertaining to the control of ozone via ozone precursors and control of hydrocarbons from oil and gas emissions discussed in section VI of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

XI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. Accordingly, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 8, 2022.

KC Becker,

Regional Administrator, Region 8.

[FR Doc. 2022–03170 Filed 2–16–22; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF AGRICULTURE

48 CFR Chapter 4

[Docket No. USDA–2022–0002]

RIN 0599–AA28

Agriculture Acquisition Regulation (AGAR)

AGENCY: United States Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The United States Department of Agriculture (USDA) is proposing to make amendments to the Agriculture Acquisition Regulation (AGAR) to align the AGAR with changes to acquisition law, regulations, and internal USDA policies since the AGAR's last major revision in 1996.

DATES: Interested parties should submit written comments on or before March 21, 2022 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to the proposed rule to the Federal eRulemaking portal at *https://www.regulations.gov* by searching for ''AGAR.'' Follow the instructions provided on the ''Comment Now'' screen. If your comment cannot be submitted using *Regulations.gov*, email the point of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Crandall Watson, Chief, Procurement Policy Division, Office of Contracting and Procurement, Telephone: (202) 720–7529; Email: *Procurement.Policy@usda.gov.*

SUPPLEMENTARY INFORMATION: This rulemaking is necessary to update the AGAR located in 48 CFR parts 401 through 499.

I. Background

The Agriculture Acquisition Regulation (AGAR) implements the Federal Acquisition Regulation (FAR) (48 CFR ch. 1) where further implementation is needed, and supplements the FAR when coverage is needed for subject matter not covered by the FAR. The Department of Agriculture (USDA) identified parts of the AGAR which required updating or streamlining based on updates to acquisition law, regulations, and internal USDA policies. USDA's review indicated that almost all parts of the AGAR required revision. Accordingly, USDA has reviewed and revised substantially all parts of the AGAR.

II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule is an internal rule of agency procedure and therefore is not a significant regulatory action under Executive Order 12866.

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute. Under section 605(b) of the RFA, however, if the head of an agency certifies that a rule will not have a significant impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis.

The proposed changes would update the AGAR to bring it up to date and to make sure correspondence with the FAR is maintained. The proposed rule would amend the AGAR to correct and update internal references to the FAR; to remove sections supplementing material that has been removed from the FAR; and to update designations of USDA. Therefore, pursuant to section 605(b), USDA certifies that this proposed rule, if promulgated, will not have a significant impact on a substantial number of small entities.

IV. Paperwork Reduction Act

The proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects

48 CFR Part 401

Government procurement, Reporting and recordkeeping requirements.

48 CFR Parts 402, 405 Through 406, 411 Through 416, 434 Through 437, and 447 Through 470

Government procurement.

48 CFR Part 403

Antitrust, Conflict of interest, Government procurement.

48 CFR Part 404

Classified information, Government procurement.

48 CFR Part 408

Government procurement, Printing.

48 CFR Part 419

Government procurement, Small businesses.

48 CFR Part 422

Equal employment opportunity, Government procurement, Individuals with disabilities, Labor.

48 CFR Part 423

Air pollution control, Government procurement, Occupational safety and health, Water pollution control.

48 CFR Part 425

Foreign currencies, Foreign trade, Government procurement.

48 CFR Part 428

Government procurement, Insurance, Surety bonds.

48 CFR Parts 430 Through 432

Accounting, Government procurement.

48 CFR Part 433

Administrative practice and procedure, Government procurement.

48 CFR Part 445

Government procurement, Government property.

■ For the reasons set out in the preamble, and under the authority of 5 U.S.C. 301 and 40 U.S.C. 486(c), USDA proposes to revise 48 CFR chapter 4 to read as follows.

CHAPTER 4—DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL

PART 400—[RESERVED]
PART 401—AGRICULTURE ACQUISITION REGULATION SYSTEM
PART 402—DEFINITIONS OF WORDS AND TERMS
PART 403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS
PART 404—ADMINISTRATIVE AND INFORMATION MATTERS

SUBCHAPTER B—ACQUISITION PLANNING

PART 405—PUBLICIZING CONTRACT ACTIONS
PART 406—COMPETITION REQUIREMENTS
PART 407—[RESERVED]
PART 408—REQUIRED SOURCES OF SUPPLIES AND SERVICES
PARTS 409 and 410—[RESERVED]
PART 411—DESCRIBING AGENCY NEEDS
PART 412—ACQUISITION OF COMMERICAL ITEMS

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 413—SIMPLIFIED ACQUISITION PROCEDURES
PART 414—SEALED BIDDING
PART 415—CONTRACTING BY NEGOTIATION
PART 416—TYPES OF CONTRACTS
PARTS 417 AND 418—[RESERVED]

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 419—SMALL BUSINESS PROGRAMS
PARTS 420 AND 421—[RESERVED]
PART 422—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS
PART 423—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE
PART 424—[RESERVED]
PART 425—FOREIGN ACQUISITION
PART 426—[RESERVED]

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 427—[RESERVED]
PART 428—BONDS AND INSURANCE
PART 429—[RESERVED]
PART 430—COST ACCOUNTING STANDARDS ADMINISTRATION
PART 431—CONTRACT COST PRINCIPLES AND PROCEDURES
PART 432—CONTRACT FINANCING
PART 433—PROTESTS, DISPUTES AND APPEALS

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 434—MAJOR SYSTEM ACQUISITION
PART 435—[RESERVED]
PART 436—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS
PART 437—SERVICE CONTRACTING
PARTS 438 THROUGH 441—[RESERVED]

SUBCHAPTER G—CONTRACT MANAGEMENT

PARTS 442 THROUGH 444—[RESERVED]
PART 445—GOVERNMENT PROPERTY
PARTS 446 THROUGH 448—[RESERVED]
PART 449—TERMINATION OF CONTRACTS
PART 450—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT
PART 451—[RESERVED]

SUBCHAPTER H—CLAUSES AND FORMS

PART 452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES
PARTS 453 THROUGH 469—[RESERVED]

SUBCHAPTER I—FOOD ASSISTANCE PROGRAMS

PART 470—COMMODITY ACQUISITIONS
PARTS 471 THROUGH 499—[RESERVED]

SUBCHAPTER A—GENERAL

PART 400—[RESERVED]

PART 401—AGRICULTURE ACQUISITION REGULATION SYSTEM

Subpart 401.1—Purpose, Authority, Issuance

Sec.
401.101 Purpose.
401.103 Authority.
401.104 Applicability.
401.105 Issuance.
401.105–1 Publication and code arrangement.
401.105–2 Arrangement of regulations.
401.105–3 Copies.
401.170 Electronic access to regulatory information.

Subpart 401.2—Administration

401.201 Maintenance of the FAR.
401.201–1 The two councils.

Subpart 401.3—Agency Acquisition Regulations

401.301 Policy.
401.304 Agency control and compliance procedures.
401.370 Exclusions.
401.371 USDA Contracting Desk Book.
401.372 Departmental directives.

Subpart 401.4—Deviations From the FAR and AGAR

401.402 Policy.
401.403 Individual deviations.
401.404 Class deviations.

Subpart 401.6—Career Development, Contracting Authority, and Responsibilities

401.601 General.
401.602 Contracting officers.
401.602–3 Ratification of unauthorized commitments.
401.603 Selection, appointment, and termination of appointment for contracting officers.
401.603–1 General.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 401.1—Purpose, Authority, Issuance

401.101 Purpose.

The United States Department of Agriculture's (USDA's) Acquisition Regulation (AGAR) provides for the codification and publication of uniform policies and procedures for acquisitions by contracting activities within USDA. The purpose of the AGAR is to implement the Federal Acquisition Regulation (FAR), where further implementation is needed, and to supplement the FAR when coverage is needed for subject matter not covered in the FAR. The AGAR is not by itself a complete document, as it must be used in conjunction with the FAR.

401.103 Authority.

The AGAR and subsequent amendments are issued under 5 U.S.C. 301 and 40 U.S.C. 486(c). The Senior Procurement Executive (SPE) has the delegated authority to transmit Departmental acquisition regulations.

401.104 Applicability.

The FAR and AGAR apply to all USDA acquisitions of supplies and services (including construction) which obligate appropriated funds, unless otherwise specified or excepted by law.

401.105 Issuance.

401.105–1 Publication and code arrangement.

(a) The AGAR is codified in the Code of Federal Regulations (CFR) as chapter 4 of title 48, Federal Acquisition Regulations System, to implement and supplement chapter 1 which constitutes the FAR. Parts 400 through 499 have been assigned to USDA by the Office of the Federal Register.

(b) The AGAR and its subsequent changes are published in:

(1) Daily issues of the **Federal Register**;

(2) Cumulative form in the CFR; and

(3) Electronic form on the USDA Departmental Administration procurement website (see AGAR 401.170).

(c) Section 553(a)(2) of the Administrative Procedure Act, 5 U.S.C. 553, provides an exception from the standard public rulemaking procedures to the extent that the rule involves a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

(d) The AGAR may be revised from time to time in accordance with the rulemaking procedures of the Administrative Procedure Act. The USDA is also required to publish for public comment procurement regulations in the **Federal Register**, pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. 418b), and FAR 1.301.

401.105–2 Arrangement of regulations.

AGAR coverage parallels the FAR in format, arrangement, and numbering system. However, subdivisions below the section and subsection levels may not always correlate directly to FAR designated paragraphs and subparagraphs.

401.105–3 Copies.

Copies of the AGAR published in the CFR form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Requests should reference chapter 4 of title 48 CFR.

401.170 Electronic access to regulatory information.

The USDA procurement website provides access to the AGAR, AGAR amendments (circulars), the USDA Contracting Desk Book, and other USDA procurement policy and guidance.

Subpart 401.2—Administration

401.201 Maintenance of the FAR.

401.201–1 The two councils.

(a) USDA's representative on the Civilian Agency Acquisition Council is designated by the SPE.

(b) The USDA Office of Contracting and Procurement, Procurement Policy Division will coordinate proposed FAR revisions within USDA.

Subpart 401.3—Agency Acquisition Regulations

401.301 Policy.

(a) The SPE, subject to the authorities in AGAR 401.103 and FAR 1.301, may issue and publish Departmental regulations, that together with the FAR constitute Department-wide policies, procedures, solicitation provisions, and contract clauses governing the contracting process or otherwise controlling the relationship between USDA (including any of its contracting activities) and contractors or prospective contractors.

(b) Each designated Mission Area senior contracting official is authorized to issue or authorize the issuance of, at any organizational level, internal guidance which does not have a significant effect beyond the internal operating procedures of the activity, or a significant cost or administrative impact on offerors or contractors. Internal guidance issued by contracting activities will not be published in the **Federal Register**. Mission Area contracting leadership shall ensure that the guidance, procedures, or instructions issued—

(1) Are consistent with the policies and procedures contained in this regulation and the USDA Contracting Desk Book;

(2) Follow the format, arrangement, and numbering system of this regulation to the extent practicable;

(3) Contain no material which duplicates, paraphrases, or is inconsistent with this regulation; and

(4) Are numbered and identified by use of alphabetical suffices to the chapter number as follows:

(i) Marketing and Regulatory Programs (MRP).

(ii) Research, Education and Economics (REE).

(iii) Food, Nutrition and Consumer Services (FNCS).

(iv) Natural Resources and Environment (NRE).

(v) Farm Production and Conservation (FPAC).

(vi) Food Safety and Inspection Services (FSIS).

(vii) [Reserved]

(viii) Departmental Administration (DA) or Departmental Management (DM).

(ix) [Reserved]

(x) Rural Development (RD).

401.304 Agency control and compliance procedures.

(a) The AGAR System is under the direct oversight and control of the SPE, who is responsible for review and issuance of all Department-wide acquisition regulations published in the **Federal Register** to assure compliance with FAR part 1.

(b) The SPE is also responsible for review and issuance of unpublished, Department-wide internal guidance under the AGAR System.

(c) The Mission Area senior contracting official is responsible for establishment and implementation of formal procedures for oversight and control of unpublished internal guidance issued within the contracting activity to implement FAR or AGAR requirements. These procedures shall be subject to the review and approval by the SPE.

(d) The SPE is responsible for evaluating coverage under the AGAR system to determine applicability to other agencies and for recommending coverage to the FAR Secretariat for inclusion in the FAR.

(e) Recommendations for revision of existing FAR coverage or new FAR coverage shall be submitted by the Mission Area senior contracting official to the SPE for further action.

401.370 Exclusions.

Subject to the policies of FAR 1.3, certain USDA acquisition policies and procedures may be excluded from the AGAR under appropriately justified circumstances, such as:

(a) Subject matter which is effective for a period less than 12 months.

(b) Subject matter which is instituted on an experimental basis for a reasonable period.

(c) Acquisition procedures instituted on an interim basis to comply with the requirements of statute, regulation, Executive Order, Office of Management and Budget (OMB) Circular, or Office of Federal Procurement Policy (OFPP) Policy Letter.

401.371 USDA Contracting Desk Book.

(a) The SPE may issue and update the USDA Contracting Desk Book, consistent with the policies of the FAR and the AGAR, for the following purposes:

(1) To communicate Department-wide policy and/or procedural guidance to contracting activities;

(2) To delegate to procurement officials the authority to make determinations or to take action to implement the policies of the FAR or the AGAR; and,

(3) To establish internal policy and procedures on an interim basis, prior to incorporation in the AGAR or in a Departmental Directive.

(b) The USDA Contracting Desk Book is only available in electronic format on the USDA procurement website.

401.372 Departmental directives.

Subject to the policies of FAR 1.3, USDA from time to time may issue internal directives to establish procedures, standards, guidance, methods of performing duties, functions, or operations. Such directives include Departmental Regulations (DRs), Departmental Notices, and Secretary's Memoranda.

Subpart 401.4—Deviations From the FAR and AGAR

401.402 Policy.

Requests for authority to deviate from the provisions of the FAR or the AGAR shall be submitted in writing as far in advance of the situation as time will permit. Each request for deviation shall contain the following:

(a) A statement of the deviation desired, including identification of the specific paragraph number(s) of the FAR and AGAR;

(b) The reason why the deviation is considered necessary or would be in the best interest of the Government;

(c) If applicable, the name of the contractor and identification of the contract affected;

(d) A statement as to whether the deviation has been requested previously and, if so, circumstances of the previous request;

(e) A description of the intended effect of the deviation;

(f) A statement of the period of time for which the deviation is needed; and

(g) Any pertinent background information which will contribute to a full understanding of the desired deviation.

401.403 Individual deviations.

In individual cases, deviations from either the FAR or the AGAR will be authorized only when essential to effect a necessary acquisition or where special circumstances make such deviations clearly in the best interest of the Government. Except for cost principles, the Head of the Contracting Activity (HCA) may approve individual deviations from the AGAR, after coordinating with the Office of General Counsel (OGC) and the SPE. No deviations from the FAR or AGAR may be authorized by an individual contracting officer or an individual contracting office. A copy of each deviation and its supporting documents shall be provided to the SPE. Deviations from the FAR shall not be made unless such action is authorized by the SPE after consultation with the OGC and any other appropriate office, based on a written justification stating clearly the special circumstances involved.

401.404 Class deviations.

Where deviations from the FAR or AGAR are considered necessary for classes of contracts, requests for authority to deviate shall be submitted in writing to the SPE for approval. The SPE may authorize class deviations from the FAR without consulting the Chairperson of the Civilian Agency Acquisition Council (CAAC) where urgency precludes consultation. The SPE shall subsequently inform the Chairperson of the CAAC of the deviation, including the circumstances under which it was required.

Subpart 401.6—Career Development, Contracting Authority, and Responsibilities

401.601 General.

(a) The authority and responsibility vested in the Secretary to manage USDA's acquisition function is delegated through the Assistant Secretary for Administration to the SPE. This broad authority includes, but is not limited to, the following responsibilities:

(1) Prescribing and publishing Departmental acquisition policies, regulations, and procedures.

(2) Taking any necessary actions consistent with policies, regulations, and procedures with respect to purchases, contracts, leases, and other transactions.

(3) Designating contracting officers.

(4) Establishing clear lines of contracting authority.

(5) Evaluating and monitoring the performance of USDA's acquisition system.

(6) Managing and enhancing career development of the acquisition workforce.

(7) Participating in the development of Government-wide acquisition policies, regulations, and standards; and determining specific areas where government-wide performance standards should be established and applied.

(8) Determining areas of Department-unique standards and developing unique Department-wide standards.

(9) Certifying to the Secretary that the acquisition system meets approved standards.

(b) The SPE may delegate specified contracting authority and the responsibility to manage related acquisition functions.

(c) Unless prohibited by the FAR, the AGAR, or by other applicable statutes and regulations, the SPE may redelegate specified authority to make determinations in order to implement the policies and procedures of the FAR. Such delegations shall be in writing but need not be published. Such delegations may be made by the HCA if authority has been delegated by the SPE.

401.602 Contracting officers.

401.602–3 Ratification of unauthorized commitments.

(a) *Ratification* means the signed, documented action taken by an authorized official to approve and sanction a previously unauthorized commitment. *Unauthorized commitment* means an agreement made by a Government representative who lacked the authority to enter into a contract on behalf of the Government.

(b) Procedures are in accordance with the USDA Contracting Desk Book, Part 401.602–3.

401.603 Selection, appointment, and termination of appointment for contracting officers.

401.603–1 General.

The SPE may delegate contracting authority to the extent authorized by general written delegation of acquisition authority appointing qualified individuals as contracting officers, in accordance with selection and appointment procedures as stated in the USDA Contracting Desk Book.

PART 402—DEFINITIONS OF WORDS AND TERMS

Subpart 402.1—Definitions

Sec.
402.101 Definitions.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 402.1—Definitions

402.101 Definitions.

Acquisition official means an individual who has been delegated authority to manage or to exercise acquisition functions and responsibilities.

Agency head or *head of the agency* means the Secretary of Agriculture (Secretary), Deputy Secretary, or the Assistant Secretary for Administration (ASA).

Head of the Contracting Activity (HCA) means the official with overall responsibility of one or more USDA contracting activities.

Mission Area senior contracting official means the official designated by the Senior Procurement Executive or Head of the Contracting Activity with specific responsibilities within an individual Mission Area's contracting activity.

Senior Procurement Executive (SPE) means the agency official appointed as such by the Head of the Agency pursuant to Executive Order 12931. The Director, Office of Contracting and Procurement, has been designated as the USDA SPE.

PART 403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS

Subpart 403.1—Safeguards

Sec.
403.101 Standards of conduct.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 403.1—Safeguards

403.101 Standards of conduct.

(a) The standards of conduct for USDA procurement officials are the uniform standards established by the Office of Government Ethics in 5 CFR part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, and FAR 3.104, Procurement Integrity.

(b) Procurement officials and other employees who require advice concerning the application of standards of conduct to any acquisition issue shall obtain opinions from the USDA Office of Ethics or the ethics advisory officials within their agency.

PART 404—ADMINISTRATIVE AND INFORMATION MATTERS

Subpart 404.8—Government Contract Files

Sec.
404.804 Closeout of contract files.

Subpart 404.13—Personal Identity Verification

404.1303 Contract clause.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 404.8—Government Contract Files

404.804 Closeout of Contract Files.

The contracting officer shall insert the clause at AGAR 452.204–70, Modification for Contract Closeout, in all solicitations and contracts that use simplified acquisition procedures.

Subpart 404.13—Personal Identity Verification

404.1303 Contract clause.

FAR 4.13, Personal Identity Verification, establishes the policy and use requirements for FAR 52.204–9. The contracting officer shall insert a clause that contains language similar to that in AGAR 452.204–71 in all covered solicitations and contracts which include FAR 52.204–9.

SUBCHAPTER B—ACQUISITION PLANNING

PART 405—PUBLICIZING CONTRACT ACTIONS

Subpart 405.4—Release of Information

Sec.
405.404 Release of long-range acquisition estimates.
405.404–1 Release procedures.

Subpart 405.5—Paid Advertisements

405.502 Authority.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 405.4—Release of Information

405.404 Release of long-range acquisition estimates.

405.404–1 Release procedures.

The HCA is the agency head designee pursuant to FAR 5.404–1.

Subpart 405.5—Paid Advertisements

405.502 Authority.

The authority vested in the HCA to authorize publication of paid advertisements in newspapers (44 U.S.C. 3702) is delegated, with power of redelegation, to Mission Area senior contracting officials. A Mission Area senior contracting official's redelegation of this authority shall be in writing.

PART 406—COMPETITION REQUIREMENTS

Subpart 406.2—Full and Open Competition After Exclusion of Sources

Sec.
406.202 Establishing or maintaining alternative sources.

Subpart 406.3—Other Than Full and Open Competition

406.302 Circumstances permitting other than full and open competition.
406.302–70 Otherwise authorized by law.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 406.2—Full and Open Competition After Exclusion of Sources

406.202 Establishing or maintaining alternative sources.

The SPE is authorized to make determinations pursuant to FAR 6.202(a) and sign the determination and findings required by FAR 6.202(b).

Subpart 406.3—Other Than Full and Open Competition

406.302 Circumstances permitting other than full and open competition.

406.302–70 Otherwise authorized by law.

(a) *Authority.* Section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318) (the Act) authorizes the Secretary of Agriculture to award contracts, without competition, to further research, extension, or teaching programs in the food and agricultural sciences.

(b) *Limitations.* The use of this authority is limited to those instances where it can be determined that contracting without full and open competition is in the best interest of the Government and necessary to the accomplishment of the research, extension, or teaching program. Therefore:

(1) Contracts under the authority of the Act shall be awarded on a competitive basis to the maximum practicable extent.

(2) When full and open competition is not deemed appropriate, the contracting officer shall make a written justification on a case-by-case basis in accordance with procedures in FAR 6.303 and 6.304.

PART 407—[RESERVED]

PART 408—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Subpart 408.8—Acquisition of Printing and Related Supplies

408.802 Policy.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 408.8—Acquisition of Printing and Related Supplies

408.802 Policy.

The Director, Office of Communications (OC) has been designated as the central printing authority in USDA, with the authority to represent the USDA before the Joint Committee on Printing (JCP), the Government Printing Office, and other Federal and State agencies on all matters related to printing.

PARTS 409 AND 410—[RESERVED]

PART 411—DESCRIBING AGENCY NEEDS

Subpart 411.1—Selecting and Developing Requirements Documents

Sec.
411.101 Order of precedence for requirements documents.

Subpart 411.2—Using and Maintaining Requirements Documents

411.202 Maintenance of standardization documents.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 411.1—Selecting and Developing Requirements Documents

411.101 Order of precedence for requirements documents.

(a) OMB Circular A–119 establishes a Federal policy requiring the use of voluntary consensus standards in lieu of government-unique standards except where inconsistent with law or otherwise impractical.

(b) An HCA is authorized to submit the determination required by OMB Circular A–119 that a voluntary standard is inconsistent with law or otherwise impracticable. The HCA must submit the determination to OMB through the National Institute of Standards and Technology (NIST) in accordance with the Circular with a copy provided to the SPE.

Subpart 411.2—Using and Maintaining Requirements Documents

411.202 Maintenance of standardization documents.

Recommendations for changes to standardization documents are to be submitted through the SPE, who will coordinate the submission of these recommendations to the cognizant preparing activity.

PART 412—ACQUISITION OF COMMERICAL ITEMS

Subpart 412.1—Acquisition of Commercial Items—General

Sec.
412.101 Policy.

Subpart 412.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

412.302 Tailoring of provisions and clauses for the acquisition of commercial items.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 412.1—Acquisition of Commercial Items—General

412.101 Policy.

USDA has authority to issue rated orders under section 202(c) of Executive Order 13603, and the Defense Production Act of 1950, as Amended (DPA), 50 U.S.C. 4501 *et seq.* USDA has been given authority by the Secretary of Homeland Security for priorities and allocations of support for agriculture and food critical infrastructure, protection, and restoration: Programs to protect or restore the agriculture and food system from terrorist attacks, major disasters, and other emergencies.

Subpart 412.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

412.302 Tailoring of provisions and clauses for the acquisition of commercial items.

The HCA is authorized to approve waivers in accordance with FAR 12.302(c). The approved waiver may be either for an individual contract or for a class of contracts for the specific item. The approved waiver and supporting documentation shall be incorporated into the contract file.

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 413—SIMPLIFIED ACQUISITION PROCEDURES

Subpart 413.3—Simplified Acquisition Methods

Sec.
413.302 Purchase orders.
413.302–5 Clauses.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 413.3—Simplified Acquisition Methods

413.302 Purchase orders.

413.302–5 Clauses.

The contracting officer shall insert the clause at AGAR 452.204–70, Modification for Contract Closeout, in all solicitations and contracts that use simplified acquisition procedures.

PART 414—SEALED BIDDING

Subpart 414.4—Opening of Bids and Award of Contract

Sec.
414.404 Rejection of bids.
414.407 Mistakes in bids.
414.407–3 Other mistakes disclosed before award.
414.407–4 Mistakes after award.
414.409 Information to bidders.
414.409–2 Award of classified contracts.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 414.4—Opening of Bids and Award of Contract

414.404 Rejection of bids.

414.404–1 Cancellation of invitations after opening.

An acquisition official at a level above the contracting officer is authorized to request the determinations under FAR 14.404–1(c) and (e)(1).

414.407 Mistakes in bids.

414.407–3 Other mistakes disclosed before award.

The authority to make the determinations under FAR 14.407–3(a), (b), and (d) is delegated, without power of redelegation, to the HCA. The authority to make the determination under FAR 14.407–3(c) is delegated to the contracting officer. Each determination pursuant to FAR 14.407–3 shall have the concurrence of the Office of the General Counsel (OGC).

414.407–4 Mistakes after award.

If a mistake in bid is disclosed after award, the contracting officer shall make a final determination in accordance with the provisions of FAR 14.407–4 (b) and (c) and shall coordinate each proposed determination with OGC. Such coordination shall, at a minimum, consist of the contracting officer providing the proposed determination and the case file to OGC for comment.

414.409 Information to bidders.

414.409–2 Award of classified contracts.

Disposition of classified information shall be in accordance with Departmental Regulation and Manual (3400–001 Series) and in accordance with direction issued by the USDA Office of Homeland Security (OHS), Personnel and Document Security Division.

PART 415—CONTRACTING BY NEGOTIATION

Subpart 415.2—Solicitation and Receipt of Proposals and Information

Sec.
415.204 Contract format.

Subpart 415.3—Source Selection

415.305 Proposal evaluation.

Subpart 415.6—Unsolicited Proposals

415.604 Agency points of contact.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 415.2—Solicitation and Receipt of Proposals and Information

415.204 Contract format.

The HCA is authorized to exempt contracts from the uniform contract format.

Subpart 415.3—Source Selection

415.305 Proposal evaluation.

Each Mission Area senior contracting official is responsible for establishing procedures regarding the release of cost information to the members of the technical evaluation team per FAR 15.305(a)(4).

Subpart 415.6—Unsolicited Proposals

415.604 Agency points of contact.

Each Mission Area senior contracting official is responsible for establishing points of contact for the control of unsolicited proposals. An unsolicited proposal must be formally submitted to the Agency by way of the point of contact.

PART 416—TYPES OF CONTRACTS

Subpart 416.1—Selecting Contract Types

Sec.
416.102 Policies.

Subpart 416.2—Fixed-Price Contracts

416.203 Fixed-price contracts with economic price adjustment.
416.203–4 Contract clauses.

Subpart 416.6—Time-and-Materials, Labor-Hour, and Letter Contracts

416.603 Letter contracts.
416.603–2 Application.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 416.1—Selecting Contract Types

416.102 Policies.

The contracting officer shall insert the clause at AGAR 452.204–70, Modification for Contract Closeout, in all solicitations and contracts that use other than cost reimbursement contract types.

Subpart 416.2—Fixed-Price Contracts

416.203 Fixed-price contracts with economic price adjustment.

416.203–4 Contract clauses.

An economic price adjustment clause based on cost indexes of labor or material may be used under the conditions listed in FAR 16.203–4(d) after HCA approval and consultation with the Office of the General Counsel (OGC).

Subpart 416.6—Time-and-Materials, Labor-Hour, and Letter Contracts

416.603 Letter contracts.

416.603–2 Application.

The HCA is authorized to extend the period for defining a letter contract required by FAR 16.603–2(c) in extreme cases where it is determined in writing that such action is in the best interest of the Government.

PARTS 417 AND 418—[RESERVED]

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 419—SMALL BUSINESS PROGRAMS

Subpart 419.2—Policies

Sec.
419.201 General Policy.
419.201–71 Small business coordinators.
419.201–72 Reports.

Subpart 419.6—Certificates of Competency and Determinations of Responsibility

419.602 Procedures.
419.602–3 Resolving differences between the agency and the Small Business Administration.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 419.2—Policies

419.201 General policy.

419.201–71 Small business coordinators.

The Mission Area senior contracting official shall designate, in writing, small business coordinator(s). The number of coordinators shall be determined by the Mission Area senior contracting official and sufficient for the number of contracting officers or contracting offices.

419.201–72 Reports.

The Office of Small & Disadvantaged Business Utilization (OSDBU) Director shall be responsible for submitting reports concerning USDA's progress and achievements in the procurement preference program.

Subpart 419.6—Certificates of Competency and Determinations of Responsibility

419.602 Procedures.

419.602–3 Resolving differences between the agency and the Small Business Administration.

The HCA is authorized to appeal the issuance of a Certificate of Competency (COC) to SBA as provided by FAR 19.602–3(a).

PARTS 420 AND 421—[RESERVED]

PART 422—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 422.3—Contract Work Hours and Safety Standards Act

Sec.
422.302 Liquidated damages and overtime pay.

Subpart 422.4—Labor Standards for Contracts Involving Construction

422.404 Construction Wage Rate Requirements statute wage determinations.
422.404–6 Modifications of wage determinations.
422.406 Administration and enforcement.
422.406–8 Investigations.

Subpart 422.8—Equal Employment Opportunity

422.804 Affirmative action programs.
422.804–2 Construction.
422.807 Exemptions.

Subpart 422.13—Equal Opportunity for Veterans

422.1305 Waivers.

Subpart 422.14—Employment of Workers With Disabilities

422.1403 Waivers.

Subpart 422.70—Labor Law Violations

422.7001 Contract clause.
422.7002 Contract clause.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 422.3—Contract Work Hours and Safety Standards Act

422.302 Liquidated damages and overtime pay.

The Mission Area senior contracting official is authorized to review determinations of liquidated damages due under section 104(c) of the Contract Work Hours and Safety Standards Act, and to recommend remedial action, if appropriate, in accordance with FAR 22.302(c). Contractors or subcontractors may request review of administrative determinations of liquidated damages by written notice to the contracting officer. The contracting officer shall promptly forward appeals of liquidated

damages determinations to the Mission Area senior contracting official.

Subpart 422.4—Labor Standards for Contracts Involving Construction

422.404 Construction Wage Rate Requirements statute wage determinations.

422.404–6 Modifications of wage determinations.

The Mission Area senior contracting official is authorized to process the request for extension of the 90-day period for award after bid opening as provided in FAR 22.404–6(b)(6).

422.406 Administration and enforcement.

422.406–8 Investigations.

The HCA is authorized to submit reports of violations to the agency head in accordance with FAR 22.406–8(d).

Subpart 422.8—Equal Employment Opportunity

422.804 Affirmative action programs.

422.804–2 Construction.

The Mission Area senior contracting official shall ensure that each contracting office awarding nonexempt construction contracts maintains a current listing of covered geographical areas subject to affirmative action requirements specifying goals for minorities and women in covered construction trades, as provided in FAR 22.804–2(b).

422.807 Exemptions.

The HCA oversees exemptions of all or part of the requirements of E.O. 11246 pursuant to FAR 22.807(c).

Subpart 422.13—Equal Opportunity for Veterans

422.1305 Waivers.

The Assistant Secretary for Administration (ASA) is authorized to make the waiver determination in FAR 22.1305(b) that a contract is essential to the national security. The waiver shall be prepared for the ASA's signature and submitted by the Mission Area senior contracting official to the SPE for referral to the ASA.

Subpart 422.14—Employment of Workers With Disabilities

422.1403 Waivers.

The ASA is authorized to make the waiver determinations under FAR 22.1403(a) and FAR 22.1403(b) with the concurrence of the Deputy Assistant Secretary for Federal Contract Compliance Programs, Department of Labor. The waiver shall be prepared for the ASA's signature and submitted by the Mission Area senior contracting official to the SPE for referral to the ASA.

Subpart 422.70—Labor Law Violations

422.7001 Contract clause.

The clause at AGAR 452.222–70, Labor Law Violations, is to be inserted in solicitations and contracts that exceed the simplified acquisition threshold. Contracting officers shall work with their Mission Area senior contracting official to report violations to the HCA within two working days following notification by the contractor. Assertions pertaining to AGAR 452.222–70 are binding and incorporated by reference into the contract.

422.7002 Contract clause.

The clause at AGAR 452.222–71, Past Performance Labor Law Violations, is to be inserted in solicitations that exceed the simplified acquisition threshold. Assertions pertaining to AGAR 452.222–71 are binding and incorporated by reference into the contract.

PART 423—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 423.4—Use of Recovered Materials and Biobased Products

Sec.
423.404 Agency affirmative procurement programs.

Subpart 423.5—Drug-Free Workplace

423.506 Suspension of payments, termination of contract, and debarment and suspension actions.

Subpart 423.6—Notice of Radioactive Material

423.601 Requirements.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 423.4—Use of Recovered Materials and Biobased Products

423.404 Agency affirmative procurement programs.

The USDA affirmative procurement program (APP) policy applicable to all USDA agencies and staff offices is hereby established. Components of the APP are in the USDA Contracting Desk Book, 423.404.

Subpart 423.5—Drug-Free Workplace

423.506 Suspension of payments, termination of contract, and debarment and suspension actions.

The SPE will submit the request for a waiver to the agency head with a recommendation for action per FAR 23.506(e).

Subpart 423.6—Notice of Radioactive Material

423.601 Requirements.

The HCA shall establish a system of instructions to identify the installation/facility radiation protection officer.

PART 424—[RESERVED]

PART 425—FOREIGN ACQUISITION

Subpart 425.6—American Recovery and Reinvestment Act—Buy American Statute—Construction Materials

Sec.
425.603 Exceptions.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 425.6—American Recovery and Reinvestment Act—Buy American Statute—Construction Materials

425.603 Exceptions.

The Secretary, without power of redelegation, has the authority to make the necessary determination(s) and authorize award(s) of contract(s) in accordance with FAR 25.603(b).

PART 426—[RESERVED]

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 427—[RESERVED]

PART 428—BONDS AND INSURANCE

Subpart 428.1—Bonds and Other Financial Protections

Sec.
428.101 Bid guarantees.
428.101–1 Policy on use.
428.106 Administration.
428.106–6 Furnishing information.

Subpart 428.2—Sureties and Other Security for Bonds

428.203 Individual sureties.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 428.1—Bonds and Other Financial Protections

428.101 Bid guarantees.

428.101–1 Policy on use.

The SPE may authorize class waivers of the requirement to obtain bid guarantees per FAR 28.101–1(c).

428.106 Administration.

428.106–6 Furnishing information.

HCAs or their designees may furnish certified copies of bonds and the contracts for which they were given as

provided by FAR 28.106–6(c). Requesters may be required to pay costs of certification and copying established by the Departmental Fee Schedule for records requests (7 CFR part 1, subpart A, appendix A).

Subpart 428.2—Sureties and Other Security for Bonds

428.203 Individual sureties.

Evidence of possible criminal or fraudulent activities by an individual surety shall be reported to the OIG in accordance with Departmental Regulations (1700 series). The Mission Area senior contracting official shall establish procedures to ensure protection and conveyance of deposited securities of the types listed in FAR 28.204–1 through 28.204–3.

PART 429—[RESERVED]

PART 430—COST ACCOUNTING STANDARDS ADMINISTRATION

Subpart 430.2—CAS Program Requirements

Sec.
430.201 Contract requirements.
430.201–5 Waiver.
430.202 Disclosure requirements.
430.202–2 Impracticality of submission.
430.202–8 Subcontractor disclosure statements.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 430.2—CAS Program Requirements

430.201 Contract requirements.

430.201–5 Waiver.

The SPE, without the authority to further redelegate, is authorized to request the Cost Accounting Standards Board to waive the application of the Cost Accounting Standards (CAS) in accordance with FAR 30.201–5.

430.202 Disclosure requirements.

430.202–2 Impracticality of submission.

The Secretary, without the power to redelegate, is authorized to determine, in accordance with 48 CFR 9903.202–2, that the Disclosure Statement is impractical to secure and to authorize award without obtaining the Disclosure Statement.

430.202–8 Subcontractor disclosure statements.

The Secretary, without the power to redelegate, is authorized to determine, in accordance with 48 CFR 9903.202–2, that the Disclosure Statement for a subcontractor is impractical to secure and to authorize award without obtaining the Disclosure Statement.

PART 431—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 431.1—Applicability

Sec.
431.101 Objectives.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 431.1—Applicability

431.101 Objectives.

(a) The SPE is designated as the official authorized to give advance approval of an individual deviation concerning cost principles.

(b) The SPE is designated as the official authorized to give advance approval of a class deviation concerning cost principles after coordination with the Civilian Agency Acquisition Council (CAAC).

PART 432—CONTRACT FINANCING

Sec.
432.001 Definitions.
432.006 Reduction or suspension of contract payments upon finding of fraud.
432.006–5 Reporting.
432.007 Contract financing payments.

Subpart 432.1—Non-Commercial Item Purchase Financing

432.114 Unusual contract financing.

Subpart 432.2—Commercial Item Purchase Financing

432.206 Solicitation provisions and contract clauses.

Subpart 432.3—Loan Guarantees for Defense Production

432.301 Definitions.

Subpart 432.4—Advance Payments for Non-Commercial Items

432.402 General.
432.406 Letters of credit.
432.407 Interest.
432.412 Contract clause.

Subpart 432.7—Contract Funding

432.703 Contract funding requirements.
432.770 USDA specific funding limitations.

Subpart 432.8—Assignment of Claims

432.802 Conditions.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

432.001 Definitions.

Agency contract finance office is the office, other than the office of the requisitioner, providing funding or performing funding record keeping for the contract action.

Head of agency. For the purposes of this part, head of the agency means, exclusively, the Secretary or the Deputy Secretary.

Remedy coordination official (RCO). The USDA RCO is the Assistant Secretary for Administration.

Responsible fiscal authority is that officer in the agency contract finance office with the responsibility to ensure that adequate funds are available and usable for the intended purpose.

432.006 Reduction or suspension of contract payments upon finding of fraud.

432.006–5 Reporting.

The annual report required by FAR 32.006–5 is to be prepared by the SPE and submitted to the Secretary within 90 calendar days after the end of the fiscal year. When signed by the Secretary, the report is to be maintained by the SPE.

432.007 Contract financing payments.

The Mission Area senior contracting official may prescribe, on a case- by-case basis, a shorter period for financing payments.

Subpart 432.1—Non-Commercial Item Purchase Financing

432.114 Unusual contract financing.

The HCA is authorized to approve unusual contract financing.

Subpart 432.2—Commercial Item Purchase Financing

432.206 Solicitation provisions and contract clauses.

The responsibility for administration of the liquidation provisions of a contract may not be transferred from the contracting officer.

Subpart 432.3—Loan Guarantees for Defense Production

432.301 Definitions.

Within this subpart, the *agency* or *guaranteeing agency* is the HCA and may not be redelegated.

Subpart 432.4—Advance Payments for Non-Commercial Items

432.402 General.

An HCA is designated as the individual responsible for making the findings and determination, and for approval of the contract terms concerning advance payments.

432.406 Letters of credit.

The HCA is designated as the individual responsible for coordination with the Department of Treasury concerning letters of credit.

432.407 Interest.

(a) The HCA is designated as the individual who may authorize, on a case-by-case basis, advance payments without interest for the contract types described in FAR 32.407(d)(1), through (4). The signed determination and

findings supporting these authorizations shall be included in the contract files.

(b) The SPE is designated as the individual who may authorize advance payments without interest other than those described in paragraph (a) of this section.

432.412 Contract clause.

The decision to use Alternates I or III to FAR 52.232–12 must be supported by a determination and finding.

Subpart 432.7—Contract Funding

432.703 Contract funding requirements.

Use the clause AGAR 452.232–70, Limitation of Government's Obligation, in solicitations and resultant incrementally funded fixed-price contracts.

432.703–3 Contracts crossing fiscal years.

Funds appropriated to USDA may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated (7 U.S.C. 2209c).

432.770 USDA specific funding limitations.

The expenditure of any USDA appropriation for any consulting service through any contract, pursuant to section 3109 of Title 5 of the U.S. Code shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law (7 U.S.C. 2225a).

Subpart 432.8—Assignment of Claims

432.802 Conditions.

Written notices of assignment and a true copy of the assigned instrument are to be sent to the contracting officer rather than the agency head per FAR 32.802(e)(1). Other copies are distributed as directed in FAR 32.802.

PART 433—PROTESTS, DISPUTES AND APPEALS

Subpart 433.1—Protests

Sec.
433.102 General.

Subpart 433.2—Disputes and Appeals

433.203 Applicability.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 433.1—Protests

433.102 General.

The SPE is responsible for coordinating the processing of bid protests lodged with the Government Accountability Office (GAO).

Subpart 433.2—Disputes and Appeals

433.203 Applicability.

The Assistant Secretary for Administration is authorized to determine the applicability of the Contract Disputes Act to contracts with foreign governments pursuant to FAR 33.203.

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 434—MAJOR SYSTEM ACQUISITION

Sec.
434.001 Definition.
434.002 Policy.
434.003 Responsibilities.
434.005 General requirements.
434.005–6 Full production.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

434.001 Definition.

Pursuant to OMB Circular No. A–11 (Circular A–11) and the definition at FAR 2.101, within USDA, a system shall be considered a *major system* if:

(a) The system has been identified as a Major IT Investment pursuant to USDA Departmental Regulation 3030–008, Definition of Major Information Technology Investments,

(b) The total non-IT acquisition costs are estimated to be $50 million or more, or

(c) The system, regardless of estimated acquisition or life cycle costs, has been specifically designated to be a major system by the USDA Acquisition Executive or by the Major Information Technology Systems Executive. The Assistant Secretary for Administration (ASA) is the USDA Acquisition Executive for major system acquisition other than acquisitions of information technology.

434.002 Policy.

In addition to the policy guidance at FAR 34.002 and other parts of the FAR, the policies outlined in part 7 of Circular A–11 should serve as guidelines for all contracting activities in planning and developing systems, major or otherwise.

434.003 Responsibilities.

(a) The key executives of USDA (Secretary, Deputy Secretary, Under Secretaries and Assistant Secretaries) individually or as a group will participate in making four key decision in each major system acquisition process.

(1) Identification and definition of a specific mission need to be fulfilled, the relative priority assigned within the agency, and the general magnitude of resources that may be invested.

(2) Selection of competitive system design concepts to be advanced to a test/demonstration phase or authorization to proceed with the development of a noncompetitive (single concept) system.

(3) Commitment of a system to full-scale development and limited production.

(4) Commitment of a system to full production.

(b) The Chief Information Officer (CIO) is the Major Information Technology Systems Executive. For acquisitions of information technology, the CIO will ensure that Circular A–11 is implemented in USDA and that the management objectives of Circular A–11 are realized. The CIO is responsible for designating the program manager for each major information technology system acquisition, designating an acquisition to be a major information technology system acquisition, and approving the written charter and project control system for each major information technology system acquisition.

(c) The ASA will ensure that Circular A–11 is implemented in USDA and that the management objectives of Circular A–11 are realized. The ASA is responsible for designating the program manager for each major system non-IT acquisition, designating an acquisition to be a major system non-IT acquisition, and approving the written charter and project control system for each major system non-IT acquisition.

(d) The Mission Area senior contracting official must:

(1) Ensure compliance with the requirements of Circular A–11, FAR part 34, and AGAR part 434.

(2) Ensure that potential major system acquisitions are brought to the attention of the USDA Acquisition Executive or the Major Information Technology Systems Executive, as appropriate.

(3) Coordinate with Mission Area Program Managers (MASPMs) to recommend qualified candidates for designation as program managers for each major system acquisition within their jurisdiction.

(4) Coordinate with MASPMs to verify that program managers fulfill their responsibilities and discharge their duties.

(5) Cooperate with the ASA and Major Information Technology Systems Executive in implementing the requirements of Circular A–11.

(e) The program manager is responsible for planning and executing the major system acquisition, ensuring

appropriate coordination with the USDA Acquisition Executive, Major Information Technology Systems Executive, and other key USDA executives.

434.005 General requirements.

434.005–6 Full production.

The Secretary or the Secretary's designee for the specific program is the agency head for the purposes of FAR 34.005–6.

PART 435—[RESERVED]

PART 436—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 436.2—Special Aspects of Contracting for Construction

Sec.
436.205 Statutory cost limitations.
436.209 Construction contracts with architect-engineer firms.
436.213 Special procedures for sealed bidding in construction contracting.
436.213–2 Presolicitation notices.

Subpart 436.5—Contract Clauses

436.500 Scope of subpart.
436.570 Emergency response, fire suppression and liability.

Subpart 436.6—Architect-Engineer Services

436.602 Selection of firms for architect-engineer contracts.
436.602–1 Selection criteria.
436.602–5 Short selection process for contracts not to exceed the simplified acquisition threshold.
436.603 Collecting data on and appraising firm's qualifications.
436.609 Contract clauses.
436.609–1 Design within funding limitations.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 436.2—Special Aspects of Contracting for Construction

436.205 Statutory cost limitations.

(a) When it appears that funds may be insufficient for all the desired features of construction, the contracting officer may provide in the solicitation for a base bid item covering the work as specified and for one or more additive or deductive bid items which progressively add or omit specified features of the work in a stated order of priority.

(b) In the alternative, the contracting officer may use the policies and procedures found in FAR 17.2, Options.

436.209 Construction contracts with architect-engineer firms.

The HCA is authorized to approve a contract to construct a project, in whole or in part, to the firm that designed the project (inclusive of its subsidiaries or affiliates).

436.213 Special procedures for sealed bidding in construction contracting.

436.213–2 Presolicitation notices.

The authority to waive a presolicitation notice on any construction requirement when the proposed contract is expected to exceed the simplified acquisition threshold is restricted to the HCA.

Subpart 436.5—Contract Clauses

436.500 Scope of subpart.

This subpart prescribes clauses for insertion in USDA solicitations and contracts for construction and for dismantling, demolition, or removal of improvements or structures. The contracting officer shall use the clauses as prescribed in contracts that exceed the simplified acquisition threshold. The contracting officer may use the clauses if the contract amount is expected to be at or below the simplified acquisition threshold.

436.570 Emergency response, fire suppression and liability.

The contracting officer shall insert the clause at AGAR 452.236–70, Emergency Response, Fire Suppression and Liability, in Integrated Resource Service Contracts (IRSCs) awarded for the Forest Service. The clause AGAR 452.236–70, Emergency Response, Fire Suppression and Liability, is optional for non-IRSCs.

Subpart 436.6—Architect-Engineer Services

436.602 Selection of firms for architect-engineer contracts.

436.602–1 Selection criteria.

The Mission Area senior contracting official is authorized to approve the use of design competition under the conditions in FAR 36.602–1(b).

436.602–2 Evaluation boards.

The Mission Area senior contracting official shall establish written procedures for providing permanent or ad hoc architect-engineer evaluation boards as prescribed in FAR 36.602–2.

436.602–5 Short selection process for contracts not to exceed the simplified acquisition threshold.

The Mission Area senior contracting official may include either or both procedures in FAR 36.602–5(a) and (b) in the procedures for evaluation boards.

436.603 Collecting data on and appraising firm's qualifications.

Mission Area senior contracting officials for Mission Areas that require architect- engineer services shall establish procedures to comply with the requirements of FAR 36.603.

436.609 Contract clauses.

436.609–1 Design within funding limitations.

(a) Should the HCA appoint a designee to make the determination in FAR 36.609–1(c)(1), the appointment may be to one no lower than the official authorized to commit program funds for the work being acquired.

(b) The contracting officer, with the advice of appropriate technical representatives, may make the determination in FAR 36.609–1(c)(2) or (3).

PART 437—SERVICE CONTRACTING

Subpart 437.1—Service Contracts—General

Sec.
437.104 Personal services contracts.

Subpart 437.2—Advisory and Assistance Services

437.204 Guidelines for determining availability of personnel.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 437.1—Service Contracts—General

437.104 Personal services contracts.

USDA has the following specific statutory authorities to contract for personal services:

(a) Section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) authorizes contracting with persons or organizations on a temporary basis, without regard to civil service compensation classification standards in 5 U.S.C., chapter 51 and subchapter III of chapter 53, Provided:

(1) That no expenditures shall be made unless specifically provided for in the applicable appropriation, and

(2) Expenditures do not exceed any limitations prescribed in the appropriation.

(b) Title 7 U.S.C., section 1627 authorizes the Secretary of Agriculture to contract with technically qualified persons, firms or organizations to perform research, inspection, classification, technical, or other special services, without regard to the civil-service laws, Provided: it is for a temporary basis and for a term not to exceed six months in any fiscal year.

Subpart 437.2—Advisory and Assistance Services

437.204 Guidelines for determining availability of personnel.

The HCA is authorized to request the use of non-Government evaluators in

proposal evaluations. Each decision shall be supported by a written determination in accordance with FAR 37.204.

PARTS 438 THROUGH 441—[RESERVED]

SUBCHAPTER G—CONTRACT MANAGEMENT

PARTS 442 THROUGH 444—[RESERVED]

PART 445—GOVERNMENT PROPERTY

Subpart 445.1—General

Sec.
445.103 General.

Subpart 445.3—Authorizing the Use and Rental of Government Property

445.301 Use and rental.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 445.1—General

445.103 General.

The Mission Area senior contracting official is authorized to make determinations for charging rent on the basis of use under the Use and Charges clause in FAR 52.245–9 as prescribed in FAR 45.103(a)(5).

Subpart 445.3—Authorizing the Use and Rental of Government Property

445.301 Use and rental.

(a) The Mission Area senior contracting official is authorized to make determinations for providing facilities to contractors as prescribed in FAR 45.301(f).

(b) Requests for non-Government use of plant equipment as prescribed in FAR 45.301 shall be submitted by the HCA to the SPE for approval.

PARTS 446 THROUGH 448—[RESERVED]

PART 449—TERMINATION OF CONTRACTS

Subpart 449.5—Contract Termination Clauses

Sec.
449.501 General.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 449.5—Contract Termination Clauses

449.501 General.

Use of special purpose termination clauses pursuant to the authority of FAR 49.501 shall be approved in advance by the HCA.

PART 450—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

Subpart 450.1—Extraordinary Contractual Actions

Sec.
450.100 Definitions.
450.102 Delegation of and limitations on exercise of authority.
450.102–1 Delegation of authority.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 450.1—Extraordinary Contractual Actions

450.100 Definitions.

Approving authority, as used in this part, means the Assistant Secretary for Administration.

Secretarial level, as used in this part means the Assistant Secretary for Administration.

450.102 Delegation of and limitations on exercise of authority.

450.102–1 Delegation of authority.

The Assistant Secretary for Administration is authorized to approve all actions under FAR part 50 except indemnification actions listed in FAR 50.102–1(d), which must be approved by the Secretary, without power of redelegation.

PART 451—[RESERVED]

SUBCHAPTER H—CLAUSES AND FORMS

PART 452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 452.2—Texts of Provisions and Clauses

Sec.
452.204–70 Modification for Contract Closeout
452.204–71 Personal Identity Verification of Contractor Employees.
452.222–70 Labor Law Violations.
452.222–71 Past Performance Labor Law Violations.
452.232–70 Limitation of Government's Obligation.
452.236–70 Emergency Response, Fire Suppression, and Liability.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 452.2—Texts of Provisions and Clauses

452.204–70 Modification for Contract Closeout.

As prescribed in AGAR 404.804, 413.302–5, and 416.102, insert the following clause:

Modification for Contract Closeout (Month Year)

Upon contract closeout for contracts utilizing anything other than cost reimbursement (*i.e.,* Simplified Acquisition Procedures (SAP), non-SAP, and/or not Firm Fixed Price): if unobligated funds in the amount of $1000 or less remain on the contract, the Contracting Officer (CO) shall issue a unilateral modification for deobligation. The contractor will receive a copy of the modification but will not be required to provide a signature. The CO shall immediately proceed with contract closeout upon completion of the period of performance, receipt and acceptance of supplies or services, and final payment.

Upon contract closeout for contracts utilizing SAP: if unobligated funds of more than $1000 remain on the contract, the CO shall issue a bilateral modification for deobligation. The contractor will receive a copy of the modification and will be required to provide a signature. (The CO may also request a ''Contractor Release of Claims'' be completed by the contractor, although not required for contracts and orders using SAP procedures.) If the bilateral modification and Release of Claims are not returned to the CO within *60* days, the CO shall release the modification as unilateral and proceed with contract closeout upon completion of the period of performance, receipt and acceptance of supplies or services, and final payment.

Upon contract closeout for contracts utilizing anything other than cost reimbursement (*i.e.,* non-SAP and/or not FFP): if unobligated funds of more than $1000 remain on the contract, the CO shall issue a bilateral modification for deobligation. The contractor will receive a copy of the modification and a ''Contractor Release of Claims'' and will be required to provide a signature on both forms. If the bilateral modification and Release of Claims are not returned to the CO within *120* days, the CO shall release the modification as unilateral and proceed with contract closeout upon completion of the period of performance, receipt and acceptance of supplies or services, and final payment.

(End of Clause)

452.204–71 Personal Identity Verification of Contractor Employees.

As prescribed in AGAR 404.1303, insert the following clause:

Personal Identity Verification of Contractor Employees (Month Year)

(a) The contractor shall comply with the personal identity verification (PIV) policies and procedures established by the United States Department of Agriculture (USDA) Directives 4620–002 series.

(b) Should the USDA Directives 4620–002 require the exclusion of a contractor's employee, the contracting officer will notify the contractor in writing.

(c) The contractor must appoint a representative to manage compliance with the PIV policies established by the USDA Directives 4620–002 and to maintain a list of employees eligible for a USDA LincPass required for performance of the work.

(d) The responsibility of maintaining a sufficient workforce remains with the contractor. Contractor employees may be barred by the Government from performance of work should they be found ineligible or to have lost eligibility for a USDA LincPass. Failure to maintain a sufficient workforce of employees eligible for a USDA LincPass may be grounds for termination of the contract.

(e) The contractor shall insert this clause in all subcontracts when the subcontractor is required to have routine unaccompanied physical access to a Federally controlled facility and/or routine unaccompanied access to a Federally controlled information system.

(f) The PIV Sponsor for this contract is a designated program point of contact, which in most cases is the COR, unless otherwise specified in this contract. The PIV Sponsor will be available to receive contractor identity information from [hours and days to be added by CO] to [hours and days to be added by CO] at [office address for registration to be added by CO]. The Government will notify the contractor if there is a change in the PIV Sponsor, the office address, or the office hours for registration; however, it is the contractor's responsibility to meet all aspects of paragraphs (c), (d), and (e).

(End of Clause)

452.222–70 Labor Law Violations.

As prescribed in AGAR 422.7001, insert the following clause:

Labor Law Violations (Month Year)

In accepting this contract award, the contractor certifies that it is in compliance with all applicable labor laws and that, to the best of its knowledge, its subcontractors of any tier, and suppliers, are also in compliance with all applicable labor laws. The Department of Agriculture will vigorously pursue corrective action against the contractor and/or any tier subcontractor (or supplier) in the event of a violation of labor law(s) made in the provision of supplies and/or services under this or any other government contract. The contractor is responsible for promptly reporting to the contracting officer if and when adjudicated evidence of noncompliance occurs. The Department of Agriculture considers certification under this clause to be a certification for purposes of the False Claims Act. The Department will cooperate as appropriate regarding labor laws applicable to the contract which are enforced by other agencies. Applicable Labor Laws include:

(a) The Fair Labor Standards Act;

(b) The Occupational Safety and Health Act;

(c) The Migrant and Seasonal Agricultural Workers Protection Act;

(d) The National Labor Relations Act;

(e) The Davis-Bacon Act;

(f) The Service Contract Act;

(g) Executive Order 11246 (Equal Employment Opportunity);

(h) Section 503 of the Rehabilitation Act of 1973;

(i) The Vietnam Era Veterans' Readjustment Assistance Act;

(j) The Family and Medical Leave Act;

(k) Title VII of the Civil Rights Act of 1964;

(l) The Americans with Disabilities Act of 1990;

(m) The Age Discrimination in Employment Act of 1967;

(n) Executive Order 13658 of February 12, 2014 (Establishing a Minimum Wage for Contractors);

(o) Equivalent State laws, as defined by the Secretary of Labor in guidance.

(p) Executive Order 13627 (Strengthening Protections Against Trafficking in Persons in Federal Contracts)

The contractor and any subcontractors shall incorporate into lower tier subcontracts a requirement that the information described above be provided to the contractor.

(End of clause)

452.222–71 Past Performance Labor Law Violations.

As prescribed in AGAR 422.7002, insert the following clause:

Past Performance Labor Law Violations (Month Year)

In submitting this offer, the offeror (prospective contractor) certifies to the best of the offeror's knowledge and belief, that they, and any subcontractor at any tier, are in compliance with all previously required corrective actions for adjudicated labor law violations (see applicable labor laws in 452.222–70).

Prior to receiving an award, a contractor shall provide a list of the specific violations of the legal requirements listed above, if any, and be given an opportunity to disclose any steps taken to correct the violations of, or improve compliance with, such legal requirements. The contracting officer in coordination with their Mission Area senior contracting official will consider any information provided and determine whether a contractor is a responsible source that has a satisfactory record of integrity and business ethics. The contracting officer shall ensure that contractors update the information provided every 6 months and that they require their subcontractors to update them on the aforementioned information every 6 months.

The contractor and any subcontractors shall incorporate into lower-tier subcontracts a requirement that the information described above be provided to the contractor.

(End of Clause)

452.232–70 Limitation of Government's Obligation.

As prescribed in AGAR 432.703, insert the following clause:

Limitation of Government's Obligation (Month Year)

(a) Contract line item(s) listed below is/are incrementally funded. For this/these item(s), the sum of $ [Contracting Officer insert after negotiations] of the total price is presently available for payment and allotted to this contract. An allotment schedule is set forth in paragraph (j) below.

Line Item Price Currently Allotted Funding Funds Required for Complete Funding

(b) For item(s) identified in paragraph (a) as not fully funded, the Contractor agrees to perform up to the point at which the total amount payable by the Government, including reimbursement of costs in the event of termination of those item(s) for the Government's convenience, approximates the total amount currently allotted to the contract. The Contractor is not authorized to continue work on those item(s) beyond that point. The Government will not be obligated in any event to reimburse the Contractor more than the amount allotted to the contract for those item(s) regardless of anything to the contrary in the clause entitled ''Termination for Convenience of the Government''. The total amount payable by the Government in the event of termination of applicable contract line item(s) for convenience includes costs, profit, and estimated termination settlement costs for those item(s).

(c) Notwithstanding the dates specified in the allotment schedule in paragraph (j), the Contractor will notify the contracting officer in writing at least [30, 60, or 90, as appropriate] days prior to the date when, in the Contractor's best judgment, the work will reach the point at which the total amount payable by the Government, including any cost for termination for convenience, will approximate 85 percent of the total amount currently allotted to the contract for performance of the applicable item(s). The notification will state (1) the estimated date when that point will be reached and (2) an estimate of additional funding, if any, needed to continue performance of applicable line items up to the next scheduled date for allotment of funds identified in paragraph (j), or to a mutually agreed upon substitute date. The notification will also advise the contracting officer of the estimated amount of additional funds that will be required for the timely performance of the item(s) funded, for a subsequent period as may be specified in the allotment schedule in paragraph (j) or otherwise agreed to by the parties. If after such notification additional funds are not allotted by the date identified in the Contractor's notification, or by an agreed substitute date, the contracting officer will terminate any item(s) for which additional funds have not been allotted, pursuant to the clause of this contract entitled ''Termination for Convenience of the Government''.

(d) When additional funds are allotted for continued performance of the contract line item(s) identified in paragraph (a) above, the parties will agree as to the period of contract performance which will be covered by the funds. The provisions of paragraphs (b) through (d) will apply similarly to the additional allotted funds and agreed substitute date, and the contract will be modified accordingly.

(e) If, solely by reason of failure of the Government to allot additional funds, by the dates indicated below, in amounts sufficient for timely performance of the contract line item(s) identified in paragraph (a), the Contractor incurs additional costs or is delayed in the performance of the work under this contract and if additional funds are allotted, an equitable adjustment will be

made in the price or prices (including appropriate target, billing, and ceiling prices where applicable) of the item(s), or in the time of delivery, or both. Failure to agree to any such equitable adjustment hereunder will be a dispute concerning a question of fact within the meaning of the clause entitled ''Disputes.''

(f) The Government may at any time prior to termination allot additional funds for the performance of the contract line item(s) identified in paragraph (a) above.

(g) The termination provisions do not limit the rights of the Government under the clauses entitled ''Default'' and ''Termination for Cause''. The provisions are limited to the work and allotment of funds for the contract line item(s) set forth in paragraph (a) above. These terms no longer apply once the contract is fully funded except with regard to the rights or obligations of the parties concerning equitable adjustments negotiated under paragraphs (e) and (f) above.

(h) Nothing herein affects the right of the Government to terminate this contract pursuant to the clause of this contract entitled ''Termination for Convenience of the Government''.

(i) Nothing herein shall be construed as authorization of voluntary services whose acceptance is otherwise prohibited under 31 U.S.C. 1342.

(j) The parties agree that the Government will allot funds to this contract in accordance with the following schedule:

On execution of contract	$
(month) (day), (year)	$
(month) (day), (year)	$
(month) (day), (year)	$

(End of Clause)

452.236–70 Emergency Response, Fire Suppression, and Liability.

As prescribed in AGAR 436.570, the following clause shall be used in Forest Service Integrated Resource Service Contracts (IRSCs), and is optional for non-IRSCs:

Emergency Response, Fire Suppression and Liability (Month Year)

(a) *Contractor's Responsibility for Responding to Emergencies.* When directed by the contracting officer, the Contractor shall allow the Government to temporarily use employees and equipment from the work site for emergency work (anticipated to be restricted to firefighting). This is considered to be within the general scope of the contract. An equitable adjustment for the temporary use of employees and equipment will be made under the CHANGES clause, FAR 52.243–4.

(b) *Contractor's Responsibility for Fire Fighting.* The Contractor, under the provisions of FAR 52.236–9, Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements, shall immediately extinguish all fires on the work site other than those fires in use as a part of the work. The Contractor may be held liable for all damages and for all costs incurred by the Government for labor, subsistence, equipment, supplies, and transportation deemed necessary to control or suppress a fire set or caused by the Contractor or the Contractor's agents, subcontractors, or employees subject to the fire classifications listed in subsection (c).

(c) *Fire Suppression Costs.* The Contractor's obligations for cost of fire suppression vary according to three classifications of fires as follows:

(1) *Operations Fire.* An ''operations fire'' is a fire caused by the Contractor's operations other than a negligent fire. The Contractor agrees to reimburse the Forest Service for such cost for each operations fire, subject to a maximum dollar amount of [Contracting Officer insert amount]. The cost of the Contractor's actions, supplies, and equipment expended or used on suppressing any such fire, or otherwise provided at the request of Forest Service, shall be credited toward such maximum. If the Contractor's actual cost exceeds the contractor's maximum obligation stated above, the Forest Service shall reimburse the contractor for the excess.

(2) *Negligent Fire.* A ''negligent fire'' is a fire caused by the negligence or fault of the Contractor's operations including, but not limited to, one caused by smoking by persons engaged in the Contractor's operations during the course of their employment, or during rest or lunch periods; or if the Contractor's failure to comply with requirements under this contract results in a fire starting or permits a fire to spread. Damages and the cost of suppressing negligent fires shall be borne by the Contractor.

(3) *Other Fires on Contract Area.* The Forest Service shall pay the Contractor, at firefighting rates common in the area or at prior agreed rates, for equipment or personnel furnished by the Contractor at the request of the Forest Service, on any fire on the contract area other than an operations fire or a negligent fire.

(d) *Contractor's Responsibility for Notification in Case of Fire.* The Contractor shall immediately notify the Government of any fires sighted on or in the vicinity of the work site.

(e) *Performance by the Contractor.* Where the Contractor's employees, agents, contractors, subcontractors, or their employees or agents perform the Contractor's operations in connection with fire responsibilities, the Contractor's obligations shall be the same as if performance was by the Contractor.

(f) *State Law.* The Contractor shall not be relieved by the terms of this contract of any liability to the United States for fire suppression costs recovered in an action based on State law, except for such costs resulting from operations fires. Amounts due to the Contractor for firefighting expenditures on operations fires shall not be withheld pending settlement of any such claim or action based on State law.

(End of Clause)

PARTS 453 THROUGH 469—[RESERVED]

SUBCHAPTER I—FOOD ASSISTANCE PROGRAMS

PART 470—COMMODITY ACQUISITIONS

Sec.
470.000 Scope of part.
470.101 Definitions.
470.102 Policy.
470.103 United States origin of agricultural products.
470.201 Acquisition of commodities and freight shipment for Foreign Agricultural Service (FAS) programs.
470.202 Acquisition of commodities for United States Agency for International Development (USAID) programs.
470.203 Cargo preference.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

470.000 Scope of part.

This part sets forth the policies, procedures and requirements governing the procurement of agricultural commodities by the Department of Agriculture for use:

(a) Under child nutrition programs such as the National School Lunch Program, The Emergency Food Assistance Program, Commodity Supplemental Food Program, Food Distribution Program on Indian Reservations, and any other domestic food assistance program.

(b) Under Title II of the Food for Peace Act (7 U.S.C. 1721 *et seq.*), the Food for Progress Act of 1985, the McGovern-Dole International Food for Education and Child Nutrition Program, and any other international food assistance program.

470.101 Definitions.

The following definitions are applicable to this subpart:

Commingled product means grains, oilseeds, rice, pulses, other similar commodities and the products of such commodities, when such commodity or product is normally stored on a commingled basis in such a manner that the commodity or product produced in the United States cannot be readily distinguished from a commodity or product not produced in the United States.

Foreign Agriculture Service (FAS) means such agency located within the Department of Agriculture.

Free alongside ship (f.a.s.) (* named port of shipment)* means a term of sale where the seller fulfills its obligation to deliver when the goods have been placed alongside the vessel on the quay

or in lighters at the named port of shipment. The buyer bears all costs and risks of loss of or damage to the goods from that moment.

Grantee organization means an organization which will receive commodities from the United States Agency for International Development under Title II of the Food for Peace Act (7 U.S.C. 1721 *et seq.*) or from the Foreign Agricultural Service under the Food for Progress Act of 1985; the McGovern-Dole International Food for Education and Child Nutrition Program; and any other international food assistance program.

Ingredient means spices, vitamins, micronutrients, desiccants, and preservatives when added to an agricultural commodity product.

Last contract lay day means the last day specified in an ocean freight contract by which the carriage of goods must start for contract performance.

Lowest landed cost means with respect to an agricultural product acquired under this part, the lowest aggregate cost for the acquisition of such product and the shipment of such product to a foreign destination.

Multi-port or multi-trip voyage charter means the charter of an ocean carrier in which the carrier will stop at two or more ports to discharge cargo.

470.102 Policy.

(a) *Policy.* USDA follows the policies and procedures set forth in the FAR as supplemented by the AGAR, in the procurement of agricultural commodities and products of agricultural commodities that are used in domestic and international food assistance and nutrition programs.

(b) *Electronic submission.* To the maximum extent possible, the use of electronic submission of solicitation-related documents shall be used with respect to the acquisition of agricultural commodities and related freight. However, to the extent that a solicitation allows for the submission in paper or hard copy format in addition to information in an electronic format and there is a discrepancy in such submissions, the information submitted in paper or hard copy format shall prevail unless the electronic submission states that a specific existing written term is superseded by the electronic submission.

(c) *Freight.* With respect to the acquisition of freight for the shipment of agricultural commodities and products of agricultural commodities, the provisions of the FAR, including part 47, shall be utilized as applicable and various types of services to be obtained may include multi-trip voyage charters.

470.103 United States origin of agricultural products.

(a) *Products for use in international food assistance programs.* As provided by 7 U.S.C. 1732(2) and 1736o–1(a) commodities and the products of agricultural commodities acquired for use in international feeding and development programs shall be products of United States origin. A product shall not be considered to be a product of the United States if it contains any ingredient that is not produced in the United States if that ingredient is:

(1) Produced in the United States; and

(2) Commercially available in the United States at fair and reasonable prices from domestic sources.

(b) *Products for use in domestic food assistance programs.* Commodities and the products of agricultural commodities acquired by USDA for use in domestic food assistance programs shall be a product of the United States, except as may otherwise be required by law, and shall be considered to be such a product if it is grown, processed, and otherwise prepared for sale or distribution exclusively in the United States except with respect to ingredients as defined above. Ingredients from non-domestic sources will be allowed to be utilized as a United States product if such ingredients are not otherwise:

(1) Produced in the United States; and

(2) Commercially available in the United States at fair and reasonable prices from domestic sources.

(c) *Commingled product.* (1) Except as provided in paragraph (c)(2) of this section, a commingled product shall be considered to be a product of the United States if the offeror can establish that the offeror has in inventory at the time the contract for the commodity or product is awarded to the offeror, or obtains during the contract performance period specified in the solicitation, or a combination thereof, a sufficient quantity of the commodity or product that was produced in the United States to fulfill the contract being awarded, and all unfulfilled contracts that the offeror entered into to provide such commingled product to the United States.

(2) To the extent USDA has determined a commodity is one that is generally commingled but is also one which can be readily stored on an identity preserved basis with respect to its country of origin, USDA may require that the commodity procured shall be of 100 percent United States origin.

(d) *Product derived from animals.* With respect to the procurement of products derived from animals, the solicitation will set forth any specific requirement that is applicable to the country in which the animal was bred, raised, slaughtered or further processed.

470.201 Acquisition of commodities and freight shipment for Foreign Agricultural Service (FAS) programs.

(a) Lowest landed cost and delivery considerations.

(1) Except as provided in paragraphs (a)(3) and (4) of this section, in contracts for FAS for commodities and related freight shipment for delivery to foreign destinations, the contracting officer shall consider the lowest landed cost of delivering the commodity to the intended destination. This lowest landed cost determination will be calculated on the basis of rates and service for that portion of the commodities being purchased that is determined is necessary and practicable to meet cargo preference requirements and on an overall (foreign and U.S. flag) basis for the remaining portion of the commodities being procured and the additional factors set forth in this section. Accordingly, the solicitations issued with respect to a commodity procurement, or a related freight procurement will specify that in the event an offer submitted by a party is the lowest offered price, the contracting officer reserves the right to reject such offer if the acceptance of another offer for the commodity or related freight, when combined with other offers for commodities or related freight, results in a lower landed cost.

(2) USDA may contact any port prior to award to determine the port's cargo handling capabilities, including the adequacy of the port to receive, accumulate, handle, store, and protect the cargo. Factors considered in this determination may include, but not be limited to: The adequacy of building structures, proper ventilation, freedom from insects and rodents, cleanliness, and overall good housekeeping and warehousing practices. USDA may consider the use of another coastal range or port if a situation exists at a port that may adversely affect the ability of USDA to have the commodity delivered in a safe and timely manner. Such situations include:

(i) A port is congested;

(ii) Port facilities are overloaded;

(iii) A vessel would not be able to dock and load cargo without delay;

(iv) Labor disputes or lack of labor may prohibit the loading of the cargo onboard a vessel in a timely manner; or

(v) Other similar situation that may adversely affect the ability of USDA to have the commodity delivered in a timely manner.

(3) Use of other than lowest landed cost. In order to ensure that commodities are delivered in a timely fashion to foreign destinations and without damage, the contracting officer may award an acquisition without regard to the lowest land cost process set forth in paragraph (a)(1) of this section if:

(i) The solicitation specifies that the lowest land cost process will not be followed in the completion of the contract; or

(ii) After issuance of the solicitation, it is determined that:

(A) Internal strife at the foreign destination or urgent humanitarian conditions threatens the lives of persons at the foreign destination;

(B) A specific port's cargo handling capabilities (including the adequacy of the port to receive, accumulate, handle, store, and protect commodities) and other similar factors may adversely affect the delivery of such commodities through damage or untimely delivery. Such similar factors include, but are not limited to: Port congestion; overloaded facilities at the port; vessels not being able to dock and load cargo without delay due to conditions at the port; labor disputes or lack of labor may prohibit the loading of the cargo onboard a vessel in a timely manner; and the existence of inadequate or unsanitary warehouse and other supporting facilities;

(C) The total transit time of a carrier, as it relates to a final delivery date at the foreign destination may impair the timely delivery of the commodity;

(D) Other similar situations arise that materially affect the administration of the program for which the commodity or freight is being procured; or

(E) The contracting officer determines that extenuating circumstances preclude awards on the basis of lowest-landed cost, or that efficiency and cost-savings justify use of types of ocean service that would not involve an analysis of freight. However, in all such cases, commodities would be transported in compliance with cargo preference requirements. Other types of services may include, but are not limited to, multi-trip voyage charters, indefinite delivery/indefinite quantity (IDIQ), delivery cost and freight (C & F), delivery cost insurance and freight (CIF), and indexed ocean freight costs.

(4) If the contracting officer determines that action may be appropriate under paragraph (a)(3) of this section, prior to the acceptance of any applicable offer, the contracting officer will provide to the Head of Contracting Activity or Designee a written request to obtain commodities and freight in a manner other than on a lowest landed cost basis consistent with title 48 of the CFR. This request shall include a statement of the reasons for not using lowest landed cost basis. The HCA, or the designee one level above the contracting officer, may either accept or reject this request and shall document this determination.

(b) *Multiple offers or delivery points.* If more than one offer for the sale of commodities is received or more than one delivery point has been designated in such offers, in order to achieve a combination of a freight rate and commodity award that produces the lowest landed cost for the delivery of the commodity to the foreign destination, the contracting officer shall evaluate offers submitted on a delivery point by delivery point basis; however, consideration shall be given to prioritized ocean transport service in determining lowest landed cost.

(c) *Freight shipping and rates.* (1) In determining the lowest-landed cost, USDA shall use the freight rates offered in response to solicitations issued by USDA or, if applicable, the grantee organization.

(2) Freight rates offered must be submitted as specified in the solicitation issued by USDA or, if applicable, the grantee organization. Any such solicitation issued by a grantee organization must contain the following elements:

(i) If directed by USDA, include a closing time for the receipt of written freight offers and state that late written freight offers will not be considered;

(ii) Provide that freight offers are required to have a canceling date no later than the last contract lay day specified in the solicitation;

(iii) Provide the same deadline for receipt of written freight offers from both U.S. flag vessel and non-U.S. flag vessels; and

(iv) Be received and opened prior to any related offer for acquisition of commodities to be shipped.

(3) USDA may require organizations that will receive commodities from USDA to submit information relating to the capacity of a U.S. port, or, if applicable, a terminal, prior to the acquisition of such commodities or freight.

(d) *Freight rate notification.* If USDA is not the party procuring freight with respect to a shipment of an agricultural commodity for delivery to a foreign destination, the organization that will receive commodities from USDA, or its shipping agent, shall be notified by USDA of the vessel freight rate used in determining the commodity contract award and the organization will be responsible for finalizing the charter or booking contract with the vessel representing the freight rate.

470.202 Acquisition of commodities for United States Agency for International Development (USAID) programs.

(a) *Lowest landed cost and delivery considerations.* (1) Except as provided in paragraphs (a)(3) and (e)(2) of this section, with respect to the acquisition of agricultural commodities for delivery to foreign destinations and related freight to transport such commodities under Title II of Public Law 83–480, contracts will be entered into in a manner that will result in the lowest landed cost of such commodity delivery to the intended destination. This lowest landed cost determination shall be calculated on the basis of rates and service for that portion of the commodities being purchased that is determined is necessary and practicable to meet cargo preference requirements and on an overall (foreign and U.S. flag) basis for the remaining portion of the commodities being procured and the additional factors set forth in this section. Accordingly, the solicitations issued with respect to a commodity procurement, or a freight procurement will specify that in the event an offer submitted by a party is the lowest offered price, the contracting officer reserves the right to reject such offer if the acceptance of another offer for the commodity or freight, when combined with other offers for commodities or freight, results in a lower landed cost.

(2) USDA may contact any port prior to award to determine the port's cargo handling capabilities, including the adequacy of the port to receive, accumulate, handle, store, and protect the cargo. Factors which will be considered in this determination will include, but not be limited to, the adequacy of building structures, proper ventilation, freedom from insects and rodents, cleanliness, and overall good housekeeping and warehousing practices. USDA may consider the use of another coastal range or port if a situation exists at a port that may adversely affect the ability of USDA to have the commodity delivered in a safe and/or timely manner. Such situations include:

(i) A port is congested;

(ii) Port facilities are overloaded;

(iii) A vessel would not be able to dock and load cargo without delay;

(iv) Labor disputes or lack of labor may prohibit the loading of the cargo onboard a vessel in a timely manner; or

(v) Other similar situation that may adversely affect the ability of the

Department to have the commodity delivered in a timely manner.

(3) In order to ensure that commodities are delivered in a timely fashion to foreign destinations and without damage, USDA may complete an acquisition without regard to the lowest land cost process set forth in paragraph (a)(1) of this section, if:

(i) The solicitation specifies that the lowest land cost process will not be followed in the completion of the contract; or

(ii) After issuance of the solicitation, it is determined that:

(A) Internal strife at the foreign destination or urgent humanitarian conditions threatens the lives of persons at the foreign destination;

(B) A specific port's cargo handling capabilities (including the adequacy of the port to receive, accumulate, handle, store, and protect commodities) and other similar factors will adversely affect the delivery of such commodities without damage or in a timely manner. Such similar factors include, but are not limited to: Port congestion; overloaded facilities at the port; vessels would not be able to dock and load cargo without delay; labor disputes or lack of labor may prohibit the loading of the cargo onboard a vessel in a timely manner; and the existence of inadequate or unsanitary warehouse and other supporting facilities;

(C) The total transit time of a carrier, as it relates to a final delivery date at the foreign destination may impair the ability of USDA to achieve timely delivery of the commodity; or

(D) Other similar situations arise that materially affect the administration of the program for which the commodity or freight is being procured.

(4) If the contracting officer determines that action may be appropriate under paragraph (a)(3) of this section, prior to the acceptance of any applicable offer, the contracting officer shall provide to the HCA or Designee and to USAID, a written request to obtain commodities and freight in a manner other than on a lowest landed cost basis. This request shall include a statement of the reasons for not using lowest landed cost basis. The HCA or Designeeone level above the contracting officer, with the concurrence of USAID, shall, on an expedited basis, either accept or reject this request and shall document this determination in writing and provide a copy to USAID.

(b) *Freight shipping and rates.* (1) In determining lowest-landed cost as specified in paragraph (a) of this section, USDA shall use vessel rates offered in response to solicitations issued by USAID or grantee organizations receiving commodities under 7 U.S.C. 1721 *et seq.*

(2) USAID may require, or direct a grantee organization to require, an ocean carrier to submit offers electronically through a Web-based system maintained by USDA. If electronic submissions are required, USDA may, at its discretion, accept corrections to such submissions that are submitted in a written form other than by use of such Web-based system.

(c) *Delivery date.* The contracting officer shall consider total transit time, as it relates to a final delivery date, in order to satisfy program requirements for Title II of Public Law 83–480.

(d) *Multiple awards or delivery points.* (1) If more than one offer for the sale of commodities is received or more than one delivery point has been designated in such offers, in order to achieve a combination of a freight rate and commodity award that produces the lowest landed cost for the delivery of the commodity to the foreign destination, the contracting officer shall evaluate offers submitted on a delivery point by delivery point basis; however, consideration shall be given to prioritized ocean transport service in determining lowest landed cost.

(2) The contracting officer may determine that extenuating circumstances preclude awards on the basis of lowest landed cost. However, in all such cases, commodities may be transported in compliance with cargo preference requirements as determined by USAID.

(3) The contracting officer shall notify USAID or, if applicable, the grantee organization, that its shipping agent will be notified of the vessel freight rate used in determining the commodity contract award. The grantee organization or USAID will be responsible for finalizing the charter or booking contract with the vessel representing the freight rate so used.

470.203 Cargo preference.

An agency having responsibility under this subpart shall administer its programs, with respect to this subpart, in accordance with regulations prescribed by the Secretary of Transportation.

PARTS 471 THROUGH 499—[RESERVED]

Tiffany J. Taylor,

Senior Procurement Executive (SPE), Director, Office of Contracting and Procurement.

[FR Doc. 2022–01751 Filed 2–16–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No.: 220210–0044]

RIN 0648–BL14

Pacific Halibut Fisheries; Catch Sharing Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to approve changes to the Pacific Halibut Catch Sharing Plan for the International Pacific Halibut Commission's regulatory Area 2A off of Washington, Oregon, and California. In addition, NMFS proposes to implement management measures governing the 2022 recreational fisheries that are not implemented through the International Pacific Halibut Commission. These measures include the recreational fishery seasons, quotas, and management measures for Area 2A. These actions are intended to conserve Pacific halibut and provide angler opportunity where available.

DATES: Comments on the proposed rule must be received on or before March 4, 2022.

ADDRESSES: Submit your comments, identified by NOAA–NMFS–2022–0003, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0003 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Barry Thom, c/o Kathryn Blair, West Coast Region, NMFS, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232.

Instructions: NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post them for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender is publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in

the required fields if you wish to remain anonymous).

Docket: This rule is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information and documents are available at the NMFS West Coast Region website at *https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/fisheries-management-west-coast* and at the Council's website at *http://www.pcouncil.org.* Other comments received may be accessed through *Regulations.gov.*

NMFS prepared a draft Environmental Assessment for this action pursuant to the National Environmental Policy Act. This draft can be viewed on NMFS' website at *https://www.fisheries.noaa.gov/west-coast/laws-and-policies/west-coast-region-national-environmental-policy-act-documents.* In order to comment on the Environmental Assessment, submit all public comments to Joshua Lindsay at *joshua.lindsay@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Kathryn Blair, phone: 503–231–6858, fax: 503–231–6893, or email: *kathryn.blair@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Northern Pacific Halibut Act of 1982 (Halibut Act), 16 U.S.C. 773–773k, gives the Secretary of Commerce (Secretary) responsibility for implementing the provisions of the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Halibut Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979). The Halibut Act requires that the Secretary adopt regulations to carry out the purposes and objectives of the Halibut Convention and Halibut Act (16 U.S.C. 773c). Additionally, as provided in the Halibut Act, the Regional Fishery Management Councils having authority for the geographic area concerned may develop, and the Secretary of Commerce may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved International Pacific Halibut Commission (IPHC) regulations (16 U.S.C. 773c(c)).

At its annual meeting January 24–28, 2022, the IPHC recommended an Area 2A catch limit. This catch limit is derived from the total constant exploitation yield (TCEY) for Pacific halibut, which includes commercial discards and bycatch estimates calculated using a formula developed by the IPHC. As provided in the Halibut Act at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations recommended by the IPHC in accordance with the Convention. Following acceptance by the Secretary of State, the annual management measures promulgated by the IPHC are published in the **Federal Register** to provide notice of their immediate regulatory effectiveness and to inform persons subject to the regulations of their restrictions and requirements (50 CFR 300.62). Subject to acceptance by the Secretary of State with concurrence by the Secretary of Commerce, this proposed rule contains 2022 subarea quotas based on the Area 2A catch limit as recommended by the IPHC.

Since 1988, the Pacific Fishery Management Council (Council) has developed and NMFS has approved annual Catch Sharing Plans that allocate the IPHC regulatory Area 2A Pacific halibut catch limit between treaty Indian and non-Indian harvesters, and among non-Indian commercial and recreational (sport) fisheries. In 1995, the Council recommended, and NMFS approved a long-term Area 2A Catch Sharing Plan (60 FR 14651; March 20, 1995). NMFS has been approving adjustments to the Area 2A Catch Sharing Plan based on Council recommendations each year to address the changing needs of these fisheries. While the full Catch Sharing Plan is not published in the **Federal Register**, it is made available on the Council and NMFS websites.

This rule proposes to approve the Council's recommended changes to the Catch Sharing Plan for IPHC regulatory Area 2A. The 2022 Catch Sharing Plan was developed through the Council's public process. This rule would implement recreational Pacific halibut fishery management measures for 2022, which include season opening and closing dates. These management measures are consistent with the recommendations made by the Council in the 2022 Catch Sharing Plan and are detailed below.

Proposed Changes to the 2021 Area 2A Catch Sharing Plan

Each year at the Council's September meeting, members of the public have an opportunity to propose changes to the Catch Sharing Plan for consideration by the Council. At the September 2021 Council meeting, Washington Department of Fish and Wildlife (WDFW) and Oregon Department of Fish and Wildlife (ODFW) proposed changes to the Catch Sharing Plan. The Council voted to solicit public input on the changes recommended by WDFW and ODFW. WDFW and ODFW subsequently held public workshops on the proposed changes.

At its November 2021 meeting, the Council considered the results of the state-sponsored workshops on the proposed changes to the Catch Sharing Plan, along with public input provided at the 2021 September and November Council meetings, and made its recommendations for modifications to the Catch Sharing Plan. NMFS proposes to approve all of the Council's recommended changes to the Catch Sharing Plan, which are discussed below.

1. Section 6.8.1(c) of the Catch Sharing Plan stipulates that if any of the recreational fishery subareas north of Cape Falcon, Oregon are not projected to utilize their subarea quota by September 30, NMFS may take inseason action to transfer any projected unused quota to another Washington subarea. The Council recommended removing the September 30 date for taking inseason action. Removing this date would allow projected unused quota in one subarea to be transferred to another subarea for potential harvest earlier in the season (prior to September 30th), allowing for the potential of more open days and thereby provide more opportunity to anglers to achieve the quota. This provision is also codified at 50 CFR 300.63(c)(1)(iii), and this action proposes to remove the September 30 date in Federal regulations.

2. In section 6.9 and 6.11 of the Catch Sharing Plan, the Council recommended adding additional text clarifying that a management objective for the Washington and Oregon recreational fisheries is to establish season structures for each subarea that maximize fishing opportunity and achieve but not exceed subarea quotas. However, flexibility through timely inseason action, such as adding additional fishing days or shifting allocation between subareas, may be necessary to achieve the overall Washington and Oregon state recreational quotas.

3. In sections 6.9.1(d), 6.9.2(d), 6.9.3(d), and 6.10(d) of the Catch Sharing Plan, the Council recommended revising the season structure to allow the Washington and Columbia River subareas to be open for up to five days per week during August and September. The subareas will continue to be open for up to three days per week in April, May, and June. This change would provide more opportunity to achieve the

subarea allocation by allowing the subareas to be open more days later in the season.

4. In section 6.9.1(f) of the Catch Sharing Plan, the Council recommended additional text clarifying that if the Puget Sound subarea season is closed prior to September 30, and there is insufficient quota for an additional fishing day, then any remaining Puget Sound subarea quota may be transferred inseason to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline. This reiterates text at 6.8.1(c). NMFS would make this and other inseason actions in accordance with regulations at 300.63(c).

5. In section 6.11.1(d) of the Catch Sharing Plan, the Council recommended adding quota-based thresholds for setting open days in the Oregon Central Coast subarea's spring and summer all-depth fisheries. Specifically, if the Central Coast spring all-depth allocation based on the Catch Sharing Plan framework is greater than 100,000 pounds (45.36 metric tons (mt)), NMFS will set season dates such that the all-depth fishery may be open for up to seven days per week every week starting with the second Thursday in May through June 30, except that NMFS may skip certain weeks to avoid adverse tides. After June 30, the all-depth fishery will be open every other week. If after the first Central Coast summer all-depth opening (first Thursday through Saturday in August), NMFS estimates that there is 60,000 pounds (27.22 mt) or more remaining on the Central Coast combined nearshore and all-depth quotas, NMFS may open the all-depth fishery for up to seven days per week beginning September 1. This change would increase angler opportunity by allowing the Central Coast fisheries to be open for more days in years with a higher allocation.

6. In section 6.11.1 and 6.11.2, the Council recommended that, at the conclusion of the Oregon Central Coast spring all-depth season, IPHC, NMFS, the Council, and ODFW consult to determine whether increasing the bag limit to two fish is warranted, with the intent of achieving the subarea quota by September 30. If the bag limit change is made for the Central Coast subarea, it would also apply to the Southern Oregon subarea at the same time. This change would increase angler opportunity to achieve the Central Coast and Southern Oregon subareas allocation by increasing the bag limit earlier in the season.

Additional discussion of these changes is included in the materials submitted to the Council at its September and November meetings, available at *https://www.pcouncil.org/council-meetings/previous-meetings/*. A version of the Catch Sharing Plan including these changes can be found at *https://www.pcouncil.org/managed_fishery/pacific-halibut/*.

Proposed 2022 Recreational Fishery Management Measures

As described above, NMFS also proposes to implement recreational fishery management measures, including season dates for the 2022 fishery, consistent with the Council's recommendations in the 2022 Catch Sharing Plan. The Catch Sharing Plan includes a framework for setting days open for fishing by subarea; under this framework, each state submits final recommended season dates annually to NMFS during the proposed rule comment period. However, this proposed rule contains preliminary dates based either on the Catch Sharing Plan framework and/or recommendations received to date. In the final rule, NMFS will implement dates based on public comment, including comments from Oregon and California after each state has concluded its public meetings gathering input on season dates.

The final rule must be effective by April 7, in time for the start of recreational Pacific halibut fisheries. The 2022 Catch Sharing Plan provides the framework for the annual management measures and subarea allocations based on the 2022 Area 2A catch limit for Pacific halibut. The season dates and annual management measures in this rule were developed through the Council where the public had the opportunity to participate. In order to ensure that these management measures are effective in time for the start of the recreational fisheries on April 7, NMFS will solicit public comments on this proposed rule for 15 days.

NMFS proposes the following Area 2A recreational fishery management measures consistent with the Council's Catch Sharing Plan. After the opportunity for public comment, NMFS will publish a final rule approving the Catch Sharing Plan and promulgating the annual management measures for the Area 2A recreational fishery, as required by implementing regulations at 50 CFR 300.63(b)(1). If there is any discrepancy between the Catch Sharing Plan and Federal regulations, Federal regulations take precedence.

2022 Annual Recreational Management Measures

The recreational fishing subareas, quotas, fishing dates, and daily bag limits are as follows, except as modified under the inseason actions consistent with 50 CFR 300.63(c). All recreational fishing in Area 2A is managed on a ''port of landing'' basis, whereby any halibut landed into a port counts toward the quota for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch.

Washington Puget Sound and the U.S. Convention Waters in the Strait of Juan de Fuca

The quota for the area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line extending from 48°17.30′ N lat., 124°23.70′ W long. north to 48°24.10′ N lat., 124°23.70′ W long., is 83,210 lb (37.74 mt).

(a) The fishing seasons are:

(i) For the area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line at approximately 123°49.60′ W long., NMFS is proposing to open the fishery on April 7–9, 14–16, 21–23, 28–30; May 5–7, 12–14, 19–21, 27–29; June 2–4, 9–11, 16–18, 23–25, and 30. If unharvested quota remains after June 30, NMFS may take inseason action to reopen the fishery August 18 through September 30, up to five days per week, on Thursday, Friday, Saturday, Sunday, and Monday of each week, or until there is not sufficient quota for another full day of fishing and the area is therefore closed. Any closure will be announced in accordance with Federal regulations at 50 CFR 300.63(c) and on the NMFS hotline at (206) 526–6667 or (800) 662–9825.

(ii) For the area in U.S. waters in the Strait of Juan de Fuca, approximately between 124°23.70′ W long. and 123°49.60′ W long., NMFS is proposing to open the fishery on May 5, 7, 12, 14, 19, 21, 27–29; June 2–4, 9–11, 16–18, 23–25, and 30. If unharvested quota remains after June 30, NMFS may take inseason action to reopen the fishery August 18 through September 30, up to five days per week, on Thursday, Friday, Saturday, Sunday, and Monday of each week, or until there is not sufficient quota for another full day of fishing and the area is therefore closed. Any closure will be announced in accordance with Federal regulations at 50 CFR 300.63(c) and on the NMFS hotline at (206) 526–6667 or (800) 662–9825.

(b) The daily bag limit is one halibut of any size per day per person.

Washington North Coast Subarea

The quota for landings into ports in the area off the north Washington coast, west of a line at approximately 124°23.70′ W long. and north of the Queets River (47°31.70′ N lat.), is 133,847 lb (60.71 mt).

(a) The fishing seasons are:

(i) NMFS is proposing to open the fishery on May 5, 7, 12, 14, 19, 21, 27, and 29; June 2, 4, 9, 11, 16, 18, 23, 25, and 30. If unharvested quota remains after June 30, NMFS may take inseason action to reopen the fishery August 18 through September 30, up to five days per week, on Thursday, Friday, Saturday, Sunday, and Monday of each week, or until there is not sufficient quota for another full day of fishing and the area is therefore closed. Any closure will be announced in accordance with Federal regulations at 50 CFR 300.63(c) and on the NMFS hotline at (206) 526–6667 or (800) 662–9825.

(b) The daily bag limit is one halibut of any size per day per person.

(c) Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing with recreational gear in the North Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the North Coast Recreational YRCA with or without halibut on board. The North Coast Recreational YRCA is defined in groundfish regulations at 50 CFR 660.70(b).

Washington South Coast Subarea

The quota for landings into ports in the area between the Queets River, WA (47°31.70′ N lat.), and Leadbetter Point, WA (46°38.17′ N lat.), is 68,555 lb (31.10 mt).

(a) This subarea is divided between the all-depth fishery (the Washington South coast primary fishery), and the incidental nearshore fishery in the area from 47°31.70′ N lat. south to 46°58.00′ N lat. and east of a boundary line approximating the 30-fm (55-m) depth contour. This area (the Washington South coast northern nearshore area) is defined by straight lines connecting all of the following points in the order stated as described by the following coordinates:

(1) 47°31.70′ N lat, 124°37.03′ W long;
(2) 47°25.67′ N lat, 124°34.79′ W long;
(3) 47°12.82′ N lat, 124°29.12′ W long;
(4) 46°58.00′ N lat, 124°24.24′ W long.

NMFS is proposing to open the primary fishery on May 5, 8, 12, 15, 19, 22, and 26; June 16, 19, 23, and 26, or until there is not sufficient quota for another full day of fishing and the area is therefore closed. If unharvested quota remains after June 30, NMFS may take inseason action to reopen the fishery August 19 and/or September 23. Any closure will be announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825. The fishing season in the Washington South Coast northern nearshore area commences the Saturday subsequent to the closure of the primary fishery in May or June if quota remains in the Washington South Coast subarea allocation, and continues seven days per week until 68,555 lb (31.10 mt) is projected to be taken by the two fisheries combined and the fishery is therefore closed or on September 30, whichever is earlier. If the fishery is closed prior to September 30, or there is insufficient quota remaining to reopen the Washington South coast, northern nearshore area for another fishing day, then any remaining quota may be transferred in-season to another Washington coastal subarea by NMFS, in accordance with Federal regulations at 50 CFR 300.63(c).

(b) The daily bag limit is one halibut of any size per day per person.

(c) Seaward of the boundary line approximating the 30-fm (55-m) depth contour and during days open to the primary fishery, lingcod may be taken, retained and possessed when allowed by groundfish regulations at 50 CFR 660.360(c).

(d) Recreational fishing for groundfish and halibut is allowed within the South Coast Recreational YRCA and Westport Offshore Recreational YRCA. The South Coast Recreational YRCA is defined at 50 CFR 660.70(e). The Westport Offshore Recreational YRCA is defined at 50 CFR 660.70(f).

Columbia River Subarea

The quota for landings into ports in the area between Leadbetter Point, WA (46°38.17′ N lat.), and Cape Falcon, OR (45°46.00′ N lat.), is 19,037 lb (8.64 mt).

(a) This subarea is divided into an all-depth fishery and a nearshore fishery. The nearshore fishery is allocated 500 lb (0.23 mt) of the subarea allocation. The nearshore fishery extends from Leadbetter Point (46°38.17′ N lat., 124°15.88′ W long.) to the Columbia River (46°16.00′ N lat., 124°15.88′ W long.) by connecting the following coordinates in Washington: 46°38.17′ N lat., 124°15.88′ W long. 46°16.00′ N lat., 124°15.88′ W long., and connecting to the boundary line approximating the 40-fm (73-m) depth contour in Oregon. NMFS is proposing to open the nearshore fishery May 9, and continue on Monday, Tuesday, and Wednesday each week until the nearshore allocation is taken, or on September 30, whichever is earlier. NMFS is proposing to open the all-depth fishery on May 5, 8, 12, 15, 19, 22, and 26; June 2, 5, 9, 12, 16, 19, 23, 26, and 30, or until there is not sufficient quota for another full day of fishing and the area is therefore closed. If unharvested quota remains after June 30, NMFS may take inseason action to reopen the fishery on August 19 and/or September 23. Any closure will be announced on the NMFS hotline at (206) 526–6667 or (800) 662–9825. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS, in accordance with Federal regulations at 50 CFR 300.63(c). Any remaining quota would be transferred to each state in proportion to the allocation formula in the Catch Sharing Plan.

(b) The daily bag limit is one halibut of any size per day per person.

(c) Pacific Coast groundfish may not be taken and retained, possessed or landed when halibut are on board the vessel, except sablefish, Pacific cod, flatfish species, yellowtail rockfish, widow rockfish, canary rockfish, redstripe rockfish, greenstriped rockfish, silvergray rockfish, chilipepper, bocaccio, blue/deacon rockfish, and lingcod caught north of the Washington-Oregon border (46°16.00′ N lat.) may be retained when allowed by Pacific Coast groundfish regulations at 50 CFR 660.360, during days open to the all-depth Pacific halibut fishery. Long-leader gear (as defined at 50 CFR 660.351) may be used to retain groundfish during the all-depth Pacific halibut fishery south of the Washington-Oregon border, when allowed by Pacific Coast groundfish regulations at 50 CFR 660.360.

(d) Taking, retaining, possessing, or landing halibut on groundfish trips is allowed in the nearshore area on days not open to all-depth Pacific halibut fisheries.

Oregon Central Coast Subarea

The quota for landings into ports in the area off Oregon between Cape Falcon (45°46.00′ N lat.) and Humbug Mountain (42°40.50′ N lat.), is 269,782 lb (122.37 mt).

(a) The fishing seasons are:

(i) NMFS is proposing to open the nearshore fishery on May 1, seven days per week, in the area shoreward of a boundary line approximating the 40-fm

(73-m) depth contour, or until the sub-quota for the central Oregon nearshore fishery of 32,374 lb (14.68 mt), or any inseason revised quota is estimated to have been taken and the season is therefore closed, or on October 31, whichever is earlier. The boundary line approximating the 40-fm (73-m) depth contour between 45°46.00′ N lat. and 42°40.50′ N lat. is defined at 50 CFR 660.71(o).

(ii) If the spring all-depth quota is greater than 100,000 lbs, NMFS is proposing to open the spring all-depth fishery May 12 up to seven days per week through June 30, then open every other week. If the quota is 100,000 lbs or less, NMFS is proposing to open the fishery either May 12 and remain open Thursday through Saturday every week, or May 13 and remain open Friday and Saturday every week, until July 31 or until there is not sufficient quota for another full day of fishing and the area is therefore closed. The allocation to the all-depth fishery is 169,963 lb (77.09 mt).

(iii) NMFS is proposing to open the summer all-depth fishery on August 5–6, 18–20; September 1–3, 15–17, September 29–October 1, 13–15, and 27–29; or until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, are estimated to have been taken and the area is therefore closed. NMFS, in accordance with notice procedures in Federal regulations at 50 CFR 300.63(c)(3), will announce on the NMFS hotline (206) 526–6667 or (800) 662–9825 in July whether the fishery will re-open for the summer season in August. Additional fishing days may be opened if enough quota to allow for additional days of fishing remains after the last day of the first scheduled open period. If, after this date, an amount greater than or equal to 60,000 lb (27.2 mt) remains in the combined nearshore, spring, and summer quota, NMFS may take inseason action to reopen the fishery every Thursday, Friday and Saturday, beginning August 4, 5, and 6, and/or the fishery may be open up to 7 days a week beginning September 1, ending when there is insufficient quota remaining or October 31, whichever is earlier. If after the September 6 an amount greater than or equal to 30,000 lb (13.6 mt) remains in the combined nearshore, spring, and summer quota, and the fishery is not already open every Thursday, Friday and Saturday, NMFS may take inseason action to re-open the fishery every Thursday, Friday and Saturday, beginning September 8, 9, and 10, through October 31, until there is not sufficient quota for another full day of fishing and the area is closed. At the conclusion of the spring all-depth season, NMFS may increase the bag limit to two fish of any size per person, per day. NMFS, in accordance with notice procedures at 50 CFR 300.63(c)(3), will announce on the NMFS hotline (206) 526–6667 or (800) 662–9825 whether the summer all-depth fishery will be open on such additional fishing days, what days the fishery will be open, and what the bag limit is.

(b) The daily bag limit is one halibut of any size per day per person, unless otherwise specified through inseason action. NMFS, in accordance with notice procedures at 50 CFR 300.63(c)(3), will announce on the NMFS hotline (206) 526–6667 or (800) 662–9825 any bag limit changes.

(c) During days open to all-depth halibut fishing when the groundfish fishery is restricted by depth, when halibut are on board the vessel, no groundfish, except sablefish, Pacific cod, and other species of flatfish (sole, flounder, sanddab), may be taken and retained, possessed or landed, except with long-leader gear (as defined at § 660.351), when allowed by groundfish regulations. During days open to all-depth halibut fishing when the groundfish fishery is open to all depths, any groundfish species permitted under the groundfish regulations may be retained, possessed or landed if halibut are on board the vessel. During days only open to nearshore halibut fishing, flatfish species may not be taken and retained seaward of the 40-fm (73-m) depth contour if halibut are on board the vessel.

(d) When the all-depth halibut fishery is closed and halibut fishing is permitted only shoreward of a boundary line approximating the 40-fm (73-m) depth contour, halibut possession and retention by vessels operating seaward of a boundary line approximating the 40-fm (73-m) depth contour is prohibited.

(e) Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not possess any halibut. Recreational vessels may transit through the Stonewall Bank YRCA with or without halibut on board. The Stonewall Bank YRCA is defined at 50 CFR 660.70(g)–(i).

Southern Oregon Subarea

The quota for landings into ports in the area south of Humbug Mountain, OR (42° 40.50′ N lat.) to the Oregon/California Border (42°00.00′ N lat.) is 8,000 lb (3.63 mt).

(a) NMFS is proposing to open the fishery May 1, seven days per week, until the quota is taken or October 31, whichever is earlier.

(b) The daily bag limit is one halibut per person with no size limit, unless otherwise specified through inseason action. NMFS, in accordance with notice procedures at 50 CFR 300.63(c)(3), will announce on the NMFS hotline (206) 526–6667 or (800) 662–9825 any bag limit changes.

(c) During days open to the Pacific halibut fishery, when halibut are on board the vessel, no groundfish except sablefish, Pacific cod, and other species of flatfish (sole, flounder, sanddab), may be taken and retained, possessed or landed, except with long-leader gear (as defined at § 660.351) when allowed by groundfish regulations at 50 CFR 660.360.

California Coast Subarea

The quota for landings into ports south of the Oregon/California Border (42°00.00′ N lat.) and along the California coast is 38,740 lb (17.57 mt).

(a) NMFS is proposing to open the fishery May 1 through November 15, or until the subarea quota is estimated to have been taken and the season is therefore closed, whichever is earlier. NMFS, in accordance with notice procedures at § 300.63(c)(3), will announce any closure on the NMFS hotline (206) 526–6667 or (800) 662–9825.

(b) The daily bag limit is one halibut of any size per day per person.

Classification

Regulations governing the U.S. fisheries for Pacific halibut are developed by the IPHC, the Pacific Fishery Management Council, the North Pacific Fishery Management Council, the Secretary of State and the Secretary of Commerce. Additionally, as provided in the Halibut Act, the Regional Fishery Management Councils having authority for the geographic area concerned may develop, and the Secretary of Commerce may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in addition to, and not in conflict with, approved IPHC regulations (16 U.S.C. 773c(c)). The proposed action is consistent with the Council's authority to allocate halibut catches among fishery participants in the waters in and off Washington, Oregon, and California.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, for the following reasons:

For Regulatory Flexibility Act (RFA) purposes only, NMFS has established a small business size standard for businesses, including their affiliates. Previous analyses determined that charterboats are small businesses (see 77 FR 5477 (February 3, 2012) and 76 FR 2876 (January 18, 2011)). Charter fishing operations are classified under NAICS code 487210, with a corresponding Small Business Association size standard of $7.5 million in annual receipts. No commercial fishing entities are directly affected by this rule.

This rule would revise the recreational Pacific halibut fishery management measures, including season dates and catch limits. This proposed rule would open the recreational fishery with 2022 season dates and subarea quotas impacting charter boats, anglers, and businesses relying on recreational fishing across all of Area 2A. Therefore, this rule may affect some charterboat operations in Area 2A. These changes were uncontroversial throughout the Council's public process, and overall participation in the recreational fisheries is not expected to change. There are no large entities involved in the halibut fisheries off of the West Coast. Since this action will only impact recreational charter vessels, which are small entities, none of these changes will have a disproportionately negative effect on small entities versus large entities.

In 2021, the IPHC issued 93 licenses to the charterboat fleet for Area 2A. Recent information on charterboat activity is not available, but prior analysis indicated that 60 percent of the IPHC charterboat license holders (around 56 vessels) participate in the Pacific halibut recreational fishery and may be affected by these regulations as those vessels operate in Area 2A. Private vessels used for recreational fishing are not businesses and are therefore not included in the RFA analysis.

The major effect of halibut management on small entities will be from the catch limit decisions made by the IPHC, a decision independent from this proposed action. This proposed action would implement management measures including season dates and quotas for the recreational fishery, and approves minor changes to the Catch Sharing Plan to provide increased recreational opportunities under the quotas that result from the Area 2A catch limit. The proposed changes to the Catch Sharing Plan are considered minor, with minimal economic effects. Profitability is largely based on the catch limit decision made by the IPHC, with subarea quotas determined based on the Catch Sharing Plan framework and the allocation formulae recommended by the Council. Therefore, the proposed rule is unlikely to affect the profitability of the recreational fishery.

For the reasons described above, the proposed action, if adopted, will not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

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

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Antarctica, Canada, Exports, Fish, Fisheries, Fishing, Imports, Indians, Labeling, Marine resources, Reporting and recordkeeping requirements, Russian Federation, Transportation, Treaties, Wildlife.

Dated: February 10, 2022.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 300, subpart E, is proposed to be amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart E—Pacific Halibut Fisheries

■ 1. The authority citation for part 300, subpart E, continues to read as follows:

Authority: 16 U.S.C. 773–773k.

■ 2. In § 300.63, revise paragraph (c)(1)(iii) to read as follows:

§ 300.63 Catch sharing plan and domestic management measures in Area 2A.

* * * * *

(c) * * *

(1) * * *

(iii) If any of the recreational fishery subareas north of Cape Falcon, Oregon are not projected to utilize their respective quotas, NMFS may take inseason action to transfer any projected unused quota to another Washington recreational subarea.

* * * * *

[FR Doc. 2022–03329 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 87, No. 33
Thursday, February 17, 2022

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 14, 2022.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to 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.

Comments regarding this information collection received by March 21, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Value-Added Producer Grants Program.

OMB Control Number: 0570–0064.

Summary of Collection: The Cooperative Programs unit within Rural Business-Cooperative Service (RBS) an agency within the USDA Rural Development mission area will administer the Value-Added Producer Grants (VAPG) Program. The Program is authorized under section 231 of the Agriculture Risk Protection Act of 2000 (Pub. L. 106–224) as amended by section 6202 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110–246). The objective of this program is to encourage producers of agricultural commodities and products of agricultural commodities to further refine these products increasing their value to end users of the product. These grants will be used for two purposes: (1) To fund feasibility studies, marketing and business plans, and similar development activities; and (2) to use the grant as part of the venture's working capital expenses such as inventory, utilities and salaries.

Need and Use of the Information: Rural Development State and Area office staff, as delegated, will collect information from applicants and grantees. RBS will use the information collected by to determine (1) eligibility; (2) the specific purpose for which the funds will be utilized; (3) time frames or dates by which activities are to be accomplished; (4) feasibility of the project; (5) applicants' experience in managing similar activities; and (6) the effectiveness and innovation used to address critical issues vital to value-added ventures development and sustainability. Without this information, there would be no basis on which to award funds.

Description of Respondents: Business or other for-profit; Farms; Not-for-profit institutions.

Number of Respondents: 470.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Monthly; Annually.

Total Burden Hours: 81,862.

Rural Business-Cooperative Service

Title: Strategic Economic and Community Development.

OMB Control Number: 0570–0068.

Summary of Collection: As authorized under the Agricultural Act of 2014 (2014 Farm Bill), Section 6025, Strategic Economic and Community Development enables the Secretary of Agriculture to provide priority to projects that support Strategic Economic and Community Development plans. The Agency will reserve up to 10 percent of the funds appropriated to the following seven Rural Development programs (which are referred to as the ''underlying programs''): Community Facility Grants; Community Facility Guaranteed Loans; Community Facility Direct Loans; Water and Waste Disposal Loans and Grants; Water and Waste Disposal Guaranteed Loans; Business and Industry Guaranteed Loans and Rural Business Development Grants each fiscal year.

Need and Use of the Information: To be eligible for the reserved funds a project must meet three criteria: projects must first be eligible for funding under the underlying program from which funds are reserved; carried out solely in rural areas and that the project support the implementation of a strategic economic development or community development plan on a multi-jurisdictional basis as defined in 7 CFR 1980.1005. Applicants will submit information on the Application Form 1980–88, the Plan that the project supports, and the project's measures, metrics and outcome. The collection of information is necessary for the Agency to identify projects eligible for the reserved funding under the Section 6025 program and to prioritize eligible applications.

Description of Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 275.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2,290.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–03428 Filed 2–16–22; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for

review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to 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.

Comments regarding this information collection received by March 21, 2022 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Contract Pilot and Aircraft Acceptance.

OMB Control Number: 0579–0298.

Summary of Collection: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture, either independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests and noxious weeds that are new to or not widely distributed within the United States. The Animal and Plant Health Inspection Service (APHIS) contracts for these services, and prior to any aerial applications, requests certain information from the contractor and/or contract pilots to ensure that the work will be done according to contract specifications. Among other things, APHIS asks to see aircraft registration, the aircraft's airworthiness certificate, the pilot's license, the pilot's medical certification, the pilot's proof of flight review, the pilot's pesticide applicator's license, and the aircraft and engine logbooks.

Need and Use of the Information: Contract Pilot and Aircraft Acceptance Form (PPQ–816) and SIT Pilot and Aircraft Cheek-In Sheet (PPQ Form 818) are used by the Plant Protection and Quarantine personnel who are involved with contracts for aerial application services for emergency pest outbreaks. The forms are used to document that the pilot and aircraft meet contract specifications. If APHIS did not collect this information or collected it less frequently, APHIS would not be able to verify if APHIS contracts for aerial application services met specifications.

Description of Respondents: Businesses.

Number of Respondents: 15.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 8.

Animal and Plant Health Inspection Service

Title: Pale Cyst Nematode.

OMB Control Number: 0579–0322.

Summary of Collection: The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plants pests into the United States or their dissemination within the United States.

In accordance with the regulations in ''Subpart-Pale Cyst Nematode'' (7 CFR 301.86–301.86–9), the Animal and Plant Health Inspection Service of U.S. Department of Agriculture restricts the interstate movement of certain articles to help prevent the spread of pale cyst nematode, a major pest of potato crops in cool-temperature areas, via potatoes, soil, and other host material to noninfested areas of the United States. Allowing the restrictions on the interstate movement of regulated articles necessitates the completion of certain forms such as Federal Certificates, Federal Limited Permits, Compliance Agreements, Self-Certification, Packing Facility Process Approval, Appeal of Withdrawn Certificate or Limited Permit, Appeal of Withdrawn Compliance Agreement, and Labeling.

Need and Use of the Information: APHIS will collect information using certificates, limited permits, compliance agreements, self-certification, packing facility process approval, appeal of withdrawn certificate or limited permit, appeal of withdrawn compliance agreement, cyst nematode survey (PPQ form 312), and labeling to prevent the spread of PCN and to ensure that regulated articles can be moved safely from the quarantined area without spreading PCN. If APHIS did not collect this information, the spread of PCN in the United States could result in a loss of United States potatoes and other commodities from domestic and/or foreign markets.

Description of Respondents: Farms; Business or other for-profit.

Number of Respondents: 212.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 488.

Dated: February 14, 2022.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–03449 Filed 2–16–22; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the New Mexico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the New Mexico Advisory Committee (Committee) will hold a series of meetings via videoconference on the following dates and times for the purpose of reviewing the Committee's project proposal on education in New Mexico.

DATES: These meetings will be held on:

- Wednesday, March 16, 2022, from 12:00 p.m.–1:00 p.m. MT
- Wednesday, April 6, 2022, from 12:00 p.m.–1:00 p.m. MT
- Wednesday, April 27, 2022, from 12:00 p.m.–1:00 p.m. MT

ADDRESSES:

Public Registration Link

- Wednesday, March 16th: *https://tinyurl.com/ycxrsk9t*
- Wednesday, April 6th, 2022: *https://tinyurl.com/mvrsv8j7*
- Wednesday, April 27th, 2022: *https://tinyurl.com/2y7bf34u*

FOR FURTHER INFORMATION CONTACT: Brooke Peery, Designated Federal Officer (DFO), at *bpeery@usccr.gov* or (202) 701–1376.

SUPPLEMENTARY INFORMATION: Members of the public may listen to the discussion. This meeting is available to the public through the public registration link listed above. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 300 N Los Angeles St., Suite 2010, Los Angeles, CA 90012 or emailed to Brooke Peery at *bpeery@usccr.gov*.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available at: *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlGAAQ*.

Please click on the ''Meeting Details'' and ''Documents'' links. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email or street address.

Agenda

I. Welcome and Roll Call
II. Approval of Minutes
III. Committee Discussion of Project Proposal
IV. Public Comment
V. Adjournment

Dated: February 14, 2022.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2022–03436 Filed 2–16–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Office of the Under Secretary for Economic Affairs

Advisory Committee on Data for Evidence Building

AGENCY: Office of the Under Secretary for Economic Affairs, U.S. Department of Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Office of the Under Secretary for Economic Affairs is providing notice of two upcoming meetings of the Advisory Committee on Data for Evidence Building (ACDEB or Committee). These will constitute the sixteenth and seventeenth meetings of the Committee in support of its charge to review, analyze, and make recommendations on how to promote the use of Federal data for evidence building purposes. At the conclusion of the Committee's first and second years, it will submit to the Director of the Office of Management and Budget, Executive Office of the President, annual reports on the activities and findings of the Committee. These reports will also be made available to the public.

DATES: March 18, 2022; May 20, 2022. The meetings will begin at approximately 9:00 a.m. and adjourn at approximately 12:00 p.m. (ET). Each meeting will be held virtually.

ADDRESSES: Those interested in attending the Committee's public meetings are requested to RSVP to *Evidence@bea.gov* one week prior to each meeting. Agendas, background material, and meeting links will be accessible 24 hours prior to each meeting at *www.bea.gov/evidence.*

Members of the public who wish to submit written input for the Committee's consideration are welcomed to do so via email to *Evidence@bea.gov.* Additional opportunities for public input will be forthcoming.

FOR FURTHER INFORMATION CONTACT: Gianna Marrone, Program Analyst, U.S. Department of Commerce, 4600 Silver Hill Road (BE–64), Suitland, MD 20746; phone (301) 278–9282; email *Evidence@bea.gov.*

SUPPLEMENTARY INFORMATION: The Foundations for Evidence-Based Policymaking Act (Pub. L. 115–435, Evidence Act 101(a)(2) (5 U.S.C. 315(a)), establishes the Committee and its charge. It specifies that the Chief Statistician of the United States shall serve as the Chair and other members shall be appointed by the Director of the Office of Management and Budget (OMB). The Act prescribes a membership balance plan that includes: One agency Chief Information Officer; one agency Chief Privacy Officer; one agency Chief Performance Officer; three members who are agency Chief Data Officers; three members who are agency Evaluation Officers; and three members who are agency Statistical Officials who are members of the Interagency Council for Statistical Policy established under section 3504(e)(8) of title 44. Additionally, at least 10 members are to be representative of state and local governments and nongovernmental stakeholders with expertise in government data policy, privacy, technology, transparency policy, evaluation and research methodologies, and other relevant subjects. Committee members serve for a term of two years. Following a public solicitation and review of nominations, the Director of OMB appointed members per this balance plan and information on the membership can be found at *www.bea.gov/evidence.* Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

The ACDEB is interested in the public's input on the issues it will consider, and requests that interested parties submit statements to the ACDEB via email to *Evidence@bea.gov.* Please use the subject line ''ACDEB Meeting Public Comment.'' All statements will be provided to the members for their consideration and will become part of the Committee's records. Additional opportunities for public input will be forthcoming as the Committee's work progresses.

ACDEB Committee meetings are open, and the public is invited to attend and observe. Those planning to attend are asked to RSVP to *Evidence@bea.gov.* The call-in number, access code, and meeting link will be posted 24 hours prior to each meeting on *www.bea.gov/evidence.* The meetings are accessible to people with disabilities. Requests for foreign language interpretation or other auxiliary aids should be directed to Gianna Marrone at *Evidence@bea.gov* two weeks prior to each meeting.

Dated: February 14, 2022.

Alyssa Holdren,

Designated Federal Official, U.S. Department of Commerce.

[FR Doc. 2022–03481 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–MN–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Abdiel Padron Madrid, Inmate Number: 42167–480, FCI La Tuna, Federal Correctional Institution, P.O. Box 3000, Anthony, NM 88021

On June 17, 2020, in the U.S. District Court for the Western District of Texas, Abdiel Padron Madrid (''Madrid'') was convicted of violating 18 U.S.C. 554(a). Specifically, Madrid was convicted of receiving, concealing, buying, selling and facilitating the transportation and willfully and knowingly attempting to export and send from the United States to Mexico, six thousand three hundred and eighty (6,380) rounds of various caliber ammunition, which at the time of the attempted export were defense articles as defined under the United States Munitions List, in violation of 18 U.S.C. 554. As a result of his conviction, the Court sentenced Madrid to 57 months imprisonment with credit for time served, three years of supervised release, and a $200 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Madrid's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Madrid to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Madrid.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Madrid's export privileges under the Regulations for a period of 10 years from the date of Madrid's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Madrid had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered*:

First, from the date of this Order until June 17, 2030, Abdiel Padron Madrid, with a last known address of, Inmate Number: 42167–480, FCI La Tuna, Federal Correctional Institution, P.O. Box 3000, Anthony, NM 88021, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Madrid by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Madrid may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Madrid and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until June 17, 2030.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–03413 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–DT–P

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to recent amendments to the Regulations (85 *FR* 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Luis Martin Camarena, Inmate Number: 19956–480, FCI La Tuna, Federal Correctional Institution, P.O. Box 3000, Anthony, Texas 88021; Order Denying Export Privileges

On September 26, 2019, in the U.S. District Court for the Western District of Texas, Luis Martin Camarena (''Camarena'') was convicted of one count of violating 18 U.S.C. 554(a). Specifically, Camarena was convicted of knowingly and unlawfully concealing, buying, and facilitating the transportation and exportation from the United States to Mexico of two Ruger AR–556 rifles, two Smith and Wesson M&P15 rifles, one Century Arms International Mini-Draco pistol, one Century Arms International C308 rifle, one FNH M249 rifle, and related ammunition. As a result of his conviction, the Court sentenced Camarena to 52 months incarceration, with credit for time served; three years of supervised release; a $5,000 criminal fine; and a $100 court assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (''BIS'') licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Camarena's conviction for violating 18 U.S.C. 554. As provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''), BIS provided notice and opportunity for Camarena to make a written submission to BIS. 15 CFR 766.25.[2] BIS has not received a written submission from Camarena.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Camarena's export privileges under the Regulations for a period of 10 years from the date of Camarena's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Camarena had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until September 26, 2029, Luis Martin Camarena, with a last known address of Inmate Number: 19956–480, FCI La Tuna, Federal Correctional Institution, P.O. Box 3000, Anthony, Texas 88021, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of ECRA and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Camarena by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Camarena may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Camarena and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until September 26, 2029.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–03415 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–DT–P

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Bianca Garcia-Rodriguez, 3134 East 25th Street, Brownsville, TX 78521; Order Denying Export Privileges

On January 8, 2020, in the U.S. District Court for the Southern District of Texas, Bianca Garcia-Rodriguez (''Garcia-Rodriguez'') was convicted of

violating 18 U.S.C. 554(a). Specifically, Garcia-Rodriguez was convicted of knowingly attempting to export from the United States to Mexico approximately 3,600 rounds of .223 caliber ammunition, defense articles on the U.S. Munitions List, 22 CFR part 221, in violation of 18 U.S.C. 554. As a result of her conviction, the Court sentenced Garcia-Rodriguez to three years of probation and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA in which the person had an interest at the time of the conviction may be revoked. *Id.*

BIS received notice of Garcia-Rodriguez's conviction for violating 18 U.S.C. 554 and provided notice and opportunity for Garcia-Rodriguez to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Garcia-Rodriguez.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Garcia-Rodriguez's export privileges under the Regulations for a period of five years from January 8, 2020, the date of Garcia-Rodriguez's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Garcia-Rodriguez had an interest at the time of her conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until January 8, 2025, Bianca Garcia-Rodriguez, with a last known address of 3134 East 25th Street, Brownsville, TX 78521, and when acting for or on her behalf, her successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the ECRA (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Garcia-Rodriguez by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Garcia-Rodriguez may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Garcia-Rodriguez and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until January 8, 2025.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–03417 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–DT–P

[1] ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852.

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is the authorizing official for the issuance of denial orders pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Denying Export Privileges; In the Matter of: Luis Curiel-Trevino, Inmate Number: 97081–479, Giles W. Dalby, CI, 805 North Avenue F, Post, TX 79356

On January 14, 2020, in the U.S. District Court for the Southern District of Texas, Luis Curiel-Trevino (''Trevino'') was convicted of violating 18 U.S.C. 554(a). Specifically, Trevino was convicted for fraudulently and knowingly exporting and causing to export approximately 700 rounds of super .38 caliber ammunition and approximately 100 rounds of .45 caliber auto-ammunition, from the United States to Mexico, without having first obtained the required licenses or written authorization from the Department of State, in violation of 18 U.S.C. 554. Trevino was sentenced to 46 months in prison, and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Trevino's conviction post-dates ECRA's enactment on August 13, 2018.

has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Trevino's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Trevino to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Trevino.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Trevino's export privileges under the Regulations for a period of 10 years from the date of Trevino's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Trevino had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until January 14, 2030, Trevino, with a last known address of Inmate Number: 97081–479, Giles W. Dalby CI, 805 North Avenue F, Post, TX 79356 and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Trevino by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with part 756 of the Regulations, Trevino may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Trevino and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until January 14, 2030.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–03414 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–DT–P

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 FR 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Ramon Aguilar-Manriquez, 1655 West Monroe Street, Apt. 21, Brownsville, TX 78520; Order Denying Export Privileges

On July 23, 2019, in the U.S. District Court for the Southern District of Texas, Ramon Aguilar-Manriquez (''Aguilar-Manriquez''), was convicted of violating 18 U.S.C. 554(a). Specifically, Aguilar-Manriquez was convicted of knowingly attempting to export and exporting from the United States to Mexico, approximately 2,070 rounds of assorted ammunition. The ammunition included, 30–06 caliber, .270 caliber, .38 special ammo, .22 caliber, and .22 VMR caliber rounds, in violation of 18 U.S.C. 554. Aguilar-Manriquez was sentenced to 34 months in prison, two years of supervised release and a $100 assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act (''ECRA''),[1] the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e) (Prior Convictions). In addition, any Bureau of Industry and Security (BIS) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Aguilar-Manriquez's conviction for violating 18 U.S.C. 554, and has provided notice and opportunity for Aguilar-Manriquez to make a written submission to BIS, as provided in Section 766.25 of the Export Administration Regulations (''EAR'' or

[1] ECRA was enacted as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801–4852. Aguilar-Manriquez's conviction post-dates ECRA's enactment on August 13, 2018.

the ''Regulations''). 15 CFR 766.25.[2] BIS has not received a written submission from Aguilar-Manriquez.

Based upon my review of the record and consultations with BIS's Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Aguilar-Manriquez's export privileges under the Regulations for a period of 10 years from the date of Aguilar-Manriquez's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Aguilar-Manriquez had an interest at the time of his conviction.[3]

Accordingly, it is hereby *ordered:*

First, from the date of this Order until July 23, 2029, Ramon Aguilar-Manriquez, with a last known address of 1655 West Monroe Street, Apt. 21, Brownsville, Texas 78520 and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (''the Denied Person''), may not directly or indirectly participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

Second, no person may, directly or indirectly, do any of the following:

A. Export, reexport, or transfer (in-country) to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, pursuant to Section 1760(e) of the Export Control Reform Act (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Aguilar-Manriquez by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

Fourth, in accordance with Part 756 of the Regulations, Aguilar-Manriquez may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

Fifth, a copy of this Order shall be delivered to Aguilar-Manriquez and shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until July 23, 2029.

John Sonderman,

Director, Office of Export Enforcement.

[FR Doc. 2022–03416 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–DT–P

[2] The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2021).

[3] The Director, Office of Export Enforcement, is now the authorizing official for issuance of denial orders, pursuant to recent amendments to the Regulations (85 Fed. Reg. 73411, November 18, 2020).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–824, A–201–856, A–821–833]

Oil Country Tubular Goods From Argentina, Mexico, and the Russian Federation: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 17, 2022.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov at (202) 482–0665 (Argentina); James Hepburn at (202) 482–1882 (Mexico); George McMahon at (202) 482–1167 (the Russian Federation (Russia)); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 26, 2021, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of oil country tubular goods (OCTG) from Argentina, Mexico, and Russia.[1] Currently, the preliminary determinations are due no later than March 15, 2022.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in an LTFV investigation within 140 days of the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioner makes a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request.

[1] *See Oil Country Tubular Goods from Argentina, Mexico, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations,* 86 FR 60205 (November 1, 2021).

Commerce will grant the request unless it finds compelling reasons to deny the request.

On February 10, 2022, Borusan Mannesmann Pipe U.S., Inc., PTC Liberty Tubulars LLC, U.S. Steel Tubular Products, Inc., the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC, and Welded Tube USA, Inc. (collectively, the petitioners) submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.[2] The petitioners stated that they request postponement due to the size and complexity of the investigations, the extensions of time already granted by Commerce to respondents, and the amount of time needed for Commerce to conduct complete and thorough analyses in these investigations, including the issuance and review of additional supplemental questionnaires.[3]

For the reasons stated above, and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act and 19 CFR 351.205(e), is postponing the deadline for these preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than May 4, 2022. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations in these investigations will continue to be 75 days after the date of the preliminary determinations, unless postponed at a later date.

Notification to Interested Parties

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: February 11, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–03450 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See* Petitioners' Letter, ''Oil Country Tubular Goods from Argentina, Mexico, Russia, and the Republic of Korea: Petitioners' Request to Extend Preliminary Determinations and Align the Countervailing Duty Investigations with the Concurrent Less-Than-Fair-Value Investigations,'' dated February 10, 2022.

[3] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–053]

Certain Aluminum Foil From the People's Republic of China: Amended 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) is amending the final results of the administrative review of the antidumping duty order on certain aluminum foil from the People's Republic of China (China) to correct ministerial errors. The period of review (POR) is April 1, 2019, through March 31, 2020.

DATES: Applicable February 17, 2022.

FOR FURTHER INFORMATION CONTACT: Scarlet Jaldin or Michael J. Heaney AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4275 or (202) 482–4475, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 2022, Commerce disclosed its calculations for the *Final Results* [1] to interested parties.[2] On January 12, 2022, the petitioners [3] and Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.; Jiangsu Zhongji Lamination Materials Stock Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., Ltd.; and Jiangsu Huafeng Aluminum Industry Co., Ltd. (collectively, Zhongji) submitted allegations of ministerial errors in the *Final Results.*[4] On January 19, 2022, Zhongji filed rebuttal ministerial error comments.[5]

Legal Framework

Section 751(h) of the Tariff Act of 1930, as amended (the Act), defines a ''ministerial error'' as including ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other unintentional error which the administering authority considers ministerial.'' With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce ''will analyze any comments received and, if appropriate, correct any ministerial error by amending . . . the final results of review . . .''

Ministerial Error

Commerce agrees with the petitioners that Commerce made inadvertent, unintentional errors in the *Final Results* within the meaning of section 751(h) of the Act and 19 CFR 351.224(f) with respect to its calculation of financial ratios from the financial statement of Alcomet A.B. used in the calculation of normal value for respondent, Zhongji. Accordingly, Commerce determines that, in accordance with section 751(h) of the Act and 19 CFR 351.224(f), it made ministerial errors in the *Final Results.* However, Commerce determines that it did not make a ministerial error with respect to one of the alleged errors and that correction of the other alleged ministerial error has no effect on the margin.

For a complete discussion of each of the ministerial error allegations, as well as Commerce's analysis, *see* the accompanying Ministerial Error Memorandum.[6] The Ministerial Error Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).

[1] *See Certain Aluminum Foil from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020,* 87 FR 935 (January 7, 2022) (*Final Results*), and accompanying Issues and Decision Memorandum.

[2] *See* Memoranda, ''2019–2020 Antidumping Administrative Review of Certain Aluminum Foil from the People's Republic of China—Zhongji Analysis for the Final Results,'' dated December 30, 2021 (Zhongji Final Analysis Memorandum); and ''Antidumping Duty Administrative Review of Certain Aluminum Foil from the People's Republic of China: Final Surrogate Value Memorandum,'' dated December 30, 2021 (Final Surrogate Value Memorandum). Commerce released both the Zhongji Final Analysis Memorandum and the Final Surrogate Value Memorandum to interested parties on January 7, 2022.

[3] The petitioners are the Aluminum Association Trade Enforcement Working Group and its individual members.

[4] *See* Petitioners' Letter, ''2nd Administrative Review of the Antidumping Order on Certain Aluminum Foil from the People's Republic of China—Petitioners' Comments Identifying Ministerial Errors in Final Results,'' dated January 12, 2022; *see also* Zhongji's Letter, ''Administrative Review of the Antidumping Duty Order on Certain Aluminum Foil from the People's Republic of China: Ministerial Error Comments,'' dated January 12, 2022.

[5] *See* Zhongji's Letter, ''Administrative Review of the Antidumping Duty Order on Certain Aluminum Foil from the People's Republic of China: Rebuttal Ministerial Error Comments,'' dated January 19, 2022.

[6] *See* Memorandum, ''Administrative Review of the Antidumping Duty Order on Certain Aluminum Foil from the People's Republic of China: Ministerial Error Allegation in the Final Results,'' dated concurrently with this notice (Ministerial Error Memorandum).

ACCESS is available to registered users at *https://access.trade.gov.*

Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of a ministerial error in the calculation of the weighted-average dumping margin assigned to Zhongji in the *Final Results,* which changes from 62.02 percent to 63.52 percent. Furthermore, we are revising the review-specific, weighted-average dumping margin applicable to the companies not selected for individual examination in this administrative review, which is based entirely on Zhongji's weighted-average dumping margin.[7]

Amended Final Results

As a result of correcting the ministerial errors, Commerce determines that the following weighted-average dumping margins exist for the period April 1, 2019, through March 31, 2020:

Exporter	Final weighted-average dumping margin (percent)
Jiangsu Zhongji Lamination Materials Co., (HK) Ltd./Jiangsu Zhongji Lamination Materials Stock Co., Ltd./Jiangsu Zhongji Lamination Materials Co., Ltd./Jiangsu Huafeng Aluminum Industry Co., Ltd	63.52
Review-Specific Rate Applicable to the Following Companies	
Alcha International Holdings Limited	63.52
Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (a.k.a. Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.)	63.52
Hangzhou Dingsheng Import & Export Co., Ltd. (a.k.a. Hangzhou Dingsheng Import and Export Co., Ltd.)	63.52
Hunan Suntown Marketing Limited	63.52
Suntown Technology Group Corporation Limited (a.k.a. Suntown Technology Group Co., Ltd.)	63.52
Xiamen Xiashun Aluminum Foil Co., Ltd	63.52
Yinbang Clad Materials Co., Ltd	63.52

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after publication of these amended final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these amended final results of review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these amended final results. 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).

Where Zhongji reported reliable entered values, we calculated importer- (or customer-) specific *ad valorem* rates by aggregating the dumping margins calculated for all U.S. sales to each importer (or customer) and dividing this amount by the total entered value of the sales to each importer (or customer).[8] Where Commerce calculated a weighted-average dumping margin by dividing the total amount of dumping for reviewed sales to that party by the total sales quantity associated with those transactions, Commerce will direct CBP to assess importer- (or customer-) specific assessment rates based on the resulting per-unit rates.[9] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is greater than *de minimis* (*i.e.,* 0.50 percent), Commerce will instruct CBP to collect the appropriate duties at the time of liquidation.[10] Where an importer- (or customer-) specific *ad valorem* or per-unit rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[11]

For the non-selected respondents that received a separate rate,[12] we will instruct CBP to apply an antidumping duty assessment rate of 63.52 percent to all entries of subject merchandise that entered the United States during the POR. For the companies that we determined had no reviewable entries of the subject merchandise in this review period, any suspended entries that entered under those exporters' case numbers (*i.e.,* at the exporters' rates) will be liquidated at the China-wide rate.[13] For all other companies, we will instruct CBP to apply the antidumping duty assessment rate of the China-wide entity to all entries of subject merchandise exported by these companies.[14]

[7] *See Final Results,* 86 FR at 936, 937.

[8] *See* 19 CFR 351.212(b)(1).

[9] *Id.*

[10] *Id.*

[11] *See* 19 CFR 351.106(c)(2).

[12] These companies are: Alcha International Holdings Limited; Dingsheng Aluminium Industries (Hong Kong) Trading Co., Limited (a.k.a. Dingsheng Aluminium Industries (Hong Kong) Trading Co., Ltd.); Hangzhou Dingsheng Import & Export Co., Ltd. (a.k.a. Hangzhou Dingsheng Import and Export Co., Ltd.); Hunan Suntown Marketing Limited; Suntown Technology Group Corporation Limited (a.k.a. Suntown Technology Group Co., Ltd.); Xiamen Xiashun Aluminum Foil Co., Ltd.; and Yinbang Clad Material Co., Ltd.

[13] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[14] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 19730, 19731 (April 8, 2020) ("All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below.").

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be the rate established in these final results of review for each exporter as listed above; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, except for the companies which lost their separate rate eligibility in this review, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, or lost their separate rate eligibility in this review, the cash deposit rate will be that for the China-wide entity; [15] and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/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 sanctionable violation.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e).

Dated: February 10, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2022–03409 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–DS–P

[15] In this proceeding, the China-wide cash deposit rate of 95.15 percent reflects the dumping margin of 105.80 percent adjusted for subsidy offset. *See Certain Aluminum Foil from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty* Order, 83 FR 17362, 17363 (April 19, 2018).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

Public Meeting of the National Sea Grant Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board), a Federal Advisory Committee. Board members will discuss and provide advice on the National Sea Grant College Program (Sea Grant) in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the Sea Grant website. For more information on this Federal Advisory Committee please visit the Federal Advisory Committee database: *https://www.facadatabase.gov/FACA/FACAPublicPage.*

DATES: The announced meeting is scheduled for Monday, March 7, 2022, 1:00 p.m.–5:00 p.m. (EST) and Thursday, March 10, 2022 1:00 p.m.–6:00 p.m. (EST).

ADDRESSES: The meeting will be held virtually only. For more information and for virtual access see below in the ''Contact Information'' section.

FOR FURTHER INFORMATION CONTACT: For any questions concerning the meeting, please contact Ms. Donna Brown, National Sea Grant College Program. Email: *oar.sg-feedback@noaa.gov.* Phone Number 301–734–1088. To attend via webinar, please R.S.V.P. to Donna Brown (contact information above) by Wednesday, March 2, 2022.

SUPPLEMENTARY INFORMATION:

Status: The meeting will be open to public participation with a public comment period on Thursday, March 10, 2022 at 1:05 p.m. (EST). (Check agenda using the link in the Matters to be Considered section to confirm time.) The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by Ms. Donna Brown by Wednesday, March 2, 2022 to provide sufficient time for Board review. Written comments received after the deadline will be distributed to the Board, but may not be reviewed prior to the meeting date.

Special Accommodations: The Board meeting is virtually accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Donna Brown by Wednesday, March 2, 2022.

The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice.

Matters to be Considered: Board members will discuss and vote on recommendations on resilience and social justice, as well as the competitive research. *https://seagrant.noaa.gov/About/Advisory-Board.*

Eric Locklear,

Acting Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2022–03441 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–KA–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; Coastal and Estuarine Land Conservation Planning, Protection or Restoration

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on November 10, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Coastal and Estuarine Land Conservation Planning, Protection or Restoration.

OMB Control Number: 0648–0459.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 50.

Average Hours Per Response: CELCP Plans, 120 hours to develop, 35 hours to revise or update; project application and checklist, 20 hours; final grant application, 3.5 hours; semi-annual and annual reporting, 1.5 hours each.

Total Annual Burden Hours: 1,455.

Needs and Uses: NOAA's Office for Coastal Management requests the extension of a currently approved information collection. NOAA has, or is given, authority under the Coastal Zone Management Act (CZMA), annual appropriations or other authorities, to issue funds to coastal states, localities or other recipients for planning, conservation, acquisition, protection, restoration, or construction projects. The required information enables NOAA to implement the Coastal and Estuarine Land Conservation Program (CZMA Section 307A), under its current or future authorization, and facilitate the review of similar projects under different, but related, authorities, including the National Estuarine Research Reserve System (CZMA Section 315) Land Acquisition and Construction program, the Coastal Zone Management Program's low-cost acquisition and construction program (CZMA Section 306A), or the Fish and Wildlife Coordination Act.

This collection covers the development of state coastal land conservation plans, and collection of information specifically needed for applying for and carrying out land acquisition, restoration and construction projects, such as: Appraisals, property surveys and site plans, legal documentation such as deeds, easements and/or plats, and information needed for environmental compliance reviews. Such information is collected from project applicants or sub-recipients, which are typically state or local government agencies, but may also include nongovernmental or tribal organizations.

The information will be used in evaluating project proposals, reviewing the location and impact of proposed activities, documenting compliance with the National Environmental Policy Act and other applicable statutes, and conducting due diligence on market value, title encumbrances, property boundaries, proper recording of legal instruments. No changes are proposed to the collection.

Affected Public: Primary respondents are State, Local, or Tribal government.

Frequency: Information is collected once every 5 years for CELCP plans, one time each year for project proposals, final grant applications and due diligence materials for selected projects, two times per year for progress reports.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: Coastal Zone Management Act (16 U.S.C. 1451, *et seq.*).

This information collection request may be viewed at *www.reginfo.gov*. Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain*. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0459.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–03482 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–NK–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; Southeast Region Logbook Family of Forms

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on October 12, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: Southeast Logbook Family of Forms.

OMB Control Number: 0648–0016.

Form Number(s): None.

Type of Request: Regular submission (extension, revision of a current information collection).

Number of Respondents: 6,867.

Average Hours per Response: Annual fixed-cost report, 45 minutes; discard logbook, 15 minutes; headboat, charter vessel, golden crab, reef fish-mackerel, economic cost per trip, wreckfish,, 10 minutes; no-fishing report for golden crab, reef fish-mackerel, charter vessels, and wreckfish, 2 minutes; installation of a vessel monitoring unit, 5 hours; landing location request and power-down exemption request, 5 minutes; trip declaration, 2 minutes; and proposed intercept survey, 15 minutes.

Total Annual Burden Hours: 16,429.

Needs and Uses: This request is for an extension and revision of a current information collection.

Participants in most federally managed fisheries in the NMFS Southeast Region are currently required to keep and submit catch and effort logbooks from their fishing trips. A subset of fishermen on these vessels also provides information on the species and quantities of fish, shellfish, marine turtles, and marine mammals that are caught and discarded or have interacted with the fishing gear. A subset of fishermen on these vessels also provides information about dockside prices, trip operating costs, and annual fixed costs. An intercept survey for vessels with Federal charter vessel/headboat permits is designed to support and validate the electronic logbooks.

The data are used for scientific analyses that support critical conservation and management decisions made by national and international fishery management organizations. Interaction reports are needed for fishery management planning and to help protect endangered species and marine mammals. Price and cost data will be used in analyses of the economic effects of proposed and existing regulations.

Regulatory Amendment 29 effective July 15, 2020 would require at least one descending device to be on board and ready for use on commercial, for-hire, and private recreational vessels while fishing for or possessing snapper-grouper species in the South Atlantic. Most recently the Descend Act was passed, which added a new section 321 to the Magnuson-Stevens Fishery Conservation and Management Act. This requires commercial and recreational fishermen to possess a venting tool or descending device that is rigged and ready for use when fishing for reef fish in the Gulf of Mexico Exclusive Economic Zone.

Descending devices increase survivability from barotrauma, which is injury caused by internal gas expansion when reeled up from depth. In addition to being asked to report the number of fish released respondents would be asked to report the method used to release fish as part of their current logbook submissions. The purpose of asking respondents to distinguish between fish releases without descending devices, fish released with gas bladders vented, and fish released with descending devices is to provide data needed by NMFS to accurately account for fishing mortality when performing stock assessments.

Affected Public: Businesses or other for-profit organizations; individuals.

Frequency: Monthly for no activity or once per fishing trip.

Respondent's Obligation: Mandatory.

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

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0016.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–03483 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB787]

North Pacific Albacore United States Stakeholder Meeting; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a U.S. stakeholder meeting open to the public to discuss North Pacific albacore (NPALB) management. This meeting is intended to prepare for potential discussions at the 2022 annual meetings of the Inter-American Tropical Tuna Commission (IATTC) and Western and Central Pacific Fisheries Commission Northern Committee (WCPFC NC) on a harvest strategy for NPALB fisheries. The meeting topics are described under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The virtual meeting will be held on April 5, 2022, from 9 a.m. to 1 p.m. HST (or until business is concluded). You must complete the registration process by March 29, 2022, if you plan to attend the meeting (see **ADDRESSES**). Members of the public may submit written comments on meeting topics or materials to Valerie Post at *valerie.post@noaa.gov* by March 29, 2022, and may also provide oral comments during the virtual meeting.

ADDRESSES: If you plan to attend the meeting, which will be held by webinar, please register at *https://forms.gle/eoY4EPsnkdLTyJMP7.* Instructions for attending the meeting will be emailed to meeting participants before the meeting occurs.

FOR FURTHER INFORMATION CONTACT: Valerie Post, Pacific Islands Regional Office at *valerie.post@noaa.gov,* (808) 725–5034.

SUPPLEMENTARY INFORMATION: In 2021, the International Scientific Committee on Tuna and Tuna-like Species in the North Pacific Ocean (ISC) completed a management strategy evaluation (MSE) on NPALB,[1] and the ISC Albacore Working Group hosted a meeting among U.S. and Canadian stakeholders from March 22–25, 2021, to review the results of the MSE. As a follow-up to the ISC meeting in March 2021, NMFS hosted a U.S. virtual meeting on June 1, 2021, for U.S. stakeholders to express their priorities and consider future management of NPALB. This April 5 meeting, is intended to follow up to the June 2021 webinar, as well as to prepare for anticipated discussions at the IATTC and WCPFC NC.

NPALB U.S. Stakeholder Meeting Topic

This meeting agenda will be distributed to participants in advance of the meeting. The meeting agenda will include a discussion on a potential future harvest strategy for NPALB and may include, but is not limited to, candidate limit and target reference points.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be indicated when registering for the meeting (see **ADDRESSES**) by March 29, 2022.

Authority: 16 U.S.C. 951 *et seq.,* 16 U.S.C. 1801 *et seq.,* and 16 U.S.C. 6901 *et seq.*

Dated: February 10, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–03434 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–22–P

[1] *http://isc.fra.go.jp/working_groups/albacore.html.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB737]

Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Approved Industry-Funded Monitoring Service Providers

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

ACTION: Notice of approved industry-funded monitoring service providers.

SUMMARY: NMFS has approved four companies to provide industry-funded monitoring services (observing, at-sea monitoring, and/or portside sampling) to Atlantic herring vessels during industry-funded monitoring years 2022–2023 (April 1, 2022, through March 31, 2024). Monitoring coverage regulations require that any entities seeking to provide monitoring services, including services for industry-funded monitoring programs, must apply for and obtain approval from NMFS. This action will allow Atlantic herring vessels to secure industry-funded monitoring services from any of the approved providers during 2022–2023.

ADDRESSES: The list of NMFS-approved industry-funded monitoring service providers is available at: *https://www.fisheries.noaa.gov/resource/data/observer-providers-northeast-and-mid-atlantic-programs.*

FOR FURTHER INFORMATION CONTACT: Maria Fenton, Fishery Management Specialist, (978) 281–9196.

SUPPLEMENTARY INFORMATION:

Background

The New England Industry-Funded Monitoring (IFM) Omnibus Amendment created an IFM program in the Atlantic herring fishery and set a 50-percent monitoring coverage target on vessels issued an All Areas (Category A) or Areas 2/3 (Category B) limited access Atlantic herring permit. This 50-percent coverage target consists of the combination of Standardized Bycatch Reporting Methodology (SBRM) coverage and IFM coverage provided to a vessel during the IFM year. Prior to any trip declared into the herring fishery, representatives for vessels issued Category A or B permits are required to notify NMFS for monitoring coverage. If NMFS informs a vessel that a trip is selected for IFM coverage, the vessel is required to obtain at-sea monitoring coverage from a NMFS-approved service provider for that trip. Midwater trawl vessels may also obtain IFM observer coverage in order to fish in a Groundfish Closed Area on a trip that was not selected for SBRM or IFM coverage. Vessels selected for SBRM coverage will continue to follow SBRM procedures, and that coverage will count toward achieving the 50-percent coverage target.

Some Category A or B herring vessels may participate in an Exempted Fishing Permit (EFP) to use an electronic monitoring and portside sampling program in lieu of carrying a human at-sea monitor to fulfill the requirements of the IFM Amendment. If NMFS informs a vessel participating in the EFP that a trip has been selected for IFM coverage, that vessel is required to obtain portside sampling services for that trip. Vessels participating in the EFP may also obtain portside sampling coverage in lieu of carrying an observer in order to fish in a Groundfish Closed Area on a trip that was not selected for SBRM or IFM coverage.

Monitoring Service Provider Approval Process

Monitoring coverage regulations at § 648.11(h)(1) require that any entities seeking to provide monitoring services, including services for IFM programs, must apply for and obtain approval from NMFS. The regulations at § 648.11(h)(4) describe the criteria for evaluating and approving a monitoring services provider application. NMFS approves service providers based on: (1) Completeness of the applications; and (2) determination of the applicant's ability to perform the duties and responsibilities of a monitoring service provider, as demonstrated in the application. Once approved, service providers must meet the requirements, conditions, and responsibilities specified at § 648.11(h)(5) and (6) in order to maintain eligibility. NMFS must notify service providers, in writing, if approval is withdrawn for any reason.

Approved Industry-Funded Monitoring Service Providers

NMFS received complete applications from four companies to provide IFM services to Atlantic herring vessels during IFM years 2022–2023: Saltwater Inc.; East West Technical Services LLC; A.I.S., Inc.; and Fathom Resources, LLC. We approved all four companies to provide IFM services to Atlantic herring vessels during IFM years 2022–2023 because they met the application requirements and demonstrated their ability to perform the duties and responsibilities of a monitoring service provider. All four companies are currently approved to provide IFM services for the Atlantic herring fishery in 2020–2021. NMFS will closely monitor the performance of approved providers and will be prepared to withdraw approval during the current approval term, or disapprove a future application to provide monitoring services, if it is determined that monitoring provider requirements, conditions, and responsibilities are not being met.

TABLE 1—COMPANIES APPROVED TO PROVIDE IFM SERVICES TO ATLANTIC HERRING VESSELS DURING IFM YEARS 2022–2023

Provider	Approved IFM service(s)	Contact information	Website
Saltwater Inc	Portside sampling	733 N St., Anchorage, AK 99501, Phone: 907–276–3241, Fax: 907–258–5999.	*www.saltwaterinc.com.*
East West Technical Services LLC	Industry-funded observer, ASM, portside sampling.	91 Point Judith Rd., Suite 26, Unit 347, Narragansett, RI 02882, Phone: 860–910–4957, Fax: 860–223–6005.	*www.ewts.com.*
A.I.S., Inc	Industry-funded observer, ASM, portside sampling.	540 Hawthorn St., North Dartmouth, MA 02747, Phone: 508–990–9054, Fax: 508–990–9055.	*www.aisobservers.com.*
Fathom Resources, LLC	Industry-funded observer, ASM, portside sampling.	855 Aquidneck Ave., Unit 9, Middletown, RI 02842, Phone: 508–990–0997, Fax: 508–991–7372.	*www.fathomresources.com.*

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

Dated: February 10, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–03435 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Tribal Broadband Connectivity Program

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, following the Paperwork Reduction Act of 1995 (PRA), invites the 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. This Notice of Information Collection is for the Tribal Broadband Connectivity Program Baseline Report, Performance Report and Annual Report. The purpose of this notice is to allow for 60 days of public comment preceding the submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before April 18, 2022.

ADDRESSES: Interested persons are invited to submit written comments by mail to Jennifer Duane, Director, Grants Management, Administration, and Compliance, Office of internet Connectivity and Growth, National Telecommunication and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Room 4887, Washington, DC 20230, or by email to *broadbandusa@ntia.gov.* Please reference TBCP Data Collection 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 Jennifer Duane, Director, Grants Management, Administration, and Compliance, via email at *jduane@ntia.gov; broadbandusa@ntia.gov;* or via telephone at (202) 482–2048.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Tribal Broadband Connectivity Program (TBCP), authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905(c), Public Law 116–260, 134 stat. 1182 (Dec. 27, 2020) (Act), provides new federal funding for grants to eligible entities to expand access to and adoption of: (i) Broadband service on Tribal Land; or (ii) for programs that promote the use of broadband to access remote learning, telework, or telehealth resources. The TBCP will make up to $980,000,000 available for federal assistance to the following eligible entities: (i) A Tribal Government; (ii) a Tribal College or University; (iii) the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs; (iv) a Tribal organization; or (v) an Alaska Native Corporation. The purpose of the TBCP is to improve the quality of life, spur economic development and commercial activity, create opportunities for remote employment and online entrepreneurship, remote learning, and telehealth by expanding broadband access and providing digital training and inclusion programs to Native American communities.

On June 3, 2021, NTIA published the program's Notice of Funding Opportunity (NOFO) on *Grants.gov* to describe the requirements under which it will award grants for the TBCP.[1] The NOFO required award recipients to submit financial reports, performance (technical) reports, and annual reports to the NTIA Federal Program Officer and the NOAA Grants Officer and Grants Specialist. Award recipients must follow the reporting requirements described in Sections A.01, Reporting Requirement, of the Department of Commerce Financial Assistance Standard Terms and Conditions (dated November 12, 2020). Additionally, in accordance with 2 CFR part 170, all recipients of a federal award made on or after October 1, 2010, must comply with reporting requirements under the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282).

NTIA will use the information collected from each award recipient to effectively administer and monitor the grant program to ensure the achievement of TBCP program purposes and account for the expenditure of federal funds to deter waste, fraud, and abuse.

II. Method of Collection

Tribal Broadband Connectivity Program Award recipients will submit financial and performance reports on a semi-annual basis for the periods ending March 31st and September 30th of each year, and an annual report no later than one year after receiving grant funds and until they have expended all funds. The Baseline Report is a one-time collection of information from award recipients covering project plans and details about key outputs and outcomes that is due within 45 days of the issuance of the award. NTIA will collect data through electronic submission.

III. Data

OMB Control Number: 06XX–XXXX.

Form Number(s): TBD.

Type of Review: New information collection.

Affected Public: Grant award recipients consisting of Tribal Governments, Tribal Colleges or Universities, the Department of Hawaiian Home Lands, Tribal organizations, or Alaska Native Corporations.

Estimated Number of Respondents: 600.

Estimated Time per Response: 33.22.

Estimated Total Annual Burden Hours: 30,636.

Estimated Total Annual Cost to Public: $816,449.40.

Respondent's Obligation: Mandatory.

Legal Authority: Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905(c), Public Law 116–260, 134 Stat. 1182 (Dec. 27, 2020).

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.

(d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

[1] *See* Tribal Broadband Connectivity Program (TBCP) Notice of Funding Opportunity (NOFO) (June 3, 2021), *https://www.grants.gov/web/grants/view-opportunity.html?oppId=333974* (available under the ''Related Documents'' tab).

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, Department of Commerce.

[FR Doc. 2022–03364 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Docket No. PTO–C–2022–0004]

National Medal of Technology and Innovation Nomination Evaluation Committee Charter Renewal

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The Acting Chief Financial Officer/Assistant Secretary of Commerce for Administration, with the concurrence of the General Services Administration, renewed the Charter for the National Medal of Technology and Innovation Nomination Evaluation Committee (NMTI Committee) on February 9, 2022.

DATES: The Charter for the NMTI Committee was renewed on February 9, 2022.

FOR FURTHER INFORMATION CONTACT: Linda Hosler, Program Manager, National Medal of Technology and Innovation Program, United States Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22314; 571–272–8514; or *nmti@uspto.gov.* Information is also available at *www.uspto.gov/nmti.*

SUPPLEMENTARY INFORMATION: The Acting Chief Financial Officer/Assistant Secretary of Commerce for Administration, with the concurrence of the General Services Administration, renewed the Charter for the NMTI Committee on February 9, 2022. The renewed Charter expires on February 9, 2024. The NMTI Committee members are distinguished experts from the private and public sectors with experience in and an understanding of technology and technological innovation. The NMTI Committee was established in accordance with the Federal Advisory Committee Act and provides advice to the Secretary of Commerce regarding recommendations of nominees for the National Medal of Technology and Innovation (Medal). The duties of the NMTI Committee are solely advisory in nature. Nominations for this Medal are solicited through an open, competitive, and nationwide call, and the NMTI Committee members are responsible for reviewing the nominations received. The NMTI Committee evaluates the nominees and forwards its recommendations through the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office to the Secretary of Commerce, who, in turn, forwards her recommendations for the Medal to the President.

Andrew Hirshfeld,

Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2022–03443 Filed 2–16–22; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
Cottontail Solar 2, LLC	EG22–19–000
Cottontail Solar 8, LLC	EG22–20–000
Black Bear Alabama Solar Tenant, LLC	EG22–21–000
Skipjack IA, LLC	EG22–22–000
Arlington Energy Center III, LLC	EG22–23–000
Meadow Lake Solar Park LLC	EG22–24–000
Gruver Wind Interconnection, LLC	EG22–25–000
Parkway Generation Essex, LLC	EG22–26–000

Take notice that during the month of January 2022, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2021).

Dated: February 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03425 Filed 2–16–22; 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: EG22–51–000.
Applicants: Waiawa Solar Power LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/11/22.
Accession Number: 20220211–5036.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: EG22–52–000.
Applicants: Highland Solar Transco Interconnection LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Highland Solar Transco Interconnection LLC.
Filed Date: 2/11/22.
Accession Number: 20220211–5132.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: EG22–53–000.
Applicants: Madero Grid, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/11/22.
Accession Number: 20220211–5204.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: EG22–54–000.

Applicants: Ignacio Grid, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 2/11/22.
Accession Number: 20220211–5205.
Comment Date: 5 p.m. ET 3/4/22.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER21–2521–001.
Applicants: Broadlands Wind Farm LLC.
Description: Compliance filing: Informational Filing Pursuant to Sched. 2 of the MISO OATT & Request for Waiver to be effective N/A.
Filed Date: 2/11/22.
Accession Number: 20220211–5230.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–666–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Correction to Amendment to ISA and ICSA, SA Nos. 4501 & 4502; Queue No. AA2–061 to be effective 6/30/2016.
Filed Date: 2/10/22.
Accession Number: 20220210–5193.
Comment Date: 5 p.m. ET 3/3/22.

Docket Numbers: ER22–1019–000.
Applicants: Powell River Energy Inc.
Description: Baseline eTariff Filing: Market-Based Rate Application to be effective 4/12/2022.
Filed Date: 2/10/22.
Accession Number: 20220210–5184.
Comment Date: 5 p.m. ET 3/3/22.

Docket Numbers: ER22–1020–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: Luna Pseudo-Tie Coordination Agreement, Rate Schedule No. 177 to be effective 3/8/2022.
Filed Date: 2/10/22.
Accession Number: 20220210–5199.
Comment Date: 5 p.m. ET 3/3/22.

Docket Numbers: ER22–1021–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3915 Midway Wind Project and ITC Great Plains E&P Agreement to be effective 2/2/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5053.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1022–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Revisions to Western Joint Dispatch Agreements to be effective 4/13/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5089.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1023–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: Florida Power & Light Company Open Access Transmission Tariff Clean-Up to be effective 3/1/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5126.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1024–000.
Applicants: MATL LLP.
Description: § 205(d) Rate Filing: Heartland-MATL TSR Filing to be effective 4/13/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5139.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1025–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: DG&T Agmt Re SS of Ancillary Serv Sched 5 and/or 6 to be effective 2/10/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5144.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1026–000.
Applicants: Nevada Power Company.
Description: § 205(d) Rate Filing: Service Agreement No. 21–00083, NPC Powerex Agreement to be effective 4/1/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5161.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1028–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to WMPA, Service Agreement No. 4794; Queue No. AC1–116 to be effective 8/22/2017.
Filed Date: 2/11/22.
Accession Number: 20220211–5185.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1029–000.
Applicants: Mid-Atlantic Interstate Transmission, LLC, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Mid-Atlantic Interstate Transmission, LLC submits tariff filing per 35.13(a)(2)(iii: MAIT submits revised Interconnection Agreement, SA No. 4578 to be effective 4/13/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5189.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1030–000.
Applicants: Evergy Kansas South, Inc.
Description: § 205(d) Rate Filing: Notice of Cancellation, Rate Schedule No. 160 to be effective 12/31/2021.
Filed Date: 2/11/22.
Accession Number: 20220211–5201.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1031–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original CRA, Service Agreement No. 6357, Non-Queue No. NQ176 to be effective 1/12/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5203.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1032–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original CRA, Service Agreement No. 6358, Non-Queue No. NQ178 to be effective 1/12/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5218.
Comment Date: 5 p.m. ET 3/4/22.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03423 Filed 2–16–22; 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: RP22–542–000.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: § 4(d) Rate Filing: Non-Conforming Amendment Filing (Pioneer) to be effective 3/1/2022.
Filed Date: 2/10/22.

Accession Number: 20220210–5128.
Comment Date: 5 p.m. ET 2/22/22.

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 (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03422 Filed 2–16–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14803–001; Project No. 2082–063]

PacifiCorp; Klamath River Renewal Corporation; Notice of Teleconference for Tribal Consultation Meeting

a. *Project Name and Numbers:* Lower Klamath and Klamath Hydroelectric Project Nos. 14803 and 2082.

b. *Project Licensee:* PacifiCorp.

c. *Date and Time of Teleconference:* Tuesday, March 1, 2022, from 12:00 p.m. to 1:00 p.m. Eastern Standard Time.

d. *FERC Contact:* Jennifer Polardino, (202) 502–6437 or *jennifer.polardino@ferc.gov.*

e. *Purpose of Meeting:* Commission staff will participate in a teleconference with the Shasta Indian Nation and the California State Historic Preservation Office (California SHPO) to discuss the application for the surrender of license and removal of project works for the Lower Klamath Project No. 14803. The project is located on the Klamath River in Klamath County, Oregon, and Siskiyou County, California. The project occupies federal lands managed by the U.S. Bureau of Land Management.

f. Members of the public and intervenors in the referenced proceedings may attend the teleconference; however, participation will be limited to Tribal representatives of the Shasta Indian Nation, representatives from the California SHPO, and the Commission's representatives. If during the call the Shasta Indian Nation decides to disclose information about a specific location which could create a risk or harm to an archaeological site or Native American cultural resource, the public will be excused for that portion of the meeting and can return to the call after such information is disclosed. The teleconference meeting will be transcribed by a court reporter and the transcript will be placed in the public record.

g. Please call or email Jennifer Polardino at (202) 502–6437 or *jennifer.polardino@ferc.gov* by Monday, February 28, 2022, to RSVP and to receive the teleconference call-in information.

Dated: February 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03421 Filed 2–16–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–44–000]

Equitrans, L.P.; Notice of Application and Establishing Intervention Deadline

Take notice that on January 28, 2022, Equitrans, L.P. (Equitrans), 2200 Energy Drive, Canonsburg, Pennsylvania 15317, filed an application under sections 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting that the Commission authorize its Ohio Valley Connector Expansion Project (Project), which will provide up to 350,000 dekatherms per day (Dth/d) of incremental firm deliverability on its Mainline System and new transportation paths. This Project is an expansion of the Equitrans' Ohio Valley Connector Project which was approved in Docket No. CP15–41–000 and which is already in service. Specifically, the Project will provide additional pipeline delivery capabilities to existing interconnects with Rockies Express Pipeline and Rover Pipeline LLC, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Specifically, Specifically, Equitrans proposes to acquire the Cygrymus Compressor Station in Greene County, Pennsylvania and to construct and operate: (i) Two Taurus 70 turbines at the Cygrymus Compressor Station; (ii) one additional Mars 100 compressor unit at the existing Corona Compressor Station Wetzel County, West Virginia; (iii) one additional Titan 130 compressor unit at the existing Plasma Compressor Station in Monroe County, Ohio; (iv) approximately 5.5 miles of pipeline in different locations related to the compressor stations; (v) one deep anode groundbed and rectifier for cathodic protection in Greene County, Pennsylvania; and (vi) ancillary facilities. Equitrans proposes to use the applicable Ohio Valley Connector System rates as the maximum recourse rates for service on the project and to roll-in the costs of the project into its general system rates in its next NGA Section 4 general rate proceeding. The project shippers elected to pay negotiated rates. The estimated cost of the project is $167,510,106.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the proposed project should be directed to Matthew Eggerding, Assistant General Counsel, at Equitrans, L.P., 2200 Energy Drive, Canonsburg, PA 15317; by phone at (412) 553–5786; or by email to *Meggerding@equitransmidstream.com.*

Pursuant to Section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: Complete its environmental review and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other

[1] 18 CFR (Code of Federal Regulations) 157.9.

milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Public Participation

There are two ways to become involved in the Commission's review of this project: You can file comments on the project, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on March 4, 2022.

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please submit your comments on or before March 4, 2022.

There are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number CP22–44–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. 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; first select ''General'' and then select ''Comment on a Filing''; or

(3) You may file a paper copy of your comments by mailing them to the following address below.[2] Your written comments must reference the Project docket number (CP22–44–000).

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[3] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure[4] and the regulations under the NGA[5] by the intervention deadline for the project, which is March 4, 2022. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp*.

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP22–44–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf.*; or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below.[6] Your motion to intervene must reference the Project docket number CP22–44–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

Motions to intervene must be served on the applicant either by mail or email at: Matthew Eggerding, Assistant General Counsel, at Equitrans, L.P., 2200 Energy Drive, Canonsburg, PA 15317; by phone at (412) 553–5786; or by email to *Meggerding@equitransmidstream.com*. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed[7] motions to intervene are automatically granted by operation of Rule 214(c)(1).[8] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and

[2] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[3] 18 CFR 385.102(d).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[8] 18 CFR 385.214(c)(1).

provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[9] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *http://www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp*.

Intervention Deadline: 5:00 p.m. Eastern Time on March 4, 2022.

Dated: February 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03424 Filed 2–16–22; 8:45 am]

BILLING CODE 6717–01–P

[9] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP21–1–000; CP21–458–000]

Golden Pass Pipeline, LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed MP66–69 Compression Relocation and Modification Amendment and the Proposed MP33 Compressor Station Modification Amendment

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) for the MP66–69 Compression Relocation and Modification Amendment and the MP33 Compressor Station Modification Amendment Project (Project), proposed by Golden Pass Pipeline Company, LLC (Golden Pass) in the above referenced dockets.

Golden Pass requests authorization to amend its certificate of public convenience and necessity for the Pipeline Expansion Project (Docket No. CP14–518–000) that was issued by the Commission on December 21, 2016. Golden Pass requests authorization to modify the previously authorized facilities in Calcasieu Parish, Louisiana and Orange County, Texas.

The draft EIS assesses the potential environmental effects of the construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). With the exception of climate change impacts, the FERC staff concludes that approval of the proposed Project, with the mitigation measures recommended in this EIS, would not result in significant environmental impacts. FERC staff is unable to determine significance with regards to climate change impacts.

The draft EIS incorporates by reference the Commission staff's July 2016 Final Environmental Impact Statement (FEIS) issued in Docket No. CP14–517–000 and CP14–518–000 for the Golden Pass LNG Export Project (2016 FEIS) and the Commission's findings and conclusions in its December 21, 2016 Order.[1] The draft EIS addresses the potential environmental effects of the construction and operation of the following Project facilities:

CP21–1–000 (Calcasieu Parish, Louisiana)

- Relocate the approved Compressor Station at Milepost (MP) 66 approximately three miles, to MP69;
- increase the amount of compression at the relocated compressor station;
- eliminate approved modifications to interconnects at MP63 and MP66;
- minor changes to approved interconnect modifications at MP68; and
- eliminate the previously approved 3 miles of 24-inch diameter pipeline loop between MP66 and MP69.

CP21–458–000 (Orange County, Texas)

- Relocate the MP33 Compressor Station approximately fifty feet north-northwest to avoid an existing pipeline right-of-way based on a landowner request;
- increase the authorized compression at the MP33 Compressor Station;
- construct three new interconnects and appurtenant facilities adjacent to the MP33 Compressor Station; and
- eliminate receipt stations at the existing Texoma delivery interconnect on Golden Pass's existing system at MP33.

[1] 40 CFR 1501.7.

The Commission mailed a copy of the *Notice of Intent* to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. The draft EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the draft EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*) select ''General Search'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP21–1 or CP21–458). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The draft EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the draft EIS may do so. Your comments should focus on draft EIS's disclosure and discussion of potential environmental effects, measures to avoid or lessen environmental impacts, and the completeness of the submitted alternatives, information and analyses. To ensure consideration of your comments on the proposal in the final EIS, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on April 4, 2022.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. 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 on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This 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 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.'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; 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 (CP21–1–000 or CP21–458–000) 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.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR part 385.214). Motions to intervene are more fully described at *https://www.ferc.gov/ferc-online/ferc-online/how-guides.* Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Questions?

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: February 11, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03427 Filed 2–16–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2019–0237; FRL–9283–02–OCSPP]

Cyclic Aliphatic Bromide Cluster (HBCD); Draft Revision to Toxic Substances Control Act (TSCA) Risk Determination; Reopening of the Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice, reopening of comment period.

SUMMARY: In the **Federal Register** of December 29, 2021, EPA announced the availability of and solicited public comment on a draft revision to the risk determination for the Cyclic Aliphatic Bromide Cluster (HBCD) risk evaluation under the Toxic Substances Control Act (TSCA). This document reopens the comment period for 15 days.

DATES: The comment period for the notice published on December 29, 2021, at 86 FR 74082, is reopened. Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0237, must be received by EPA on or before March 4, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2019–0237, using the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets/about-epa-dockets.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is open to visitors by appointment only. For the latest status information on EPA/DC services and docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Alie Muneer, Existing Chemical Risk Management Division (Mail Code 7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–6369; email address: *muneer.alie@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: This document reopens the public comment period established in the **Federal Register** document of December 29, 2021 (86 FR 74082) (FRL–9283–01–OCSPP), for 15 days. In that document, EPA announced the availability of and solicited public comment on the draft revision to the risk determination for the HBCD risk evaluation under TSCA. More information on EPA's draft revision and solicitation of comment can be found in the **Federal Register** issue of December 29, 2021.

EPA received requests to reopen the comment period and believes it is appropriate to do so in order to give stakeholders additional time to review the document and prepare comments.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES**. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 15 U.S.C. 2601 *et seq.*

Michal Freedhoff,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2022–03452 Filed 2–16–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2021–0122; FRL—9585–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Nine Metal Fabrication and Finishing Area Sources (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Nine Metal Fabrication and Finishing Area Sources (EPA ICR Number 2298.06, OMB Control Number 2060–0622), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2022. Public comments were previously requested, via the **Federal Register**, on April 13, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 21, 2022.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2021–0122, online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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: Muntasir Ali, Sector Policies and Program Division (D243–05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541–0833; email address: *ali.muntasir@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov,* or in person, at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP), for Nine Metal Fabrication and Finishing Area Sources (40 CFR part 63, subpart XXXXXX) were proposed on April 3, 2008, and promulgated on July 23, 2008. These regulations apply to owners or operators of any existing or new metal fabrication and finishing facility that is an area source of hazardous air pollutant (HAP) emissions and either uses or has the potential to emit metal fabrication or finishing metal HAP (MFHAP), defined to be the compounds of cadmium, chromium, lead, manganese, and nickel, or any of these metals in the elemental form with the exception of lead. The affected sources consist of several types of metal fabrication and finishing processes, including any abrasive blasting, metalworking (which includes machining, and dry grinding and dry polishing with machines), spray painting, and welding operations. New facilities include those that either commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart XXXXXX.

Form Numbers: None.

Respondents/affected entities: Owners or operators of existing metal fabrication and finishing area sources.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart XXXXXX).

Estimated number of respondents: 5,800 (total).

Frequency of response: Semiannually, annually.

Total estimated burden: 39,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $4,620,000 (per year), which includes $0 in annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is no change in burden from the most-recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This is due to two considerations. First, the regulations have not changed significantly over the past three years and are not anticipated to change over the next three years. Second, the growth rate for this industry is very low or non-existent, so there is no significant change in the overall burden. Since there are no significant changes in the regulatory requirements and there is no significant industry growth, there are also no changes in the capital/startup or operation and maintenance (O&M) costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–03373 Filed 2–16–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2022–0160; FRL–9409–01–OCSPP]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients—January 2022

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 21, 2022.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the File Symbol of interest as shown in the body of this document, through the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting or visiting

the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets/about-epa-dockets.*

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is open to visitors by appointment only. For the latest status information on EPA/DC services and access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090, email address: *BPPDFRNotices@epa.gov;* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under EPA's public participation process for registration actions, there will be an additional opportunity for public comment on the proposed decisions. Please see EPA's public participation website for additional information on this process (*http://www2.epa.gov/pesticide-registration/public-participation-process-registration-actions*).

Notice of Receipt—New Active Ingredients:

File Symbols: 92988–R, 92988–E, 92988–G, and 92988–U. *Docket ID number:* EPA–HQ–OPP–2022–0147. *Applicant:* Attune Agriculture LLC, 751 Park of Commerce Drive, #106, Boca Raton, FL 33487. *Product names:* Rhexalloid, IS–39, IS–29, and IS–27. *Active ingredient:* Biochemical insecticide—Xanthan Gum at 100% for manufacturing-use product Rhexalloid and at 0.15% for end-use products IS–39, IS–29, and IS–27. *Proposed use:* Biochemical insecticide for use on crops. *Contact:* BPPD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 14, 2022.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2022–03458 Filed 2–16–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 22–53; FCC DA 22–115; FR ID 71980]

Snake River Radio, LLC, Radio Station KPCQ(AM), Chubbuck, ID

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document commences a hearing to determine (a) whether the license renewal application for AM radio station KPCQ, Chubbuck, ID should be granted or denied due to the station's history of silence or low power operations in the period when Snake River Radio, LLC (SRR) was the station's licensee, and (b) whether the station's license automatically expired due to failure to operate with authorized facilities for a period of twelve consecutive months.

DATES: Persons desiring to participate as parties in the hearing shall file a petition for leave to intervene not later than March 21, 2022.

ADDRESSES: File documents with the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, with a copy mailed to each party to the proceeding. Each document that is filed in this proceeding must display on the front page the docket number of this hearing, ''MB Docket No. 22–53.''

FOR FURTHER INFORMATION CONTACT: Albert Shuldiner, Media Bureau, (202) 418–2721.

SUPPLEMENTARY INFORMATION: This is a summary of the Hearing Designation Order and Notice of Opportunity for Hearing (Order), MB Docket No. 22–53, FCC DA 22–115, adopted February 7, 2022 and released February 8, 2022. The full text of the Order is available online by using the search function for MB Docket No. 22–53 on the Commission's ECFS web page at *http://apps.fcc.gov/ecfs/.*

Summary of the Hearing Designation Order

1. A broadcast licensee's authorization to use radio spectrum in the public interest carries with it the obligation that the station must serve its community, providing programming responsive to local needs and interests. Broadcast licensees also are required to operate in compliance with the Communications Act of 1934, as amended (Act) and the Commission's rules (Rules). These requirements include the obligation to transmit potentially lifesaving national level Emergency Alert System (EAS) messages in times of emergency and to engage in periodic tests to ensure that their stations are equipped to do so.

2. The basic duty of broadcast licensees to serve their communities is reflected in the license renewal provisions of the Act. In 1996, Congress revised the Commission's license renewal process and the renewal standards for broadcast stations by adopting section 309(k) of the Act, 47

U.S.C. 309(k). Section 309(k)(1) of the Act provides that the Commission shall grant a license renewal application if it finds, with respect to the applying station, that during the preceding license term: (a) The station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Act or the Rules; and (c) there have been no other violations by the licensee of the Act or the Rules which, taken together, would constitute a pattern of abuse. Section 309(k)(2) of the Act provides that if a station fails to meet the foregoing standard, the Commission may deny the renewal application pursuant to section 309(k)(3) or grant the application on appropriate terms and conditions, including a short-term renewal. Section 309(k)(3) of the Act provides that if the Commission determines, after notice and opportunity for hearing, that the licensee has failed to meet the standard of section 309(k)(1) and that no mitigating factors justify the imposition of lesser sanctions, the Commission shall issue an order denying the license renewal application for the station.

3. Section 312(g) of the Act, 47 U.S.C. 312(g), which Congress also added in 1996 and then amended in 2004, provides: If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.

4. Thus, section 312(g) has relieved the Commission of the need to conduct license renewal or revocation proceedings, with their lengthy and resource-intensive procedural requirements, including evidentiary hearings, for stations that remain silent for extended periods of time. However, in response to section 312(g), some licensees of silent stations have adopted a practice of resuming operation for a short period of time, in some cases as little as a day or less, before the one-year limit in section 312(g) applies and the station license automatically expires. Other stations have alternated between periods of silence and operations with minimal power levels—in some cases as low as five watts—that cover a small portion of their service areas and may be insufficient to allow them to provide service to their communities of license.

5. These practices raise a question as to whether the licenses for such stations should be renewed pursuant to section 309(k) of the Act, 47 U.S.C. 309(k). In 2001, the Commission cautioned ''all licensees that . . . a licensee will face a very heavy burden in demonstrating that it has served the public interest where it has remained silent for most or all of the prior license term.'' The policy against allowing extended periods of silence or minimal operation by licensed stations is to ensure ''that scarce broadcast spectrum does not lie fallow and unavailable to others capable of instituting and maintaining service to the public.'' In addition to enforcing section 312(g) of the Act, 47 U.S.C. 312(g), the Commission has stressed its interest in promoting efficient use of radio broadcast spectrum for the benefit of the listening public in several different contexts since the enactment of section 312(g). These concerns about efficient use of spectrum are also reflected in the Commission's statutory authority to award licenses at auction.

6. The KPCQ license renewal application is designated for hearing to determine whether the station's license should be renewed in light of the station's minimal record of operation during SRR's tenure as licensee. We are also designating the question of whether the station's license expired pursuant to section 312(g) of the Act, 47 U.S.C. 312(g).

7. SRR consummated the assignment of the KPCQ license from Inspirational Family Sunny Radio, Inc. on February 1, 2018. KPCQ's operational history during SRR's tenure as licensee is that the station was silent for 1,077 days out of 1,399 days in the period from February 1, 2018 to October 1, 2021 (80% of the time) and operated only 149 days in 2018, two days in 2019, one day in 2020, and 110 days in the portion of 2021 ending on October 1, 2021 (20% of the time). After the license term ended on October 1, 2021, the station remained on the air 100% of the time.

8. SRR reported that KPCQ initially went silent when the site owner required that SRR remove the station's tower on June 30, 2018. However, on June 26, 2019, SRR filed a notice of resumption stating that the Station had resumed operation using its licensed facilities on June 15, 2019. This discrepancy is not mentioned or explained in the exhibit to the license renewal application. Because it is improbable that SRR was able to resume operation with KPCQ's licensed facilities after dismantling its tower, we are designating an issue to determine whether the station's license expired pursuant to section 312(g) of the Act, 47 U.S.C. 312(g), because the station failed to operate with its authorized facilities for more than 12 months.

9. KPCQ went silent again on June 17, 2019, when SRR claimed that a construction crew clipped and severed a tower guy wire, causing collapse of the tower. This is also not explained in the license renewal application. On June 24, 2019, SRR filed an application for construction permit to change site, which was granted on September 12, 2019, expiring on September 12, 2022. Subsequently, on June 14, 2020, KPCQ operated for one day, using a temporary long wire facility, which the license renewal application characterized as operating for ''less than 30 days.'' KPCQ went silent again when that facility was destroyed by a construction crew, and SRR requested extension of silent authority because it was still constructing its new facility. KPCQ remained silent until June 14, 2021, when it resumed operation using program test authority prior to filing its license application to cover the construction permit. KPCQ has operated since that date, while its license application remains pending.

10. On June 24, 2020, SRR filed the station's license renewal application. Section 309(k)(1) of the Act, 47 U.S.C. 309(k), provides that grant of a renewal application is appropriate if we find that (1) the station has served the public interest, convenience, and necessity, (2) there have been no serious violations of the Act or the Rules, and (3) there have been no other violations that, taken together, constitute a pattern of abuse. When such a finding cannot be made on the basis of the application, section 309(k) provides that the license renewal application will be designated for a hearing. Because of KPCQ's extended periods of silence during SRR's tenure as licensee, and because substantial and material questions of fact exist concerning whether the station's license expired automatically under section 312(g) of the Act, 47 U.S.C. 312(g), we are unable to find that grant of the renewal application is in the public interest. Accordingly, we designate this matter for hearing.

11. The Commission recently supplemented its formal hearing processes applicable to the revocation of Title III licenses by adopting Rules that, *inter alia,* expand the use of a hearing procedure that relies in appropriate cases on written submissions and documentary evidence. These hearing proceedings are resolved on a written record consisting of affirmative case, responsive case, and reply case submissions, along with all associated evidence in the record, including

stipulations and agreements of the parties and official notice of material facts. Based on that record, the presiding officer will issue an Initial Decision pursuant to section 409(a) of the Act, 47 U.S.C. 409(a), and sections 1.267 and 1.274(c) of the Rules, 47 CFR 1.267, 1.274(c). Based on the information before us, we believe this matter can be adequately resolved on a written record, and we therefore find that this is an appropriate case for use of those procedures.

12. All parties shall file a timely notice of appearance in accordance with the Rules.

13. After release of this *Hearing Designation Order and Notice of Opportunity for Hearing,* the presiding officer shall promptly release an Initial Case Order. The Initial Case Order shall put all parties on notice that they are expected to be fully cognizant of Part I of the Rules concerning Practice and Procedure, 47 CFR part 1, subparts A and B. The Initial Case Order shall also set a date for the initial status conference and a date by which each party should file a pre-conference submission that would include (a) whether discovery is expected in this case, and if so, a proposed discovery schedule; (b) any preliminary motions they are intending to file; and (c) a proposed case schedule. The parties' pre-conference submission should also indicate whether they request that a Protective Order be entered in this case.

14. In accordance with section 1.246 of the Rules, 47 CFR 1.246, any party may serve upon any other party written requests for the admission of the genuineness of any relevant documents or of the truth of any relevant matters of fact. Such requests shall be served within twenty (20) days after the deadline for filing a notice of appearance unless the presiding officer sets a different time frame.

15. During the initial status conference, the presiding officer shall set the case schedule, including any deadlines by which the parties should submit the motions they identified in their pre-conference submissions. If discovery is anticipated, the presiding officer shall also set the discovery period. The presiding officer shall also set the deadlines for the parties' affirmative case, responsive case, and reply case submissions in accordance with sections 1.371–1.377 of the Rules, 47 CFR 1.371–1.377. If the parties have requested the entrance of a Protective Order, the presiding officer shall also set a deadline by which a joint proposed Protective Order shall be submitted for consideration. In accordance with section 1.248(b) of the Rules, 47 CFR 1.248(b), the presiding officer may adopt a schedule to govern the hearing proceeding during the status conference or in an order following the conference.

16. Additional status conferences may be scheduled throughout the course of the proceeding at the request of the parties and/or at the discretion of the presiding officer. Any requests by a party for a status conference must be made in writing to the presiding officer and shall be copied on all other parties.

17. In accordance with section 1.248 of the Rules, 47 CFR 1.248, an official transcript of all case conferences shall be made, unless the parties and the presiding officer agree to forego a transcript. Transcripts shall be made available to the public as part of the official record in the Commission's Electronic Comment Filing System (ECFS) in MB Docket No. 22–53.

18. The Commission, in section 1.351 of the Rules, 47 CFR 1.351, has adopted the evidentiary standard set forth in the formal APA hearing requirements. In relevant part, section 1.351 of the Rules now states, ''any oral or documentary evidence may be adduced, but the presiding officer shall exclude irrelevant, immaterial, or unduly repetitious evidence.'' The parties remain free to make evidentiary arguments based on the Federal Rules of Evidence.

19. Any person or entity seeking status as a party in this proceeding must file a petition to intervene or petition for leave to intervene in accordance with section 1.223 of the Rules, 47 CFR 1.223.

20. Motions to enlarge, change, or delete issues to be considered in this proceeding shall be allowed, consistent with section 1.229 of the Rules, 47 CFR 1.229.

21. This hearing proceeding is a ''restricted'' proceeding pursuant to section 1.1208 of the Rules, 47 CFR 1.1208, and thus *ex parte* presentations to or from Commission decision-making personnel, including the presiding officer and her staff and staff of the Commission's Media Bureau, are prohibited, except as otherwise provided in the Rules.

22. All pleadings in this proceeding, including written submissions such as letters, discovery requests and objections and written responses thereto, excluding confidential and/or other protected material, must be filed in MB Docket No. 22–53 using ECFS. ECFS shall also act as the repository for records of actions taken in this proceeding, excluding confidential and/or other protected material, by the presiding officer and the Commission.

23. The caption of any pleading filed in this proceeding, as well as all letters, documents, or other written submissions including discovery requests and objections and responses thereto, shall indicate whether it is to be acted upon by the Commission or the presiding officer. The presiding officer shall be identified by name.

24. Electronic service on the Enforcement Bureau shall be made using the following email address: *EBHearings@fcc.gov.*

25. To the extent any party to this proceeding wishes to submit materials or information that it would like withheld from the public record, it may do so in accordance with the procedures set forth in section 1.314 of the Rules, 47 CFR 1.314. The parties may also enter into a Protective Order initiated as described above. As stated above, requests for a Protective Order should be made in the parties' pre-conference submission in accordance with the schedule set forth in the Initial Case Order.

26. The presiding officer shall issue an Initial Decision on the issues set forth herein, as well as any other issues designated for hearing in the course of the proceeding. This Initial Decision shall contain, at a minimum, findings of fact and conclusions of law, as well as the reasons or basis therefor, and the appropriate rule or order or policy and the sanction, relief or denial thereof, as appropriate.

27. *Accordingly, it is ordered* that, pursuant to sections 312(a)(2) and 312(c) of the Communications Act of 1934, as amended, 47 U.S.C. 312(a)(2) and 312(c), and section 1.91(a) of the Commission's Rules, 47 CFR 1.91(a), and pursuant to authority delegated under section 0.283 of the Commission's Rules, 47 CFR 0.283, the captioned application *is designated for hearing* in a consolidated proceeding before the FCC Administrative Law Judge, at a time and place to be specified in a subsequent order, upon the following issues: (a) To determine, with respect to station KPCQ(AM), Chubbuck, Idaho, whether, during the preceding license term, (i) the station has served the public interest, convenience, and necessity, (ii) there have been any serious violations by the licensee of the Communications Act of 1934, as amended, or the rules and regulations of the Commission, and (iii) there have been any other violations of the Communications Act of 1934, as amended, or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse; (b) to determine, with respect to station KPCQ(AM), Chubbuck, Idaho, whether

the station's license expired automatically pursuant to section 312(g) of the Communications Act of 1934, as amended, 47 U.S.C. 312(g), because the station failed to operate with its authorized facilities for more than 12 months; and (c) in light of the evidence adduced pursuant to issues (a) and (b) above, whether the captioned application for renewal of the license for station KPCQ(AM) should be (1) dismissed as moot because the station's license expired automatically pursuant to section 312(g) of the Communications Act of 1934, as amended, 47 U.S.C. 312(g), (2) granted on such terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted, or (3) denied due to failure to satisfy the requirements of section 309(k)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 309(k)(1).

28. *It is further ordered* that, pursuant to section 312(c) of the Communications Act of 1934, as amended, 47 U.S.C. 312(c), and section 1.91(c) of the Commission's Rules, 47 CFR 1.91(c), in order to avail itself of the opportunity to be heard and the right to present evidence at a hearing in these proceedings, Snake River Radio, LLC, in person or by an attorney, *shall file* within 20 days of the mailing of this *Hearing Designation Order and Notice of Opportunity for Hearing,* a written appearance stating its intention to appear at the hearing and present evidence on the issues specified above.

29. *It is further ordered,* pursuant to sections 1.221(c) of the Commission's Rules, 47 CFR 1.221(c), that if Snake River Radio, LLC fails to file a written appearance within the time specified above, or has not filed prior to the expiration of that time a petition to dismiss without prejudice, or a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the pending application will be dismissed with prejudice for failure to prosecute.

30. *It is further ordered* that the Chief, Enforcement Bureau, *is made a party* to this proceeding without the need to file a written appearance.

31. *It is further ordered* that, in accordance with section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e), and section 1.254 of the Commission's Rules, 47 CFR 1.254, the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issues at paragraph 27 (a)–(c) *shall be* upon Snake River Radio, LLC.

32. *It is further ordered* that a copy of each document filed in this proceeding subsequent to the date of adoption of this *Hearing Designation Order and Notice of Opportunity for Hearing shall be served* on the counsel of record appearing on behalf of the Chief, Enforcement Bureau. Parties may inquire as to the identity of such counsel by calling the Investigations & Hearings Division of the Enforcement Bureau at (202) 418–1420. Such service copy *shall be addressed* to the named counsel of record, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

33. *It is further ordered* that the parties to the captioned application shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. 311(a)(2), and section 73.3594 of the Commission's Rules, 47 CFR 73.3594, *give notice* of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the satisfaction of such requirements as mandated by section 73.3594 of the Commission's Rules, 47 CFR 73.3594.

34. *It is further ordered* that a copy of this Hearing Designation Order and Notice of Opportunity for Hearing shall be sent via Certified Mail, Return Receipt Requested, and by regular first-class mail to Snake River Radio, LLC, Ted Austin, P.O. Box 17, St. Anthony, ID 83445 and Jeffrey L. Timmons, Esq., Timmons Communications Law, 974 Branford Lane NW, Lilburn, GA 30047–2680.

35. *It is further ordered* that the Secretary of the Commission shall cause to have this Hearing Designation Order and Notice of Opportunity for Hearing, or a summary thereof published in the **Federal Register**.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2022–03453 Filed 2–16–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FR ID 71104]

Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Extend the Date for the Acceptance and Processing of Certain Applications for 470–512 MHz (T-Band) Spectrum

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this Public Notice, the Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau (collectively the Bureaus) extend the period for accepting certain applications for 470–512 MHz (T-Band) spectrum until April 1, 2022.

DATES: The Bureaus issued the Public Notice on December 17, 2021.

FOR FURTHER INFORMATION CONTACT: Brian Marenco, Electronics Engineer, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418–0838 or via email at *Brian.Marenco@fcc.gov,* and Joshua Smith, Mobility Division, Wireless Telecommunications Bureau, (717) 338–2502 or via email at *Joshua.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Public Notice,* DA 21–1596, released on December 17, 2021. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, 45 L Street NE, Washington, DC 20554. Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID–19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy,* Public Notice, DA 20–304 (March 19, 2020). *https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy.* During the time the Commission's building is closed to the general public and until further notice.

1. On January 19, 2021, the Bureaus released a Public Notice establishing a 90-day period from March 22, 2021 until June 21, 2021 for accepting certain Part 22 and Part 90 applications for facilities in the T-Band. The Bureaus limited applications to incumbent licensees to ensure orderly resumption of the application and licensing processes following suspension on acceptance of certain T-Band applications in 2012. On June 21, 2021, the Bureaus extended the incumbent-only filing window until Dec. 19, 2021.

2. On December 17, 2021, the Bureaus released a Public Notice extending the period limiting applications to incumbent licensees to April 1, 2022 while staff continues working on ways to improve the orderly resumption of the application and licensing processes for the T-Band.

3. The Bureaus noted in the Public Notice that the decision to extend the date for acceptance of certain T-Band

applications is procedural in nature, and therefore not subject to the notice and comment and effective date requirements of the Administrative Procedure Act. Moreover, the Bureaus found there is good cause for not delaying the effect of the extension until after publication of the Public Notice in the **Federal Register** since such a delay would be impractical, unnecessary, and contrary to the public interest because it would undercut the purposes of the extension.

Federal Communications Commission.

David Furth,

Deputy Chief, Public Safety and Homeland Security Bureau.

[FR Doc. 2022–03451 Filed 2–16–22; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates (FR Y–8 OMB No. 7100–0126).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates.

Agency form number: FR Y–8.

OMB control number: 7100–0126.

Frequency: Quarterly.

Respondents: U.S. top-tier bank holding companies (BHCs), intermediate holding companies (IHCs), and savings and loan holding companies (SLHCs); foreign banking organizations (FBOs) that directly own or control a U.S. subsidiary insured depository institution.

Estimated number of respondents: Reporting, 692; recordkeeping, 692.

Estimated average hours per response: Reporting, 7.3; recordkeeping, 0.5.

Estimated annual burden hours: 21,590.

General description of report: The FR Y–8 collects information on covered transactions between an insured depository institution and its affiliates that are subject to the quantitative limits and other requirements of section 23A of the Federal Reserve Act (12 U.S.C. 371c) and the Board's Regulation W—Transactions Between Member Banks and Their Affiliates (12 CFR part 223). The data to be reported vary based on the activities and subsidiaries of the insured depository institution. A respondent must file a separate FR Y–8 report for each U.S. insured depository institution it controls.

Legal authorization and confidentiality: Section 5(c) of the Bank Holding Company Act authorizes the Board to require BHCs and IHCs to file the FR Y–8.[1] Section 10(b)(2) of the Home Owners' Loan Act authorizes the Board to require SLHCs to file the FR Y–8.[2] Section 8(a) of the International Banking Act authorizes the Board to require FBOs that directly own or control a U.S. subsidiary insured depository institution to file the FR Y–8.[3] Information provided on the FR Y–8 may be kept confidential under exemption 4 of the Freedom of Information Act (FOIA) as confidential commercial or financial information that is both customarily and actually treated as private.[4] Information collected on the FR Y–8 may also be considered confidential under FOIA exemption 8 if it is obtained as part of an examination or supervision of a financial institution.[5]

The FR Y–8 report is mandatory for respondents that control an insured depository institution that has engaged in covered transactions with an affiliate during the reporting period.

Current actions: On October 18, 2021, the Board published a notice in the **Federal Register** (86 FR 57675) requesting public comment for 60 days on the extension, without revision, of the Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates. The comment period for this notice expired on December 17, 2021. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, February 14, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–03470 Filed 2–16–22; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 1844(c).

[2] 12 U.S.C. 1467a(b)(2).

[3] 12 U.S.C. 3106(a).

[4] 5 U.S.C. 552(b)(4).

[5] 5 U.S.C. 552(b)(8).

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Domestic Finance Company Report of Consolidated Assets and Liabilities (FR 2248; OMB No. 7100–0005).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board

authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Domestic Finance Company Report of Consolidated Assets and Liabilities.

Agency form number: FR 2248.

OMB control number: 7100–0005.

Frequency: Monthly, quarterly, as needed.

Respondents: Finance companies.[1]

Estimated number of respondents: Monthly, 150; Quarterly, 150; Addendum; 150.

Estimated average minutes per response: Monthly, 20; Quarterly, 30; Addendum, 10.

Estimated annual burden hours: Monthly, 400; Quarterly, 300; Addendum; 50.

General description of report: The FR 2248 is collected monthly as of the last calendar day of the month from a stratified sample[2] of finance companies. Each monthly report collects balance sheet data on major categories of consumer and business credit receivables and on major short-term liabilities. For quarter-end months (March, June, September, and December), additional asset and liability items are collected to provide a full balance sheet. A supplemental section collects data on securitized assets. Board staff may ask either quantitative or qualitative questions through the use of a special addendum section no more than twice per year. The data are used to construct universe estimates of finance company holdings, which are published in the monthly statistical releases Finance Companies (G.20) and Consumer Credit (G.19) and in the quarterly statistical release Financial Accounts of the United States (Z.1).[3]

Legal authorization and confidentiality: The FR 2248 is authorized by sections 2A and 12A of the Federal Reserve Act (FRA). Section 2A of the FRA requires that the Board and the Federal Open Market Committee (FOMC) ''maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates.''[4] Section 12A of the FRA further requires the FOMC to implement regulations relating to the open market operations conducted by Federal Reserve Banks ''with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.''[5] The Board and FOMC use the information obtained through the FR 2248 to discharge these responsibilities. The FR 2248 is voluntary.

Although the Board releases aggregate data derived from the FR 2248 in the monthly G.20 and G.19 statistical releases, and in the quarterly Z.1 statistical release, individual finance company information provided by each respondent is generally treated as confidential. Information collected on the FR 2248 is likely to constitute nonpublic commercial or financial information, which is both customarily and actually treated as private by the respondent. Accordingly, such information may be kept confidential by the Board pursuant to exemption 4 of the Freedom of Information Act.[6] If it should be determined that any information collected on the FR 2248 must be released, respondents would be notified.

Current Actions: On November 4, 2021, the Board published a notice in the **Federal Register** (86 FR 608019) requesting public comment for 60 days on the extension, without revision, of the Domestic Branch Application. The comment period for this notice expired on January 3, 2022. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, February 14, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–03472 Filed 2–16–22; 8:45 am]

BILLING CODE 6210–01–P

[1] Finance companies include companies in which 50 percent or more of assets are held in any of the following types of loan or lease assets: (1) Liens on real estate, defined as outstanding balances on loans or leases, for any purpose, secured by liens on real estate; (2) loans and leases not secured by real estate, such as business loans and leases, defined as outstanding balances on loans and on leases for commercial and industrial purposes to sole proprietorships, partnerships, corporations, and other business enterprises; or consumer loans and leases defined as outstanding balances on loans and on leases for household, family, and other personal expenditures.

[2] Potential universe of respondents is identified by the quinquennial Census of Finance Companies (FR 3033p) and Survey of Finance Companies (FR 3033s) (OMB No.7100–0277). More details can be found in the OMB supporting statement.

[3] See *https://www.federalreserve.gov/econresdata/statisticsdata.htm.*

[4] 12 U.S.C. 225a.

[5] 12 U.S.C. 263.

[6] 5 U.S.C. 552(b)(4).

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Domestic Branch Application (FR 4001; OMB No. 7100–0097).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Domestic Branch Application.

Agency form number: FR 4001.

OMB control number: 7100–0097.

Frequency: On occasion.

Respondents: State member banks (SMBs).

Estimated number of respondents: Expedited notifications, 55; nonexpedited notifications, 169; disclosures, 224.

Estimated average hours per response: Expedited notifications, 1; nonexpedited notifications, 1.5; disclosures, 0.5.

Estimated annual burden hours: Expedited notifications, 55; nonexpedited notifications, 254; disclosures, 112.

General description of report: The Federal Reserve Act and the Board's Regulation H require an SMB to seek prior approval of the Federal Reserve System before establishing or acquiring a domestic branch. Such requests for approval must be filed as applications at the appropriate Reserve Bank for the SMB. Due to the limited information that an SMB generally has to provide for branch proposals, there is no reporting form for a domestic branch application. An SMB is required to notify the Federal Reserve by letter of its intent to establish one or more new branches and provide evidence that public notice of the proposed branch(es) has been published by the SMB in the appropriate newspaper(s). The Federal Reserve uses the information provided to fulfill its statutory obligation to review branch applications before acting on the proposals and to otherwise supervise SMBs.

Legal authorization and confidentiality: The filing requirements under the FR 4001 are authorized by section 9(3) of the Federal Reserve Act.[1] The filing requirements under the FR 4001 are required to obtain a benefit.

The information in an SMB's domestic branch application is public. An SMB may request that portions of its application be kept confidential pursuant to exemption 4 of the Freedom of Information Act (FOIA) if they contain commercial or financial information that is both customarily and actually treated as private.[2] Information provided by an SMB as part of its domestic branch application may also be considered confidential under FOIA exemption 6 if the application contains information, the disclosure of which would ''constitute a clearly unwarranted invasion of personal privacy,''[3] and under FOIA exemption 8 if the application is obtained as part of an examination or supervision of a financial institution.[4]

Current actions: On October 18, 2021, the Board published a notice in the **Federal Register** (86 FR 57673) requesting public comment for 60 days on the extension, without revision, of the Domestic Branch Application. The comment period for this notice expired on December 17, 2021. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, February 14, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–03469 Filed 2–16–22; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 321 (requiring state member banks to obtain Board approval prior to establishing a domestic branch).

[2] 5 U.S.C. 552(b)(4).

[3] 5 U.S.C. 552(b)(6).

[4] 5 U.S.C. 552(b)(8).

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Application Form for Membership on the Community Advisory Committee Council (FR 1401; OMB No. 7100–0371).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Report title: Application Form for Membership on the Community Advisory Committee Council.

Agency form number: FR 1401.

OMB control number: 7100–0371.

Frequency: Annually.

Respondents: Any person seeking to be considered for membership on the Community Advisory Committee (CAC) Council.

Estimated number of respondents: 300.

Estimated average hours per response: 1.

Estimated annual burden hours: 300.

General description of report: The CAC Application (Application) is used to obtain information about the experience and qualification of persons seeking to be considered for membership on the CAC of the Board. The Application collects an applicant's contact information; details regarding current employment and areas of expertise; a resume, which typically includes information about employment history, education, and training; and a cover letter explaining why the applicant is interested in serving on the CAC and what he or she believes are their primary qualifications. Applicants can voluntarily elect to provide additional information to support their application.

Legal authorization and confidentiality: The Application is authorized pursuant to sections 2A and 10 of the Federal Reserve Act (FRA).[1] Section 2A of the FRA requires the Board and Federal Open Market Committee to ''maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment,

[1] 12 U.S.C. 225a and 244.

stable prices, and moderate long-term interest rates.'' [2] Section 10 of the FRA authorizes the Board to ''determine and prescribe the manner in which its obligations shall be incurred and its disbursements and expenses allowed and paid.'' [3] Providing information collected as part of the Application is required to obtain a benefit.

Generally, information provided on the Application may be kept confidential from the public under exemption 6 of the Freedom of Information Act (FOIA) to the extent that the disclosure of the information ''would constitute a clearly unwarranted invasion of personal privacy.'' For example, the release of information such as the applicant's address, home telephone number, or personal email address to the public would likely constitute a clearly unwarranted invasion of personal privacy and be kept confidential. However, the release of information such as the educational and professional qualifications of successful applicants would not likely constitute a clearly unwarranted invasion of personal privacy and may be disclosed under the FOIA. In addition, once a person becomes a member of the CAC, their name, and the name and location of the organization where they are employed, would generally be listed on the Board's public website.

Current actions: On October 5, 2021, the Board published a notice in the **Federal Register** (86 FR 54977) requesting public comment for 60 days on the extension, without revision, of the Application Form for Membership on the Community Advisory Committee Council. The comment period for this notice expired on December 6, 2021. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, February 14, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–03471 Filed 2–16–22; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; FFY 2022 CCDF Discretionary Funds Reallotment (0970–0510)

AGENCY: Office of Child Care, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Administration for Children and Families (ACF), Office of Child Care (OCC) plans to submit a generic information collection (GenIC) request under the following umbrella generic: Generic Clearance for Financial Reports used for ACF Mandatory Grant Programs (0970–0510). This request includes a draft announcement with instructions to be completed by Child Care and Development Fund (CCDF) grant recipients that will be unable to obligate funds that will reach the end of their obligation period on September 30, 2022.

DATES: *Comments due within 14 days of publication.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above and below.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be submitted by emailing *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: CCDF regulations authorize HHS to reallot funds to other state and tribal lead agencies that cannot be obligated by states or tribes by the obligation deadline. Pursuant to the CCDF Rule (45 CFR 98.64), each year, the state and tribal lead agency must report to the Secretary the dollar amount from the previous year's grant that it will be unable to obligate by the end of the obligation period. Such reports must be postmarked or emailed by April 1. If the Secretary does not receive a report, any funds that are not obligated by the obligation deadline will revert to the Federal Government.

For the purposes of this data collection, ''state'' refers to the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico.

The Generic Clearance for Financial Reports used for ACF Mandatory Grant Programs allows ACF programs to assist in the computation of the grant awards issued to each program's grantees. For more information about the umbrella generic, see: *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202108-0970-002.*

This specific GenIC will be issued as a Program Instruction and an email announcement on the OCC listserv. State and tribal lead agencies that will be unable to obligate their funds by September 30, 2022, must inform ACF by April 1, 2022. Lead Agencies should submit a letter by mail or email signed by an official authorized to make financial decisions (*e.g.,* Tribal Chair, Agency Director) to their OCC Regional Program Manager and ACF Regional Grants Management Specialist. The letter or email should report the amount of funds for each of the following funding streams that the Lead Agency will be unable to obligate: Grant year 2021 CCDF discretionary funds, and CCDF supplemental funds awarded under the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Pub. L. 116–20); the Coronavirus Aid, Relief, and Economic Security Act (Pub. L. 116–136); the Coronavirus Response and Relief Supplemental Appropriations Act (Pub. L. 116–260); and the American Rescue Plan Act child care stabilization funds (Pub. L. 117–2). ACF will de-obligate funds that are reported and re-allot those funds to state and tribal lead agencies that request the funds.

Respondents: Respondents will be state and tribal officials authorized to report on behalf of the CCDF program, which will likely be CCDF program administrators.

ANNUAL BURDEN ESTIMATES

Title of information collection	Number of respondents	Annual frequency of responses	Hourly burden per response	Annual hourly burden
FFY 2022 CCDF Discretionary Funds for Reallotment	317	1	1	317

[2] 12 U.S.C. 225a.

[3] 12 U.S.C. 244. This authority permits the Board to collect personal information (*e.g.,* bank account routing numbers) needed to disburse travel funds to CAC members.

Estimated Total Annual Burden Hours: 317.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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 within 14 days of this publication.

Authority: 45 CFR 98.64.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–03462 Filed 2–16–22; 8:45 am]

BILLING CODE 4184–55–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0895]

Issuance of Priority Review Voucher; Material Threat Medical Countermeasure Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a material threat medical countermeasure (MCM) product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the 21st Century Cures Act (Cures Act), authorizes FDA to award priority review vouchers to sponsors of approved material threat MCM product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. FDA has determined that **SPIKEVAX** (COVID–19 Vaccine, mRNA), meets the criteria for a material threat priority review voucher, which has been issued to ModernaTX, Inc., the holder of the biologics license application.

FOR FURTHER INFORMATION CONTACT: Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a material threat MCM priority review voucher to the sponsor of an approved material threat MCM product application. Under section 565A of the FD&C Act (21 U.S.C. 360bbb–4a), which was added by the Cures Act (Pub. L. 114–255), FDA will award priority review vouchers to sponsors of approved material threat MCM product applications that meet certain criteria upon approval of those applications. FDA has determined that SPIKEVAX (COVID–19 Vaccine, mRNA), meets the criteria for a material threat MCM priority review voucher. SPIKEVAX is indicated for active immunization to prevent coronavirus disease 2019 (COVID–19) caused by severe acute respiratory syndrome coronavirus 2 (SARS–CoV–2) in individuals 18 years of age and older.

For further information about the material threat MCM Priority Review Voucher Program and for a link to the full text of section 565A of the FD&C Act, go to *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/mcm-related-counterterrorism-legislation.* For further information about SPIKEVAX, (COVID–19 Vaccine, mRNA), go to the Center for Biologics Evaluation and Research Approved Vaccine Products website at *https://www.fda.gov/vaccines-blood-biologics/vaccines/approved-vaccine-products.*

Dated: February 11, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03420 Filed 2–16–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0386]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Class II Special Controls for Human Immunodeficiency Virus Serological Diagnostic and Supplemental Tests and Human Immunodeficiency Virus Nucleic Acid Diagnostic and Supplemental Tests

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by March 21, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0437. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Medical Device Reporting—21 CFR Part 803

OMB Control Number 0910–0437—Revision

In the **Federal Register** of February 21, 2020 (85 FR 10110), we published a proposed order to reclassify certain human immunodeficiency virus (HIV) serological diagnostic and supplemental tests and HIV nucleic acid (NAT) diagnostic and supplemental tests from class III (premarket approval) into class II (special controls) (the proposed order). In the proposed order, FDA proposed special controls that the Agency believes are necessary to provide a reasonable assurance of safety and effectiveness for these devices. The proposed special controls would require the submission of a log of all complaints annually for a period of 5 years following FDA clearance of a traditional premarket notification (510(k)) submission for a device within the scope of the proposed order.

Currently, manufacturers of HIV serological diagnostic and supplemental tests and HIV NAT diagnostic and supplemental tests are subject to FDA

regulations in part 820 (21 CFR part 820), which govern the methods used in, and the facilities and controls used for, the design, manufacture, packaging, labeling, storage, installation, and servicing of all finished devices intended for human use. Manufacturers are required to maintain complaint files and to review and evaluate complaints for these devices under § 820.198 (21 CFR 820.198) (approved under OMB control number 0910–0073).

Complaints required to be reported in the annual logs under the proposed special controls, such as certain complaints involving unusually high invalid rates or issues with users conducting the test, may not meet the definition of a medical device report required to be reported to FDA under 21 CFR part 803 (Medical Device Reporting; currently approved under OMB control number 0910–0437), but could potentially affect the safety and effectiveness of these devices. The submission of the complaint log would provide us with earlier notification of concerns and enable us to determine whether they have been adequately addressed. The Agency usually would not evaluate this kind of complaint information until an FDA inspection, which typically occurs less frequently than annually. We believe implementing these specific reporting measures as part of the special controls would be necessary to provide a reasonable assurance of safety and effectiveness for HIV diagnostic and supplemental tests subject to the proposed order.

Finalizing the proposed order would add classification regulations for these devices in 21 CFR part 866 (Immunology and Microbiology Devices) at 21 CFR 866.3956 for the HIV serological diagnostic and supplemental tests, and 21 CFR 866.3957 for the HIV NAT diagnostic and supplemental tests, and establish special controls necessary to provide reasonable assurance of their safety and effectiveness. As described above, the special controls would require the submission of a log of all complaints annually for a period of 5 years following FDA clearance of a traditional 510(k) submission for one of these devices. We are requesting approval to revise the scope of the information collections included in OMB control number 0910–0437 (medical device reporting) to include the information collection associated with this special control provision.

Description of Respondents: The respondents to the information collection are manufacturers of HIV diagnostic and supplemental test devices that would be subject to the proposed order, if finalized.

In the **Federal Register** of June 25, 2021 (86 FR 33708), we published a 60-day notice requesting public comment on the new reporting provisions of the proposed order. One comment was received, however it was not responsive to the four information collection topics solicited, nor did it suggest FDA revise its burden estimate.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Proposed 21 CFR 866.3956(b)(1)(iii) and 866.3957(b)(1)(iii), Submission of log to FDA	10	1	10	3	30

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate of the average burden per response on our experience with other types of annual report submissions. We base our estimate of the number of affected respondents on the expected number of manufacturers that would be submitting a 510(k) for a new device or changes to an existing device that would require a 510(k).

As noted above, manufacturers of the devices subject to the proposed order must already maintain complaint files and review and evaluate complaints under § 820.198. If the proposed order is finalized as proposed, we estimate it would take a manufacturer approximately 3 hours annually to review their existing records, prepare the complaint log, and submit it to FDA. Although respondents may submit the information electronically through the FDA Electronic Submission Gateway, on paper, or electronic media (*e.g.,* CD, DVD) to the Center for Biologics Evaluation and Research's Document Control Center, we assume that all manufacturers will submit their logs electronically.

Dated: February 10, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03437 Filed 2–16–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1721]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Investigational New Drug Application Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by March 21, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The OMB control number for this information collection is 0910–0014. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed

collection of information to OMB for review and clearance.

Investigational New Drug Application Regulations—21 CFR part 312

OMB Control Number 0910–0014—Revision

This information collection supports implementation of provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355) and of the licensing provisions of the Public Health Service Act (42 U.S.C. 201 *et seq.*) that govern investigational new drugs and investigational new drug applications (INDs). Implementing regulations are found in part 312 (21 CFR part 312), and provide for the issuance of guidance documents (see § 312.145 (21 CFR 312.145)) to assist persons in complying with the applicable requirements. The information collection applies to all clinical investigations subject to section 505 of the FD&C Act and include the following types of INDs:

- An Investigator IND is submitted by a physician who both initiates and investigates, and under whose immediate direction the investigational drug is administered or dispensed. A physician might submit a research IND to propose studying an unapproved drug or an approved product for a new indication or in a new patient population.
- Emergency Use IND allows FDA to authorize use of an experimental drug in an emergency situation that does not allow time for submission of an IND in accordance with § 312.23 or § 312.20 (21 CFR 312.23 or 312.20). It is also used for patients who do not meet the criteria of an existing study protocol or if an approved study protocol does not exist.
- Treatment IND is submitted for experimental drugs showing promise in clinical testing for serious or immediately life-threatening conditions while the final clinical work is conducted and FDA's review takes place.

There are two IND categories: Commercial and research (non-commercial).

General IND requirements include submitting an initial application as well as amendments to that application; submitting reports on significant revisions of clinical investigation plans; submitting information to the clinical trials data bank (*https://clinicaltrials.gov*) established by the National Institutes of Health/National Library of Medicine, including expanded information on certain clinical trials and information on the results of these clinical trials; and reporting information on a drug's safety or effectiveness. In addition, sponsors are required to provide to FDA an annual summary of the previous year's clinical experience. The regulations also include recordkeeping requirements regarding the disposition of drugs, records regarding individual case histories, and certain other documentation verifying clinical investigators' fulfillment of responsibilities.

Form FDA 1571 entitled ''Investigational New Drug Application (IND)'' and Form FDA 1572 entitled ''Statement of Investigator,'' were developed to assist respondents with the information collection and provide for uniform reporting of required data elements. The information is required to be submitted electronically. Individuals who are interested in receiving printed forms may send an email request to the FDA Forms Manager at *formsmanager@OC.FDA.GOV.* Fees may apply. Sponsors (including sponsor-investigators) interested in filing or updating a research IND may use a new web-based interface developed for use by mobile device or desktop to help in completing Form FDA 1571. The web-based interface also allows respondents to electronically submit completed Form FDA 1571 and associated files. For more information regarding Forms FDA 1571 and 1572 visit *https://www.fda.gov/news-events/expanded-access/how-complete-form-fda-1571-and-form-fda-1572.*

Human drug, biological product, and device product submissions must be accompanied by Form FDA 3674, as discussed in the guidance document entitled ''Form FDA 3674—Certifications To Accompany Drug, Biological Product, and Device Applications/Submissions'' (updated November 2017), available from our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/form-fda-3674-certifications-accompany-drug-biological-product-and-device-applicationssubmissions.* The guidance document provides procedural instruction on completing and submitting required information to FDA. As communicated in the instructions, the certification must accompany the application or submission and be included at the time of submission to FDA.

Regulations in part 312, subpart B, specify content and format requirements for applications, amendments, annual reporting, and withdrawals, including content and format requirements for protocol and information amendments. The regulations also explain phases of an investigation and set forth principles of IND submissions.

Regulations in part 312, subpart C, describe administrative actions pertaining to respondents' requests for and responses to clinical holds, terminations, and inactive IND status determinations, as well as various types of meetings (for example, End-of-Phase 2 and Pre-new drug application (NDA) meetings).

Regulations in part 312, subpart D, set forth sponsor and investigator responsibilities, including general responsibilities; transfer of obligations to a contract research organization; recordkeeping and record retention controls; reporting responsibilities; and responsibility for disposition of unused supply of investigational drug. The regulations also provide for investigator controls including review of ongoing investigations; compliance with requirements regarding the protection of human subjects and institutional review board assurance; and disqualification of clinical investigators.

Regulations in part 312, subpart E, sets forth requirements applicable to drugs intended to treat life-threatening and severely debilitating illnesses. The regulations establish procedures to reflect that physicians and patients accept greater risk or side effects from products that treat life-threatening and severely debilitating illnesses than they would accept from products that treat less serious illnesses. The procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated.

Regulations in part 312, subpart F, include provisions pertaining to import and export requirements; foreign clinical studies not conducted under an IND; the disclosure of data and information in an IND; and the issuance of guidance documents. We are revising the information collection to account for burden that may be associated with recommendations found in Agency guidance documents.

- The guidance document entitled ''Oversight of Clinical Investigations'' (August 2013) communicates risk-based monitoring strategies and recommends plans for investigational studies of medical products, including human drug and biological products, medical devices, and combinations thereof. The guidance document is intended to enhance human subject protection and the quality of clinical trial data by focusing sponsor oversight on the most important aspects of study conduct and reporting. The guidance also communicates that sponsors can use a variety of approaches to fulfill

responsibilities for monitoring clinical investigator conduct and performance in IND studies, and provides a description of strategies for monitoring activities to reflect a modern, risk-based approach. The guidance document recommends that respondents develop a written comprehensive monitoring plan and describes monitoring approaches for respondents to consider (Guidance Section IV.D.).

• The guidance document entitled ''Pharmacogenomic Data Submissions'' (March 2005) provides recommendations intended to assist sponsors submitting or holding INDs, NDAs, or biologics license applications (BLAs) with submission requirements for relevant data regarding drug safety and effectiveness (including §§ 312.22, 312.23, 312.31, 312.33, 314.50, 314.81, 601.2, and 601.12 (21 CFR 312.22, 312.23, 312.31, 312.33, 314.50, 314.81, 601.2 and 601.12)). Because the regulations were developed before the advent of widespread animal or human genetic or gene expression testing, the regulations do not specifically address when such data must be submitted. The guidance document includes content and format recommendations regarding pharmacogenomic data submissions. Although we have not received any pharmacogenomic submissions since 2013, we assume an average of 50 hours for preparing and providing information to FDA as recommended in the guidance and estimate one submission annually.

• The guidance document entitled ''Adaptive Designs for Clinical Trials of Drugs and Biologics'' (December 2019) was developed to assist sponsors and applicants submitting INDs, NDAs, BLAs, or supplemental applications on the appropriate use of adaptive designs for clinical trials to provide evidence of the effectiveness and safety of a drug or biologic. The guidance document describes important principles for designing, conducting, and reporting the results from an adaptive clinical trial, and advises sponsors on the types of information to submit to facilitate FDA evaluation of clinical trials with adaptive designs, including Bayesian adaptive and complex trials that rely on computer simulations for their design. The guidance document also helps to fulfill FDA Commitment Goals under the Prescription Drug User Fee Act pertaining to the enhancement of regulatory decision tools.

The referenced guidance documents are available for download from our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents* and were issued consistent with § 312.145 to help respondents comply with requirements in part 312. In publishing the respective notices of availability for each guidance document, we included an analysis under the PRA and invited public comment on the associated information collection recommendations. In addition, all Agency guidance documents are issued in accordance with our Good Guidance Practice regulations in 21 CFR 10.115, which provide for public comment at any time.

Regulations in part 312, subpart G, provide for drugs for investigational use in laboratory research animals or in vitro tests.

In the **Federal Register** of November 24, 2021 (86 FR 67060), we published a 60-day notice requesting public comment on the proposed collection of information. Although we received two general comments, neither discussed the four information collection topics solicited in our 60-day notice or suggested that we revise our burden estimate.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICS [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Subpart A—General Provisions: §§ 312.1 through 312.10					
§ 312.2(e); requests for FDA advice on the applicability of part 312 to a planned clinical investigation	454	1.528	694	24	16,656
§ 312.8; requests to charge for an investigational drug	14	1.64	23	48	1,104
§ 312.10; waiver requests	5	1	5	24	120
Subtotal Subpart A Center for Biologics Evaluation and Research (CBER)			722		17,880
Subpart B—Investigational New Drug Application (IND): §§ 312.20 through 312.38 (Including Forms FDA 1571, 1572, and 3674)					
§ 312.23(a) through (f); IND content and format	2,075	3.382	7,018	300	2,105,400
§ 312.30(a) through (e); protocol amendments	1,781	4.6692	8,316	284	2,361,744
§ 312.31(b); information amendments	169	2.48	419	100	41,900
§ 312.32(c) and (d); IND safety reports	224	10.59	2,372	32	75,904
§ 312.33(a) through (f); IND annual reports	971	2.2739	2,208	360	794,880
§ 312.38(b) and (c); notifications of withdrawal of an IND	712	3.057	2,177	28	60,956
Subtotal Subpart B CBER			22,510		5,440,784
Subpart C—Administrative Actions: §§ 312.40 through 312.48					
§ 312.42; clinical holds and requests for modification	154	1.65	254	284	72,136
§ 312.44(c) and (d); sponsor responses to FDA when IND is terminated	86	1.22	105	16	1,680
§ 312.45(a) and (b); sponsor requests for or responses to an inactive status determination of an IND by FDA	48	1.48	71	12	852
§ 312.47; meetings, including ''End-of-Phase 2'' meetings and ''Pre-NDA'' meetings	157	1.80	283	160	45,280
Subtotal Subpart C CBER			713		119,948

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICS [1]—Continued

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Subpart D—Responsibilities of Sponsors and Investigators: §§ 312.50 through 312.70					
§ 312.53(c); investigator reports submitted to the sponsor, including Form FDA 1572, curriculum vitae, clinical protocol, and financial disclosure	1,068	5.23	5,586	80	446,880
§ 312.54(a); sponsor submissions to FDA concerning investigations involving an exception from informed consent under § 50.24	4	4.25	17	48	816
§ 312.54(b); sponsor notifications to FDA and others concerning an institutional review board determination that it cannot approve research because it does not meet the criteria in the exception from informed consent in § 50.24(a)	1	1	1	48	48
§ 312.55(a); number of investigator brochures submitted by the sponsor to each investigator	473	2.224	1,052	48	50,496
§ 312.55(b); number of sponsor reports to investigators on new observations, especially adverse reactions and safe use	243	4.95	1,203	48	57,744
§ 312.56(b), (c), and (d); review of ongoing investigations and associated notifications; sponsor notifications	915	2.948	2,698	80	215,840
§ 312.58; inspection of records and reports by FDA	7	1	7	8	56
§ 312.64; number of investigator reports to the sponsor, including progress reports, safety reports, final reports, and financial disclosure reports	2,728	3.816	10,411	24	249,864
§ 312.70; disqualification of a clinical investigator by FDA	5	1	5	40	200
Subtotal Subpart D CBER			20,980		1,021,944
Subpart F—Miscellaneous: §§ 312.110 through 312.145					
§ 312.110(b)(4) and (b)(5); number of written certifications and written statements submitted to FDA relating to the export of an investigational drug	18	1	18	75	1,350
§ 312.120(b); number of submissions to FDA of "supporting information" related to the use of foreign clinical studies not conducted under an IND	280	9.82	2,750	32	88,000
§ 312.120(c); number of waiver requests submitted to FDA related to the use of foreign clinical studies not conducted under an IND	7	2.29	16	24	384
§ 312.130; number of requests for disclosable information in an IND and for investigations involving an exception from informed consent under § 50.24	350	1.342	470	8	3,760
Subtotal Subpart F CBER			3,254		93,494
Total			48,179		6,694,050

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR BIOLOGICS [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Subpart D—Responsibilities of Sponsors and Investigators: §§ 312.50 through 312.70					
§ 312.52(a); sponsor records for the transfer of obligations to a contract research organization.	94	2.26	212	2	424
§ 312.57; sponsor recordkeeping showing the receipt, shipment, or other disposition of the investigational drug, and any financial interest.	335	2.70	904	100	90,400
§ 312.62(a); investigator recordkeeping of the disposition of drugs.	453	1	453	40	18,120
§ 312.62(b); investigator recordkeeping of case histories of individuals.	453	1	453	40	18,120
Subtotal Subpart D CBER			2,022		127,064

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR BIOLOGICS [1]—Continued

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Subpart G—Drugs for Investigational Use in Laboratory Research Animals or In Vitro Tests					
§ 312.160(a)(3); records pertaining to the shipment of drugs for investigational use in laboratory research animals or in vitro tests.	111	1.40	155	0.5 (30 minutes)	78
§ 312.160(c) shipper records of alternative disposition of unused drugs.	111	1.40	155	0.5 (30 minutes)	78
Subtotal Subpart G CBER			310		156
Total			2,332		127,220

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Subpart A—General Provisions					
§ 312.2(e); requests for FDA advice on the applicability of part 312 to a planned clinical investigation	419	1	419	24	10,056
§ 312.8; requests to charge for an investigational drug	25	1.28	32	48	1,536
§ 312.10; requests to waive a requirement in part 312	68	1.5	102	24	2,448
Subtotal Subpart A Center for Drug Evaluation and Research (CDER)			553		14,040
Subpart B—Investigational New Drug Application (IND)					
§ 312.23(a) through (f); IND content and format (including Forms FDA 1571 and 3674)	4,886	1.4662	7,164	300	2,149,200
§ 312.30(a) through (e); protocol amendments	11,847	3.2367	38,346	284.25	10,899,850
§ 312.31(b); information amendments	8,094	3.30899	26,783	100	2,678,300
§ 312.32(c) and (d); IND safety reports	892	15.848	14,137	32	452,384
§ 312.33(a) through (f); IND annual reports	3,777	2.9097	10,990	360	3,956,400
§ 312.38(b) and (c); notifications of withdrawal of an IND	1,549	1.834	2,841	28	79,548
Subtotal Subpart B CDER			100,261		20,215,682
Subpart C—Administrative Actions: §§ 312.40 through 312.48					
§ 312.42; clinical holds and requests for modifications	181	1.28	232	284	65,888
§ 312.44(c) and (d); sponsor responses to FDA when IND is terminated	1	1	1	16	16
§ 312.45(a) and (b); sponsor requests for or responses to an inactive status determination of an IND by FDA	213	1.72	367	12	4,404
§ 312.47; meetings, including ''End-of-Phase 2'' meetings and ''Pre-NDA'' meetings	174	2.885	502	160	80,320
Subtotal Subpart C CDER			1,102		150,628
Subpart D—Responsibilities of Sponsors and Investigators					
§ 312.54(a); sponsor submissions to FDA concerning investigations involving an exception from informed consent under § 50.24	7	1.14	8	48	384
§ 312.54(b); sponsor notifications to FDA and others concerning an institutional review board determination that it cannot approve research because it does not meet the criteria in the exception from informed consent in § 50.24(a)	2	1	2	48	96
§ 312.56; review of ongoing investigations and associated notifications	4,570	5.4689	24,993	80	1,999,440
§ 312.58; inspection of records and reports by FDA	73	1	73	8	584
§ 312.70; disqualification of a clinical investigator by FDA.	5	1	5	40	200
Subtotal Subpart D CDER			25,081		2,000,704

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]—Continued

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Subpart F—Miscellaneous: §§ 312.110 through 312.145					
§ 312.110(b)(4) and (b)(5); written certifications and written statements submitted to FDA relating to the export of an investigational drug	8	22.375	179	75	13,425
§ 312.120(b); submissions to FDA of "supporting information" related to the use of foreign clinical studies not conducted under an IND	1,964	7.352	14,440	32	462,080
§ 312.120(c); waiver requests submitted to FDA related to the use of foreign clinical studies not conducted under an IND	68	1.5	102	24	2,448
§ 312.130; requests for disclosable information in an IND and for investigations involving an exception from informed consent under § 50.24	3	1	3	8	24
§ 312.145; Guidance Documents:					
Oversight of Clinical Investigations (2013)	88	1.5	132	4	528
Pharmacogenomic Data Submissions (2005)	1	1	1	50	50
Adaptive Designs for Clinical Trials of Drugs and Biologics (2019)	55	4.727	260	50	13,000
Subtotal Subpart F CDER			15,117		491,555
Total			142,114		22,872,609

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR HUMAN DRUGS [1]

21 CFR section; activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Subpart D—Responsibilities of Sponsors and Investigators					
§ 312.52(a); transfer of obligations to a contract research organization.	466	3.107	1,448	300	434,400
§ 312.57; records showing the receipt, shipment, or other disposition of the investigational drug and any financial interests.	13,000	1	13,000	100	1,300,000
§ 312.62(a); records on disposition of drugs	13,000	1	13,000	40	520,000
§ 312.62(b); records on case histories of individuals.	2,192	6.587	14,439	40	577,560
Subtotal Subpart D CDER			41,887		2,831,960
Subpart G—Drugs for Investigational Use in Laboratory Research Animals or In Vitro Tests					
§ 312.160(a)(3); records pertaining to the shipment of drugs for investigational use in laboratory research animals or in vitro tests.	547	1.43	782	0.50 (30 minutes)	391
§ 312.160(c); shipper records of alternative disposition of unused drugs.	547	1.43	782	0.50 (30 minutes)	391
Subtotal			1,564		782
Total			43,451		2,832,742

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The information collection reflects program changes and adjustments. We have revised the information collection to account for burden that may be incurred by respondents who choose to adopt or implement recommendations discussed in referenced Agency guidance documents intended to assist respondents in complying with regulatory requirements in part 312. We have also made adjustments to individual collection elements, specifically with regard to protocol amendments and emergency INDs for both human drugs and biological drugs. We attribute the increase for these elements to a corresponding increase in submissions since last OMB review and approval of the information collection and the ongoing public health emergency. Finally, we have removed burden we attribute to provisions in part 312, subpart I: Expanded Access to Investigational Drugs for Treatment Use and are revising OMB control number 0910–0814 to include burden associated with information collection applicable

to these regulatory provisions for efficiency of Agency operations. As a result of these cumulative changes and adjustments, the information collection reflects an overall decrease in both annual responses and burden hours.

Dated: February 10, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03432 Filed 2–16–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2019–N–0895]

Issuance of Priority Review Voucher; Material Threat Medical Countermeasure Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a material threat medical countermeasure (MCM) product application. The Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the 21st Century Cures Act (Cures Act), authorizes FDA to award priority review vouchers to sponsors of approved material threat MCM product applications that meet certain criteria. FDA is required to publish notice of the award of the priority review voucher. COMIRNATY (COVID–19 Vaccine, mRNA) was approved on August 23, 2020, and a license was issued to BioNTech Manufacturing GmbH. FDA has determined that COMIRNATY (COVID–19 Vaccine, mRNA) meets the criteria for a material threat MCM priority review voucher, which has been issued to BioNTech Manufacturing GmbH.

FOR FURTHER INFORMATION CONTACT: Myrna Hanna, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a material threat MCM priority review voucher to the sponsor of an approved material threat MCM product application. Under section 565A of the FD&C Act (21 U.S.C. 360bbb–4a), which was added by the Cures Act (Pub. L. 114–255), FDA will award priority review vouchers to sponsors of approved material threat MCM product applications that meet certain criteria upon approval of those applications. FDA has determined that COMIRNATY (COVID–19 Vaccine, mRNA) meets the criteria for a material threat MCM priority review voucher, which has been issued to BioNTech Manufacturing GmbH. COMIRNATY is indicated for active immunization to prevent coronavirus disease 2019 (COVID–19) caused by severe acute respiratory syndrome coronavirus 2 (SARS–CoV–2) in individuals 16 years of age and older.

For further information about the material threat MCM Priority Review Voucher Program and for a link to the full text of section 565A of the FD&C Act, go to *https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/mcm-related-counterterrorism-legislation*. For further information about COMIRNATY (COVID–19 Vaccine, mRNA) go to the Center for Biologics Evaluation and Research Approved Vaccine Products website at *https://www.fda.gov/vaccines-blood-biologics/vaccines/approved-vaccine-products*.

Dated: February 11, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03426 Filed 2–16–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0410]

Peripheral and Central Nervous System Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Peripheral and Central Nervous System Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will take place virtually on March 30, 2022, from 10 a.m. to 4:30 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–0410. The docket will close on March 29, 2022. Submit either electronic or written comments on this public meeting by March 29, 2022. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before March 29, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 29, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before March 16, 2022, will be provided to the committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

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

Written/Paper Submissions

Submit written/paper submissions as follows:

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

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

Instructions: All submissions received must include the Docket No. FDA–2018–N–0410 for ''Peripheral and Central Nervous System Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

FOR FURTHER INFORMATION CONTACT: Jessica Seo, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–7699, Fax: 301–847–8533, email: *PCNS@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. The committee will discuss new drug application (NDA) 216660, for sodium phenylbutyrate/taurursodiol (AMX0035) powder for oral suspension, submitted by Amylyx Pharmaceuticals, Inc., for the treatment of amyotrophic lateral sclerosis (ALS).

FDA intends to make the meeting's background material and pre-recorded presentations available to the public no later than 2 business days before the meeting. The pre-recorded presentations will be viewed by the committee prior to the meeting and will not be replayed on meeting day. If FDA is unable to post the background material and/or pre-recorded presentations on its website prior to the meeting, the background material and/or pre-recorded presentations will be made publicly available on FDA's website at the time of the advisory committee meeting. The meeting will include brief summaries of the pre-recorded presentations. The pre-recorded presentations and brief summaries will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before March 16, 2022, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 8, 2022. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 9, 2022.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Jessica Seo (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 14, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03430 Filed 2–16–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0008]

Device Good Manufacturing Practice Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) announces a forthcoming public advisory committee meeting of the Device Good Manufacturing Practice Advisory Committee. The committee reviews regulations proposed for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and makes recommendations to the Commissioner of Food and Drugs regarding the feasibility and reasonableness of those proposed regulations. The meeting will be open to the public.

DATES: The meeting will take place virtually on March 2, 2022, from 9 a.m. to 6 p.m. Eastern Time.

ADDRESSES: Please note that due to the impact of this COVID–19 pandemic, all meeting participants will be joining this advisory committee meeting via an online teleconferencing platform. Answers to commonly asked questions including information regarding special accommodations due to a disability may be accessed at: *https://www.fda.gov/advisory-committees/about-advisory-committees/common-questions-and-answers-about-fda-advisory-committee-meetings.*

FOR FURTHER INFORMATION CONTACT: Jarrod Collier, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5214, Silver Spring, MD 20993–0002, *Jarrod.Collier@fda.hhs.gov,* 240–672–5763, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before the meeting. The meeting will be webcast and will be available at the following links: YouTube (primary): *https://youtu.be/SPrNfVb2Yv8* and TEAMS (captions): *https://teams.microsoft.com/.* Please log on 20 minutes before the webcast to test your signal. You may have to refresh your browser before logging on.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing platform. As required by section 520(f)(1)(B) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(f)(1)(B)), on March 2, 2022, the committee will discuss and make recommendations on the current good manufacturing practice requirements for medical devices under 21 CFR part 820, the Quality System Regulation, to align more closely with an international consensus standard for medical devices used by other regulatory authorities.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material and the link to the online teleconference meeting room will be available at *https://www.fda.gov/advisory-committees/medical-devices/device-good-manufacturing-practice-advisory-committee.* Select the link for the 2022 Meeting Materials. The meeting will include slide presentations with audio components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before February 24, 2022. Oral presentations from the public will be scheduled on March 2, 2022, between approximately 1:30 p.m. to 2:30 p.m. Eastern Time. Those individuals interested in making formal oral presentations should notify the contact person (see **FOR FURTHER INFORMATION CONTACT**). The notification should include a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 21, 2022. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 22, 2022.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact AnnMarie Williams at *AnnMarie.Williams@fda.hhs.gov* or 301–796–5966 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/advisory-committees/about-advisory-committees/public-conduct-during-fda-advisory-committee-meetings* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 10, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03476 Filed 2–16–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2021–N–0132]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food and Drug Administration's Study of How Consumers Use Flavors To Make Inferences About Electronic Nicotine Delivery System Product Qualities and Intentions To Use (Phase 2)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by March 21, 2022.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. The title of this information collection is ''Food and Drug Administration's Study of How Consumers Use Flavors to Make Inferences About Electronic Nicotine Delivery System Product Qualities and Intentions to Use (Phase 2).'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food and Drug Administration's Study of How Consumers Use Flavors to Make Inferences About Electronic Nicotine Delivery System (ENDS) Product Qualities and Intentions to Use (Phase 2)

OMB Control Number 0910—NEW

ENDS, also called electronic cigarettes, e-cigarettes, and vaporizers, are deemed tobacco products and fall under FDA's regulatory scope. FDA has the authority under the Family Smoking Prevention and Tobacco Control Act (Pub. L. 111–31, H.R. 1256) to regulate and restrict the marketing of tobacco products. However, given the recency of ENDS products to the market, limited research exists to inform the regulation of certain aspects of their marketing. Research to understand ''marketing influences on youth experimentation, initiation, use and cessation of tobacco products'' is a regulatory priority for the FDA Center for Tobacco Products (CTP).[1]

Flavors are a unique and important aspect of ENDS. ENDS use a liquid (''e-liquid'' or ''e-juice'') that can span a diverse range of flavors, from tobacco flavor, menthol, mint, fruit flavors, non-fruit sweet flavors (*e.g.,* crème brulee, gummi bears), spices (*e.g.,* cinnamon, vanilla), alcohol (*e.g.,* strawberry daiquiri, bourbon, Irish cream), and ''concept flavors.'' Flavors are a regulatory area of interest, and FDA has issued an advance notice of proposed rulemaking (Docket No. FDA–2017–N–6565) ''to obtain information related to the role that flavors play in tobacco products,'' with a specific interest in how flavors may spur youth product initiation.

This study of ''How Consumers Make Inferences About ENDS'' is voluntary research. The primary goal of the study is to understand whether flavor-related imagery, descriptors, and flavor name modifiers affect product appeal, curiosity about the product, interest in using the product, and product perceptions among youth and young adults. The project will examine three features identified in the research team's prior work: The use of flavor-related imagery, the use of flavor descriptors (*e.g.,* ''cool,'' ''fresh''), and the use of flavor name modifiers (*e.g.,* Cherry Crush).

The study will collect data from two groups of consumers: 2,500 youth (aged 13 to 17 years old) and 2,500 young adults (aged 18 to 24 years old). The sample will be stratified by ENDS and cigarette use, so that 625 participants in each age group will be (a) noncigarette and non-ENDS users (N=625), (b) cigarette users only (N=625), (c) ENDS users only (N=625), and (d) dual ENDS and cigarette users (N=625). Participants will participate in a repeated measure experiment in which they will be asked to view five ads and report their liking of the ad, curiosity about using the product (an important precursor to use), and interest in using the product. Participants will also report additional perceptions of product qualities. This study is not meant to inform or guide other public health agencies' policies and messaging regarding the role of flavors in ENDS. This study will contribute to scientific knowledge regarding the use of flavors in ENDS marketing. Thus, other agencies may learn about the findings from our study through manuscripts published in peer-reviewed journals, for example, but this study is not intended to specifically influence their policies and messaging.

Study Overview: In this study, youth noncigarette and non-ENDS users, current cigarette smokers, ENDS only users, and dual users of ENDS and cigarettes, as well as young adult noncigarette and non-ENDS users, current cigarette smokers, ENDS only users, and dual users of ENDS and cigarettes will be recruited from two existing internet online panels and screened for inclusion into the study. Youth will also be recruited through their parent panelists (parents who are members of the existing online panel) and screened for inclusion into the study.

All recruited participants must complete a double opt-in procedure, and parents of youth panelists must consent for their child to be on the online panel. For this study, youth will provide assent and young adults will provide consent to participate in the surveys. Per institutional review board approval, parental consent was waived given that this study is minimal risk, documentation of parental consent would create an identifier, and verification of parental consent is difficult and could potentially bias the sample towards participants who have parents readily available and able to consent. The survey platform can detect and prevent duplicate responses by scanning for duplicate cookies and internet protocol (IP) addresses.

Participants who meet the inclusion criteria will be randomized to view five ads across five conditions to report their liking of the ad, curiosity about using the product (an important precursor to use), and interest in using the product. The order of ad presentation will be randomized. These procedures will minimize order effects as well as the likelihood of a demand characteristic in which a participant guesses the purpose of the experiment and intentionally or unintentionally alters their response. Participants will receive a small

[1] *https://www.fda.gov/tobacco-products/research/research-priorities.*

incentive as a token of appreciation in exchange for their survey participation.

Study outcomes include comparisons to assess the extent to which presence or absence of a flavor-representing image, name modifier, or descriptor will be associated with increased or decreased (a) product appeal, (b) curiosity about the product, (c) interest in using the product, and (d) increased positive product perceptions compared to a control condition ad (without or with flavor features).

In the **Federal Register** of March 3, 2021 (86 FR 12468), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received nine comments, four of which were PRA-related.

(Comment 1) One commenter supports FDA's proposed collection of information and stated that research on the advertising of flavored e-cigarettes and its impact on the perceptions of nonusers, e-cigarette users, cigarette smokers, and dual users is important. The commenter also noted that the proposed study length is acceptable and comprises typical burden for respondents in this type of research.

(Response) FDA agrees with this comment and believes the study will contribute to our understanding of how consumers interpret flavor features on product labeling to make inferences about ENDS product qualities and intentions to use. We also believe the study's burden estimate aligns with previous research studies of this kind.

(Comment 2) One commenter stated that FDA should research the role of flavored noncombustible tobacco products in converting adult smokers from cigarettes.

(Response) This study focuses on the appeal of the selected advertising tactics on youth and young adults. Expanding the sample to include older adults (or all adults) is beyond the scope of the study.

(Comment 3) FDA received a comment suggesting the Agency consider separating underage individuals from those who are of legal age to purchase tobacco products.

(Response) The aim of this study centers around appeal of the selected advertising tactics on youth and young adults. The selection of the advertising tactics to be studied was grounded in research conducted when the Federal legal age to purchase tobacco was 18 years of age. Thus, we intend to sample youth aged 13–17 and young adults aged 18–24. However, as resources allow, we will plan to conduct supplementary analyses to account for the new Federal legal age (*e.g.,* under 21 years vs. 21+ years).

(Comment 4) FDA received a comment suggesting the Agency expand the sample to include tobacco users aged 25 and older.

(Response) This study focuses on appeal of the selected advertising tactics on youth and young adults. Expanding the sample to include older adults is beyond the scope of the study.

(Comment 5) FDA received a comment suggesting the Agency include a range of flavor name modifiers.

(Response) The flavor name modifiers used in the study were selected based on careful review of prior research analyzing the tactics that ENDS companies use to advertise flavor. Our assessment is that the selected name modifiers are consistent with that research.

(Comment 6) One commenter stated that using generalized data to support premarket determinations for specific products on specific applications is scientifically inappropriate. The commenter stated that the public should have the opportunity to provide comment on any proposed regulations. Additionally, the commenter stated any proposed de facto category-wide restriction on the manufacture, marketing, and distribution of tobacco products should undergo the appropriate notice and comment rulemaking procedures.

(Response) The primary goal of the study is to understand whether flavor-related imagery, descriptors, and flavor name modifiers affect product appeal, curiosity about the product, interest in using the product, and product perceptions among youth and young adults. This study will not produce product-specific data; thus, it would not form the sole basis for any premarket determinations, but the results could be taken into consideration more broadly as part of premarket review. Additionally, this study might inform FDA's thinking regarding possible rulemaking but it will not provide sole support for any rulemaking. FDA's consideration of any future rulemaking would follow the appropriate notice and comment rulemaking procedures, which would include an explanation of the scientific basis for the proposed rule. The scientific basis would consider all relevant science, not just the results of this one study. Lastly, this study does not indicate FDA's intent to propose such a rule. The intent is to advance scientific knowledge broadly regarding the use of flavors in ENDS marketing.

(Comment 7) FDA received a comment expressing concern about exposing youth to ENDS advertisements.

(Response) Our study protocol includes measures to minimize risk of youth exposure to ENDS advertisements. Before participating in the study, participants are informed that they will be shown five ENDS advertisements. All participants are free to stop participation at any time and for any reason. At the end of the survey, participants will view a ''debrief'' screen containing information about the risks of ENDS and references to FDA and others' ENDS education and prevention campaigns.

The Johns Hopkins Bloomberg School of Public Health's Institutional Review Board reviewed and approved this study. We amended our recruitment process to further address this concern. We will also recruit youth aged 13–17 through their parent panelists (parents who are members of an existing online panel). Recruitment emails will be sent to parent panelists inviting them to have their child aged 13–17 participate in the study. Parents who are interested in having their child participate can have their child click the survey link in the recruitment email. This means that youth will be recruited to participate through two ways. First, we will recruit current youth panel members. Second, we will recruit youth through their parent panelists (parents who are members of the existing online panel).

(Comment 8) FDA received a comment expressing that the study does not provide data that would inform ''conclusions regarding the role of flavors in youth attractiveness'' and that the study does not distinguish between characterizing and noncharacterizing flavors.

(Response) The objective of this study is to examine the effect of flavor advertising tactics on consumer product perceptions and intentions to use, not the effect of actual flavors and flavor use. Therefore, this comment is out of scope for the proposed study.

(Comment 9) FDA received a comment inquiring about whether ''the survey will representatively sample/oversample for certain subpopulations—with a particular lens on race/ethnicity and other priority populations.''

(Response) The current sample was designed with a primary focus of sampling adequate numbers of youth and young adults across a variety of cigarette and ENDS use statuses (noncigarette and non-ENDS users; cigarette users only; ENDS users only; dual ENDS and cigarette users), and we are not able to do additional oversampling given that some of these groups are of low frequency in the

general population. However, we will be able to identify how our sample compares to national data, and our data will be weighted to be proportionally reflective of the U.S. population by race/ethnicity.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Participant subgroup	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
No. to read the survey invitation					
Youth (aged 13–17)	125,000	1	125,000	0.016 (1 minute)	2,084
Young adults (aged 18–24)	125,000	1	125,000	0.016 (1 minute)	2,084
Total	250,000				4,168
No. to complete the consent and screener					
Youth (aged 13–17)	3,750	1	3,750	0.116 (7 minutes)	438
Young adults (aged 18–24)	3,750	1	3,750	0.116 (7 minutes)	438
Total	7,500				876
No. to complete main study					
Youth (aged 13–17)	2,500	1	2,500	0.333 (20 minutes)	834
Young adults (aged 18–24)	2,500	1	2,500	0.333 (20 minutes)	834
Total	5,000				1,668
Total					6,712

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's burden estimate is based on prior experience with research that is similar to this proposed study (OMB control number 0910–0848). Applying assumptions from previous experience in conducting similar studies, approximately 250,000 respondents from an internet panel will be recruited via an email invitation, which is estimated to take 1 minute to read and respond. An estimated 7,500 (3,750 youth and 3,750 young adults) respondents will provide assent and consent and be screened to yield the desired sample size of 5,000 total (2,500 youth and 2,500 young adults) participants. The consent/screening process is estimated to take an average of 7 minutes per respondent. Participants that qualify for the study will be automatically directed to begin the online survey, which is estimated to take an average of 20 minutes per respondent.

The total estimated burden for the data collection is 6,712 hours.

Dated: February 10, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03387 Filed 2–16–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, Maryland 20857; (301) 443–6593, or visit our website at: *https://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the United States Court of Federal Claims and to serve a copy of the petition to the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or

manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on December 1, 2021, through December 31, 2021. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, Maryland 20857. The Court's caption (*Petitioner's Name* v. *Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Carole Johnson,

Administrator.

List of Petitions Filed

1. Frances C. Nwokoro, Southlake, Texas, Court of Federal Claims No: 21–2240V
2. Briahna Bryant, Duluth, Minnesota, Court of Federal Claims No: 21–2241V
3. Michael Burch Vessels, Bowling Green, Kentucky, Court of Federal Claims No: 21–2243V
4. Samira Belarbi, Sugarland, Texas, Court of Federal Claims No: 21–2244V
5. Martha Buck, Windsor, Maine, Court of Federal Claims No: 21–2246V
6. Edward Garren, Inglewood, California, Court of Federal Claims No: 21–2247V
7. Erin O'Leary, Chicago, Illinois, Court of Federal Claims No: 21–2249V
8. Sherri Allen, Ocean, New Jersey, Court of Federal Claims No: 21–2251V
9. Lance Zeimetz, Holly Hill, Florida, Court of Federal Claims No: 21–2252V
10. Daniel Stewart Botti, Hillsboro, Oregon, Court of Federal Claims No: 21–2256V
11. Jose Ruiz, San Bernardino, California, Court of Federal Claims No: 21–2257V
12. Lauri E. Hill, Ridgefield, Connecticut, Court of Federal Claims No: 21–2259V
13. Shawn Blau, Fairfield, Connecticut, Court of Federal Claims No: 21–2263V
14. James Carter, Godfrey, Illinois, Court of Federal Claims No: 21–2264V
15. Christine Vardaro, Dorchester, Massachusetts, Court of Federal Claims No: 21–2265V
16. Holly O'Dea as Personal Representative of the Estate of Dolores Williams, Deceased, Alamo, California, Court of Federal Claims No: 21–2267V
17. Mitchel Friedt, Howell, Michigan, Court of Federal Claims No: 21–2268V
18. Suzanne Tanner on behalf of L.T., Phoenix, Arizona, Court of Federal Claims No: 21–2269V
19. Sotiria Hambos, Columbia, New Jersey, Court of Federal Claims No: 21–2273V
20. Elizabeth P. Gombeyski, Narragansett, Rhode Island, Court of Federal Claims No: 21–2274V
21. Richard G. Morrison, Huntley, Illinois, Court of Federal Claims No: 21–2277V
22. Alberto Abraham, Schaumburg, Illinois, Court of Federal Claims No: 21–2279V
23. Rhonda Barefield, Cleveland, Texas, Court of Federal Claims No: 21–2282V
24. Theresa A. Winning, Marshall, Missouri, Court of Federal Claims No: 21–2285V
25. Cindy Overton, Fort Worth, Texas, Court of Federal Claims No: 21–2286V
26. Desiree Jackson on behalf of S.J., Phoenix, Arizona, Court of Federal Claims No: 21–2287V
27. Mallory Johnson, Greeley, Colorado, Court of Federal Claims No: 21–2288V
28. Dennis W. Blake, Westwood, New Jersey, Court of Federal Claims No: 21–2290V
29. Jose Tomas Siniscalchi, Miami, Florida, Court of Federal Claims No: 21–2293V
30. Leah M. Fetzer, Howell, New Jersey, Court of Federal Claims No: 21–2294V
31. Francis Miller, Washington, District of Columbia, Court of Federal Claims No: 21–2295V
32. Thomas and Danielle Blinstrubas on behalf of C.B., Phoenix, Arizona, Court of Federal Claims No: 21–2296V
33. Cynthia Cevora, Norfolk, Virginia, Court of Federal Claims No: 21–2297V
34. Eric Guilliod, Maumee, Ohio, Court of Federal Claims No: 21–2299V
35. Raymond Keane and Mary Keane on behalf of G.K., Springfield, Massachusetts, Court of Federal Claims No: 21–2300V
36. Alyssa Wilfong, Phoenix, Arizona, Court of Federal Claims No: 21–2301V
37. Daniel Wolin, Cleveland, Ohio, Court of Federal Claims No: 21–2302V
38. Paula Shirk, Brooklyn, New York, Court of Federal Claims No: 21–2303V
39. Suzette Harrigal, Brookhaven, Mississippi, Court of Federal Claims No: 21–2304V
40. Clarence Cherry on behalf of The Estate of Mark A. Cherry, Deceased, Toledo, Ohio, Court of Federal Claims No: 21–2306V
41. Joseph McIssac, Phoenix, Arizona, Court of Federal Claims No: 21–2308V
42. William M. Roberson, Nashville, Tennessee, Court of Federal Claims No: 21–2309V
43. Joey Dylla, San Antonio, Texas, Court of Federal Claims No: 21–2310V
44. Anna Reeves on behalf of L.R., Phoenix, Arizona, Court of Federal Claims No: 21–2318V
45. Kristy Dougherty, Santa Rosa, California, Court of Federal Claims No: 21–2319V
46. Debra Peterson, Santa Clarita, California, Court of Federal Claims No: 21–2320V
47. Debra Metcalf, Council Bluffs, Iowa, Court of Federal Claims No: 21–2321V
48. Judy Jasper, Louisville, Kentucky, Court of Federal Claims No: 21–2322V
49. Adriana Solar on behalf of Belkis Correal, Deceased, North Palm Beach, Florida, Court of Federal Claims No: 21–2326V
50. Laurencia Ampedu on behalf of J.A., Phoenix, Arizona, Court of Federal Claims No: 21–2328V
51. Sarah Winjum on behalf of K.C., Phoenix, Arizona, Court of Federal Claims No: 21–2329V
52. Sherry Burd on behalf of E.B., Phoenix, Arizona, Court of Federal Claims No: 21–2331V
53. Cassy Martell, Skowhegan, Maine, Court of Federal Claims No: 21–2335V
54. Elizabeth Elwell, Tekamah, Nebraska, Court of Federal Claims No: 21–2336V
55. Randolph Isaac Schmitke, Greensboro, North Carolina, Court of Federal Claims No: 21–2337V
56. Carol Carchietta, Pennington, New Jersey, Court of Federal Claims No: 21–2338V
57. John Sullivan, Dover, New Hampshire, Court of Federal Claims No: 21–2341V
58. Simon Legault, Pooler, Georgia, Court of Federal Claims No: 21–2343V
59. David Moore, Henderson, North Carolina, Court of Federal Claims No: 21–2344V
60. Ouafae Suber, New York, New York,

Court of Federal Claims No: 21–2345V
61. Sandra Kline as the Administrator of the Estate of Richard Kline, Deceased, Toledo, Ohio, Court of Federal Claims No: 21–2347V
62. Mark Stevens, Kingwood, Texas, Court of Federal Claims No: 21–2348V
63. Hugh Neal, Jr., Lancaster, California, Court of Federal Claims No: 21–2352V
64. Kathleen M. Wise, Memphis, Tennessee, Court of Federal Claims No: 21–2354V
65. Hope Ann Cole, Englewood, New Jersey, Court of Federal Claims No: 21–2356V
66. Andrew Jones, Beverly Hills, California, Court of Federal Claims No: 21–2357V

[FR Doc. 2022–03447 Filed 2–16–22; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 60-Day Information Collection: Indian Health Service Information Security Ticketing and Incident Reporting

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments. Request for extension of approval.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, which requires 60 days for public comment on proposed information collection projects, the Indian Health Service (IHS) invites the general public to take this opportunity to comment on the information collection Office of Management and Budget (OMB) Control Number 0917–0041, titled, Information Security Ticketing and Incident Reporting. The purpose of this notice is to allow 60 days for public comment. A copy of the draft supporting statement is available at *www.regulations.gov* (see Docket ID IHS_FRDOC_001).

DATES: C*omment Due Date:* April 18, 2022. Your comments regarding this information collection are best assured of having full effect if received within 60 days of the date of this publication.

ADDRESSES: Submit comments, requests for more information on the collection, or requests to obtain a copy of the data collection instrument and instruction to Mr. Benjamin Koshy, by one of the following methods:

- *Mail:* Mr. Benjamin T. Koshy, Indian Health Service, 5600 Fishers Lane, STOP 07E30, Rockville, MD 20857.
- *Phone:* (301) 443–5389.
- *Email: Benjamin.Koshy@ihs.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information, please contact Evonne Bennett, Information Collection Clearance Officer at: *Evonne.Bennett@ihs.gov* or 301–443–4750.

SUPPLEMENTARY INFORMATION: This previously approved information collection project was last published in the **Federal Register** on February 14, 2018 (83 FR 6600), and allowed 30 days for public comment. No public comment was received in response to the notice. This notice announces our intent to submit this collection, which expires April 30, 2022, to OMB for approval of an extension, and to solicit comments on specific aspects for the proposed information collection.

Title: 0917–0041, ''Information Security Ticketing and Incident Reporting.''

Form(s) and Form number(s): Incident Reporting Form, Form F07–02b.

OMB Control Number: 0917–0041.

Need and Use of Information Collection: This information collection activity provides a means for federal employees, Tribal employees, contractors, and other non-federal employees to report IHS information technology (IT) security and privacy incidents. This information collection has three purposes: to notify the CSIRT of an incident, provide updates about an open incident, and indicate resolution of an existing incident. The information collection furthers the IHS's ability to use secure IT, to enhance response time to IT incidents, and to maintain the agency's healthcare information security posture. This information collection also allow IHS to process privacy incidents and breaches within the IHS, in keeping with internal and external requirements.

Members of Affected Public: Federal employees, Tribal employees, contractors, and other non-federal employees accessing IHS IT systems.

Status of the Proposed Information Collection: Extension request.

Type of Respondents: Individuals.

The table below provides: Types of data collection instruments, estimation to number of respondents, number of responses per respondent, annual number of responses, average burden hour per response, and total annual burden hours.

Data collection instrument(s)	Estimated number of respondents	Responses per respondent	Annual number of responses	Average burden hour per response *	Total annual burden hours
IHS Federal and Non-Federal Staff	1700	1	1700	15/60	425
Total	1700	1	1700	15/60	425

* For ease of understanding, the average burden per response is 15 minutes.

There are no direct costs to respondents to report.

Requests for Comments: Your written comments and/or suggestions are invited on one or more of the following points:

(a) Whether the information collection activity is necessary to carry out an agency function;

(b) whether the agency processes the information collected in a useful and timely fashion;

(c) the accuracy of the public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information);

(d) whether the methodology and assumptions used to determine the estimates are logical;

(e) ways to enhance the quality, utility, and clarity of the information being collected; and

(f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments submitted in response to this notice will be made available to the public by publishing them in the 30-day **Federal Register** notice for this information collection. For this reason, please do not include information of a confidential nature, such as sensitive personal information or proprietary information. If comments are submitted via email, the 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. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public

notwithstanding the inclusion of the routine notice.

Elizabeth A. Fowler,

Acting Deputy Director, Indian Health Service.

[FR Doc. 2022–03390 Filed 2–16–22; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Science Advisory Board for Biosecurity.

The meeting will be held as a virtual meeting and is open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*http://videocast.nih.gov/*).

Name of Committee: National Science Advisory Board for Biosecurity.

Date: February 28, 2022.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: The National Science Advisory Board for Biosecurity meeting will include a review of the charge to the committee and discussion of next steps for the committee.

Place: National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892 (Virtual Meeting Link is available at *https://osp.od.nih.gov/biotechnology/national-science-advisory-board-for-biosecurity-nsabb/#meetings*).

Contact Person: Cari Young, Office of Science Policy, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, 301–496–9838, *SciencePolicy@od.nih.gov.*

Any interested person may file written comments by forwarding the statement to the Contact Person listed on this notice at least two days prior to the meeting date. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the NIH Office of Science Policy's web page: *https://osp.od.nih.gov/biotechnology/national-science-advisory-board-for-biosecurity-nsabb/,* where an agenda, link to the webcast meeting, and any additional information for the meeting will be posted when available.

This notice is being published less than 15 days prior to the meeting due to scheduling difficulties.

Dated: February 14, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03406 Filed 2–16–22; 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: Center for Scientific Review Special Emphasis Panel; PAR19–294: Early-Stage Preclinical Validation of Therapeutic Leads for Diseases of Interest to the NIDDK.

Date: March 15, 2022.

Time: 10:00 a.m. to 9:00 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: Latha Meenalochana Malaiyandi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 812Q, Bethesda, MD 20892, (301) 435–1999, *malaiyandilm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Endocrinology, Metabolism, Nutrition and Reproductive Sciences.

Date: March 15, 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: Jonathan Michael Peterson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867–5309, *jonathan.peterson@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR20–117: Maximizing Investigators Research Award (MIRA) for Early Stage Investigators (R35—Clinical Trial Optional).

Date: March 16–17, 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: Zubaida Rangwalla Saifudeen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301.827.3029, *zubaida.saifudeen@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Metabolism and Reproductive Sciences.

Date: March 16, 2022.

Time: 12:00 p.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: Hui Chen, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, Bethesda, MD 20892, 301–435–1044, *chenhui@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; High Throughput Screening.

Date: March 23, 2022.

Time: 9:30 a.m. to 7:30 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: Sulagna Banerjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 612.309.2479, *sulagna.banerjee@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–20–005: Transformative Research Award for the INCLUDE Project (R01).

Date: March 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: Katherine M. Malinda, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7814, Bethesda, MD 20892, 301–435–0912, *katherine.malinda@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Special Topics: Biomaterials, Biointerfaces, Instrumentation, and Systems Development.

Date: March 25, 2022.

Time: 9:00 a.m. to 7:30 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: Zarana Patel, Scientific Review Officer, The Center for Scientific

Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–496–9295, *zarana.shavers@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: February 14, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03455 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Center for Scientific Review Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. URL for virtual access: *https://videocast.nih.gov/watch=44677.*

Name of Committee: Center for Scientific Review Advisory Council.

Date: March 28, 2022.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: Provide advice to the Director, Center for Scientific Review (CSR), on matters related to planning, execution, conduct, support, review, evaluation, and receipt and referral of grant applications at CSR.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bruce Reed, Ph.D., Deputy Director, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–9159, *reedbr@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *https://public.csr.nih.gov/AboutCSR/Organization/CSRAdvisoryCouncil,* where an agenda and any additional information for the meeting will be posted when available.

(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: February 14, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03438 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; 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 Nursing Research Special Emphasis Panel: Conflicting F and K Grant Applications of NRRC.

Date: March 4, 2022.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Nursing Research, 6701 Democracy Boulevard Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Ming Yan, MD, Ph.D., Scientific Review Officer, Immunology (IMM), DPPS, Center for Scientific Review, National Institute of Nursing Research, National Institutes of Health, 6701 Rockledge Drive, Room 4205, Bethesda, MD 20892, 301–594–0343, *yanming@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: February 14, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03439 Filed 2–16–22; 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: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: P30 Core Centers for Clinical Research Meeting.

Date: March 2–3, 2022.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20817 (Virtual Meeting).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, 301–451–4838, *mak2@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.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS Mechanistic Ancillary Studies Review Meeting.

Date: March 11, 2022.

Time: 11:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 820, Bethesda, MD 20892, 301–827–7835, *yasuko.furumoto@nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel: NIAMS AMS Member Conflict Review.*Date:* March 11, 2022.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Marisol Espinoza-Pintucci, Ph.D., Scientific Reviewer Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 816, Bethesda, MD 20892, 301–827–6959, *Marisol.espinoza-pintucci@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 11, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03386 Filed 2–16–22; 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: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; Member Conflict SEP.

Date: February 21, 2022.

Time: 3:30 p.m. to 5:00 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: Natalia Strunnikova, Ph.D., Scientific Review Officer, National Institutes of Health, National Institute of Neurological Disorders and Stroke, 6001 Executive Boulevard, Suite 3208, Rockville, MD 20852, 301–496–3755, *natalia.strunnikova@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: February 14, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03440 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Frederick National Laboratory Advisory Committee to the National Cancer Institute, February 24, 2022, 1:00 p.m. to February 24, 2022, 4:30 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 which was published in the **Federal Register** on February 4, 2022, FR Doc 2022–02367, 87 FR 6617.

This notice is being amended to change the meeting end time from 4:30 p.m. to 4:00 p.m. The meeting will now be held from 1:00 p.m. to 4:00 p.m. The meeting is open to the public.

Dated: February 14, 2022.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03433 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 Environmental Health Sciences Special Emphasis Panel: Mechanism for Time-Sensitive Research Opportunities in Environmental Health Sciences (R21).

Date: March 4, 2022.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Science, 530 Davis Drive, Keystone Building, Durham, NC 27709 (Virtual Meeting).

Contact Person: Varsha Shukla, Ph.D., Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Science, 530 Davis Drive, Keystone Building, Room 3094, Durham, NC 27713, 984–287–3288, *Varsha.shukla@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. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 11, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03381 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Review of MOSAIC Institutionally-Focused Research Education Award (UE5) Applications.

Date: March 31, 2022.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lisa A. Dunbar, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–2849, *dunbarl@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: February 14, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03454 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request Responsibility of Applicants for Promoting Objectivity in Research for Which Public Health Service (PHS) Funding Is Sought and Responsible Prospective Contractors (NIH/OD)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institutes of Health, Office of Policy and Extramural Research Administration (OPERA), Office of Extramural Research (OER) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Mr. Joel A. Snyderman, Director, Division of Grants Compliance and Oversight, Office of Policy for Extramural Research Administration, Office of Extramural Research, National Institutes of Health, 6705 Rockledge Drive, Suite 800, MSC 7974, Bethesda, Maryland 20892–7974. or email your request, including your address to: *joel.snyderman@nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) 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) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: Responsibility of Applicants for Promoting Objectivity in Research for which Public Health Service (PHS) Funding is Sought 42 CFR part 50 Subpart F and Responsible Prospective Contractors 45 CFR part 94, 0925–0417, expiration date 04/30/2022, EXTENSION, Office of Policy and Extramural Research Administration (OPERA), Office of Extramural Research (OER), Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: This request is for an Extension of a currently approved collection resulting from regulations regarding, Responsibility of Applicants for Promoting Objectivity in Research for which PHS Funding is Sought (42 CFR part 50, subpart F) and Responsible Prospective Contractors (45 CFR part 94). The purpose of these regulations is to promote objectivity in research by requiring institutions to establish standards to ensure that there is no reasonable expectation that the design, conduct, or reporting of PHS-funded research will be biased by any Investigator financial conflict of interest (FCOI).

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 677,820.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents based on applicable section of regulation	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total annual burden hours
Reporting:				
Initial Reports under 42 CFR 50.605(b)(1) and (b)(3) or 45 CFR 94.5(b)(1) and (b)(3) from awardee Institutions.	992	1	2	1,984
Subsequent Reports under 42 CFR 50.605(a)(3)(iii) and (b)(2) or 45 CFR 94.5(a)(3)(iii) and (b)(2) from awardee Institutions.	50 FCOI reports as in 42 CFR 50.605(a)(3)(ii) and 45 CFR 94.5(a)(3)(ii).	1	2	100
	5 mitigation reports	1	2	10

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents based on applicable section of regulation	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total annual burden hours
Annual Report under 42 CFR 50.605(b)(4) or 45 CFR 94.5(b)(4) from awardee Institutions.	2,031	1	1	2,031
Subsequent Reports under 42 CFR 50.606(a) or 45 CFR 94.6 from awardee Institutions.	20	1	10	200
Record Keeping:				
Under 42 CFR 50.604(i) or 45 CFR 94.4(i) from awardee institutions.	2,000	1	4	8,000
Disclosure:				
Under 42 CFR 50.604(a) or 45 CFR 94.4 for Investigators.	3,000	1	81	243,000
Under 42 CFR 50.604(b) or 45 CFR 94.4(e)(1) for Investigators.	38,000	1	30/60	19,000
Under 42 CFR 50.604(b) or 45 CFR 94.4(e)(1) for Institutions.	2,000	1	6	12,000
Under 42 CFR 50.604(c)(1) or 45 CFR 94.4(c)(1) from subrecipients.	500	1	1	500
Under 42 CFR 50.604(d) or 45 CFR 94.4 for Institutions.	3,000 [1]	1	1	3,000
Under 42 CFR 50.604(e)(1) or 45 CFR 94.4(e)(1) for Investigators.	38,000	1	4	152,000
Under 42 CFR 50.604(e)(2) or 45 CFR 94.4(e)(2) for Investigators.	38,000	1	1	38,000
Under 42 CFR 50.604(e)(3) or 45 CFR 94.4(e)(3) for Investigators.	992	1	30/60	496
Under 42 CFR 50.604(f) or 45 CFR 94.4(f) for institutions.	2,000	1	1	2,000
Under 42 CFR 50.605(a)(1) or 45 CFR 94.5(a)(1) for Institutions.	2,000 [2]	1	82	164,000
Under 42 CFR 50.605(a)(3) or 45 CFR 94.5(a)(3) for Institutions.	500 [3]	1	3	1,500
Under 42 CFR 50.605(a)(3)(i) or 45 CFR 94.5(a)(3)(i).	50 [4]	1	80	4,000
Under 42 CFR 50.605(a)(3)(ii) or 45 CFR 94.5(a)(3)(ii).	50 [5]	1	80	4,000
Under 42 CFR 50.605(a)(3)(iii) or 45 CFR 94.5(a)(3)(iii).	50	1	1	50
Under 42 CFR 50.605(a)(4) or 45 CFR 94.5(a)(4).	992	1	12	11,904
Public Website Posting under 42 CFR 50.605(a)(5) or 45 CFR 94.5(a)(5) from awardee Institutions.	2,000	1	5	10,000
Under 42 CFR 50.606(c) or 45 CFR 94.6(c).	50 [6]	[7] 3	18/60	45
Total	136,282	136,282		677,820

[1] Assuming that 3000 institutions solicit disclosures on an annual basis to all Investigators.

[2] Although an estimated 992 reports of Conflict of Interest are expected annually, the 2,000 responding Institutions must review all financial disclosures associated with PHS-funded awards to determine whether any conflicts of interest exist. Thus, the review burden of 76,000 hours is based upon estimates that it will take on the average 2 hours for an institutional official(s) to review each of 38,000 financial disclosures associated with PHS funded awards. The burden for developing a management plan for identified FCOI is estimated at 80 hours × 992 cases = 79,360 hours.

[3] Assuming that this is a rare occurrence based on prior experience.

[4] Assuming only a fraction of the newly identified SFIs will constitute FCOI.

[5] Assuming only a fraction of the newly identified SFIs will constitute FCOI.

[6] Number based on 50.605/94.5(a)(3)(i)—of those only a fraction will relate to a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment, but we are calculating the maximum estimated burden.

[7] Assuming an average of 3 publications annually.

Dated: February 11, 2022.

Tara A. Schwetz,

Acting Principal Deputy Director, National Institutes of Health.

[FR Doc. 2022–03463 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel; NIAID Resource-Related Research Projects (R24 Clinical Trial Not Allowed).

Date: March 9, 2022.

Time: 8:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Mario Cerritelli, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F58, Rockville, MD 20852, 240–669–5199, *cerritem@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 14, 2022.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03442 Filed 2–16–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given for the meeting of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention National Advisory Council (CSAP NAC) on March 15, 2022.

The Council was established to advise the Secretary, Department of Health and Human Services (HHS); the Assistant Secretary for Mental Health and Substance Use, SAMHSA; and Director, CSAP concerning matters relating to the activities carried out by and through the Center and the policies respecting such activities.

The meeting will be open to the public and will consist of discussions of substance use prevention priorities, including the prevailing Institute of Medicine model, as well as agency practices regarding innovation and evaluation of programs. The meeting will also include updates on CSAP program developments.

The meeting will be held via webcast and phone only. Attendance by the public on-site will not be available. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Council. Written submissions should be forwarded to the contact person on or before one week prior to the meeting. Oral presentations from the public will be scheduled at the conclusion of the meeting. Individuals interested in making oral presentations should notify the contact on or before one week prior to the meeting. A maximum of five minutes will be allotted for each presentation.

To participate in the meeting, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA Committees' website, *https://snacregister.samhsa.gov/MeetingList.aspx,* or communicate with the CSAP Council's Designated Federal Officer (see contact information below).

Substantive program information may be obtained after the meeting by accessing the SAMHSA Committee website, *https://www.samhsa.gov/about-us/advisory-councils,* or by contacting the Designated Federal Officer.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

Date/Time/Type: March 15, 2022, from 1:00 p.m. to 5:00 p.m. EDT: (Open).

Place: (Virtual) For Webcast information: Please register at the SAMHSA Committees' website, listed above.

Contact: Aida Balsano, Designated Federal Officer, SAMHSA CSAP NAC, 5600 Fishers Lane, Rockville, MD 20852, Telephone: 202–924–4631, Email: *aida.balsano@samhsa.hhs.gov.*

Dated: February 11, 2022.

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2022–03405 Filed 2–16–22; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0097]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0038

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0038, Plan Approval and Records for Tank Vessels, Passenger Vessels, Cargo and Miscellaneous Vessels, Mobile Offshore Drilling Units, Nautical School Vessels and Oceanographic Research Vessels; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before April 18, 2022.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2022–0097] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2022–0097], and must be received by April 18, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Plan Approval and Records for Tank Vessels, Passenger Vessels, Cargo and Miscellaneous Vessels, Mobile Offshore Drilling Units, Nautical School Vessels and Oceanographic Research Vessels—46 CFR subchapters D, H, I, I–A, R and U.

OMB Control Number: 1625–0038.

Summary: This collection requires the shipyard, designer or manufacturer for the construction of a vessel to submit plans, technical information and operating manuals to the Coast Guard.

Need: Under 46 U.S. Code 3301 and 3306, the Coast Guard is responsible for enforcing regulations promoting the safety of life and property in marine transportation. The Coast Guard uses this information to ensure that a vessel meets the applicable standards for construction, arrangement and equipment under 46 CFR Subchapters D, H, I, I–A, R and U.

Forms: None.

Respondents: Shipyards, designers, and manufacturers of certain vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 3,673 hours to 3,801 hours a year, due to an increase in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: February 11, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022–03400 Filed 2–16–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2022–0098]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0009

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0009, Oil Record Book for Ships; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before April 18, 2022.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2022–0098] to the Coast Guard using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of

the Collection on respondents, including the use of automated collection techniques or other forms of information technology.

In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2022–0098], and must be received by April 18, 2022.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

Information Collection Request

Title: Oil Record Book for Ships.

OMB Control Number: 1625–0009.

Summary: The Act to Prevent Pollution from Ships (APPS) and the International Convention for Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78), requires that information about oil cargo or fuel operations be entered into an Oil Record Book (CG–4602A). The requirement is contained in 33 CFR 151.25.

Need: This information is used to verify sightings of actual violations of the APPS to determine the level of compliance with MARPOL 73/78 and as a means of reinforcing the discharge provisions.

Forms: CG–4602A, Oil Record Books for Ships.

Respondents: Operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden remains 15,741 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: February 11, 2022.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2022–03401 Filed 2–16–22; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0042]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Obligor Change of Address

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: U.S. Immigration and Customs Enforcement (ICE), the Department of Homeland Security (DHS), invites the general public and other Federal agencies to comment on this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, this information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted until April 18, 2022.

ADDRESSES: All submissions received must include the OMB Control Number 1653–0042 in the body of the correspondence, the agency name and Docket ID ICEB–2019–0007. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *https://www.regulations.gov* under e-Docket ID number ICEB–2019–0007.

FOR FURTHER INFORMATION CONTACT: If you have questions related to this collection call or email Melinda Jones, ERO, (202) 271–9855, *melinda.a.jones@ice.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Comment

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Obligor Change of Address.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* I–333; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. The data collected on this form is used by ICE to ensure accuracy in correspondence between ICE and the obligor. The form serves the purpose of standardizing obligor notification of any changes in their address, and will facilitate communication with the obligor. The revision is use non-citizen in place of alien in the body of the form.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,000 responses at 15 minutes (.25 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 500 annual burden hours.

Dated: February 14, 2022.

Scott Elmore,

PRA Clearance Officer.

[FR Doc. 2022–03431 Filed 2–16–22; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0053]

Agency Information Revision of a Currently Approved Collection: Allegation of Counterfeiting and Intellectual Piracy

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: In accordance with the Paperwork Reductions Act (PRA) of 1995 the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance. This information collection was previously published in the **Federal Register** on December 3, 2021, allowing for a 60-day comment period. ICE received no comments in connection with the 60-day notice. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 21, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of the 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: For specific questions related to collection activities, please contact: Michael Rose (313) 530–7236, *michael.t.rose@ice.dhs.gov,* U.S. Immigration and Customs Enforcement. (This is not a toll-free number. Comments are not accepted via telephone message).

SUPPLEMENTARY INFORMATION:

Comments

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(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 agencies 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 submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Allegation of Counterfeiting and Intellectual Piracy.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form 73–048; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This electronic form/collection will be utilized by the public and law enforcement partners as part of an automated allegation and deconfliction program.

(5) *An estimate of the total number of respondents and the time to respond:* ICE estimates a total of 21,711 responses at 5 minutes (0.0833 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden is 1,809 hours.

Dated: February 14, 2022.

Scott Elmore,

PRA Clearance Officer.

[FR Doc. 2022–03407 Filed 2–16–22; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2005–21866]

Intent To Request Extension From OMB of One Current Public Collection of Information: Enhanced Security Procedures at Ronald Reagan Washington National Airport

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0035, that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection requires General Aviation (GA) aircraft operators who wish to fly into and out of Ronald Reagan Washington National Airport (DCA) to designate a security coordinator and adopt a DCA Access Standard Security Program (DASSP). The collection also involves obtaining information for Armed Security Officers (ASOs).

DATES: Send your comments by April 18, 2022.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0035; Enhanced Security Procedures at Ronald Reagan Washington National Airport (DCA). Each person who wishes to operate an aircraft into and out of DCA must designate a security coordinator and adopt the DASSP. *See* 49 CFR 1562.21 and 1562.23. Once aircraft operators have adopted the DASSP, the operators must request a tentative slot reservation from the Federal Aviation Administration (FAA) and request authorization from TSA to fly into or out of DCA (this information is collected under OMB control number 1652–0033 TSA Airspace Waiver Program). If TSA approves the flight, TSA will transmit that information to FAA.

DCA Access Standard Security Program

The DASSP application collects basic information about the applicant, the aircraft operator, and the security coordinator that the operator wishes to designate, as well as the identifier of the airport used as a base of operation and whether the operator presently complies with a TSA Standard Security Program.

TSA also requires the following individuals to submit fingerprints for a criminal history records check (CHRC) and other identifying information for a name-based security threat assessment: Individuals designated as security coordinators by Fixed Base Operators (FBOs) under 49 CFR 1562.25 [1] and GA aircraft operators under 1562.23; crewmembers who operate GA aircraft into and out of DCA in accordance with 49 CFR 1562.23 and DASSP; and ASOs approved in accordance with 49 CFR part 1562.29. For crewmembers, TSA also uses this information to check their FAA records to determine whether they have a record of violation of specified FAA regulations. As part of the threat assessment process, TSA shares the information with the Federal Bureau of Investigation (FBI) and the FAA.

Aircraft operators must also maintain CHRC records of all employees and authorized representatives for whom a CHRC has been completed. These records must be made available to TSA upon request.

Armed Security Officer Program

Each aircraft operating into or out of DCA must have onboard at least one armed security officer, with limited exceptions. *See* 49 CFR 1562.23(e)(7). Under the Armed Security Officer Program, established in accordance with 49 CFR 1562.29, aircraft operators and FBOs participating in this program can nominate the individuals they would like to be qualified as ASOs by submitting an ASO nomination form to TSA. Once nominated, the ASOs are required to submit fingerprints and identifying information, personal history information, a photograph, and weapon information before an ASO application can be approved. TSA uses the applicants' information to conduct a complete vetting to include fingerprint-based CHRC and security threat assessment, including an employment history verification check of all prior law enforcement positions. Upon successful completion of these checks and law enforcement employment history review, TSA makes the final determination of ASO applicant eligibility. All qualified applicants must then successfully complete a TSA-approved training course.

TSA estimates a total of 76 respondents annually for DASSP applications, with an annual hour burden estimate of 76. In addition, TSA estimates 84 respondents annually for ASO nominations, with an annual hour burden estimate of 98. The total number of respondents is estimated to be 160 and the annual burden is estimated to be 174 hours.

Dated: February 11, 2022.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2022–03388 Filed 2–16–22; 8:45 am]

BILLING CODE 9110–05–P

[1] An FBO is a business granted the right by the airport sponsor to operate on an airport and provide aeronautical services such as fueling, hangering, tie-down and parking, aircraft rental, aircraft maintenance, flight instruction, etc.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R8–ES–2021–0157; FXES11140800000–20223FF08ECAR00]

Endangered and Threatened Species; Receipt of an Incidental Take Permit Application for the California Condor; Availability of Draft Conservation Plan and Draft Environmental Assessment; Pine Tree Wind Farm, Kern County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from the Los Angeles Department of Water and Power for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California condor (*Gymnogyps californianus*) incidental to otherwise lawful activities associated with operation of the existing Pine Tree Wind Farm. We invite comments on the draft conservation plan and the draft environmental assessment, which we have prepared pursuant to the National Environmental Policy Act. We will take comments into consideration before deciding whether to issue an incidental take permit.

DATES: To ensure consideration, please submit your written comments by March 21, 2022.

ADDRESSES:

Obtaining Documents: You may obtain copies of the documents online in Docket No. FWS–R8–ES–2021–0157 at *https://www.regulations.gov.*

Submitting Comments: If you wish to submit comments on any of the documents, you may do so in writing by any of the following methods:

- *Email: fw8cfwocomments@fws.gov.* Include ''Pine Tree Wind Farm Incidental Take Permit'' in the subject line of the message.
- *U.S. Mail:* Assistant Field Supervisor, Palm Springs Fish and Wildlife Office, U.S. Fish and Wildlife Service, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262.

We request that you send written comments by only one of the methods described above.

FOR FURTHER INFORMATION CONTACT: Peter Sanzenbacher, Fish and Wildlife Biologist, by mail at Palm Springs Fish and Wildlife Office (address above), by phone at 760–322–2070, extension 425,

or via email at *peter_sanzenbacher@fws.gov.* If you use a telecommunications device for the deaf, hard of hearing, or speech disabled, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We have received an application from the Los Angeles Department of Water and Power (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The application addresses the potential take of the federally endangered California condor (condor), incidental to otherwise lawful activities at the Pine Tree Wind Farm (project), as described in the applicant's draft conservation plan. The project began operations in 2009 and is within the Tehachapi Wind Resource Area in the eastern foothills of the southern Sierra Nevada in Kern County, California.

Background

Section 9 of the ESA (16 U.S.C. 1538) and Federal regulations promulgated pursuant to section 4(d) of the ESA (16 U.S.C. 1533) prohibit the take of endangered species without special exemption. Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539), we may issue permits to authorize take of listed fish and wildlife species that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for endangered and threatened species are set forth in title 50 of the Code of Federal Regulations (CFR) at part 17, sections 17.22 and 17.32.

The National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) requires Federal agencies to analyze their proposed actions to determine whether the actions may significantly affect the human environment. In the NEPA analysis, the Federal agency will identify the effects, as well as possible mitigation for effects on environmental resources, that could occur with the implementation of the proposed action and alternatives. The Federal action in this case is the Service's proposed issuance of an incidental take permit for the federally endangered California condor.

Permit Application

The applicant has submitted a draft conservation plan that describes the activities covered by the permit, such as the operation of wind turbines and other specified activities associated with project components. To minimize the risk of incidental take, the applicant will maintain a program to detect condors approaching the project and temporarily curtail operating wind turbines when appropriate. The conservation plan also includes adaptive management to allow for maintaining the protection of condors as technologies, condor behavior, and other factors change over time. To mitigate the impact of the potential incidental take, the applicant proposes to work with an existing captive breeding facility to fund the production of additional condors for release into the wild. The Service and applicant used a population viability analysis to inform the mitigation strategy and ensure that the level of potential injury or mortality of condors permitted at the project would not impede recovery of the species. The population viability analysis report is appended to the draft conservation plan.

The Service prepared a draft environmental assessment to evaluate the impacts of issuing the proposed incidental take permit on the human environment, consistent with the purpose and goals of NEPA and pursuant to the Council on Environmental Quality's implementing NEPA regulations at 40 CFR parts 1500–1508. Additionally, the draft environmental assessment was prepared consistent with the Department of the Interior NEPA regulations (43 CFR part 46); longstanding Federal judicial and regulatory interpretations; and Administration priorities and policies including Secretary's Order No. 3399 requiring bureaus and offices to use ''the same application or level of NEPA that would have been applied to a proposed action before the 2020 Rule went into effect.''

A ''Frequently Asked Questions'' document for the above-described population viability analysis is attached to the draft environmental assessment. The draft conservation plan and the draft environmental assessment consider alternatives to the proposed action, including a no action alternative.

Public Comments

If you wish to comment on the draft conservation plan and draft environmental assessment, you may submit comments by one of the methods in **ADDRESSES**.

Public Availability of Comments

You may submit comments by one of the methods shown under **ADDRESSES**. All comments and materials we receive in response to this request will become part of the decision record associated with this action. 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.

Authority

We issue this notice pursuant to section 10(c) of the ESA (16 U.S.C. 1539) and its implementing regulations (50 CFR 17.22), and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6 and 43 CFR 46.305).

Scott Sobiech,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. 2022–03465 Filed 2–16–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX22LR000F60100; OMB Control Number 1028–0060/Renewal]

Agency Information Collection Activities; Mine, Development, and Mineral Exploration Supplement

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the U.S. Geological Survey (USGS) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 18, 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 1028–0060 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Shonta E. Osborne by email at *sosborne@usgs.gov,* or by telephone at 703–648–7960. 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 *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork

Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity 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 soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the USGS; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the USGS enhance the quality, utility, and clarity of the information to be collected; and (5) how might the USGS minimize the burden of this collection on the respondents, including through the use 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 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: The National Mining and Minerals Policy Act of 1970 and the National Materials and Minerals Policy, Research and Development Act of 1980 mandate that the Secretary of the Interior collect, evaluate, and analyze information concerning mineral occurrence, production, and use for the domestic mineral industry and to inform Congress of important domestic mining and minerals industries developments. These responsibilities are delegated to the U.S. Geological Survey and are carried out, in part, through this information collection.

Title of Collection: Mine, Development, and Mineral Exploration Supplement.

OMB Control Number: 1028–0060.

Form Number: USGS Form 9–4000–A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses or Other For-Profit Institutions: U.S. nonfuel minerals and exploration operations.

Total Estimated Number of Annual Respondents: 324.

Total Estimated Number of Annual Responses: 324.

Estimated Completion Time per Response: 45 minutes.

Total Estimated Number of Annual Burden Hours: 243.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Total Estimated Annual Non-hour Burden Cost: There are no ''non-hour cost'' burdens associated with this ICR.

An agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601 *et seq.*), and the National Mining and Minerals Policy Act of 1970 (30 U.S.C. 21(a)).

Steven Fortier,

Director, National Minerals Information Center, U.S. Geological Survey.

[FR Doc. 2022–03429 Filed 2–16–22; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000.L1440000.BJ0000.212.HAG 22–0011]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Oregon State Office, Portland, Oregon, 30 calendar days from the date of this publication.

DATES: Protests must be received by the BLM prior to the scheduled date of official filing, March 21, 2022.

ADDRESSES: A copy of the plats may be obtained from the Public Room at the BLM Oregon State Office, 1220 SW 3rd Avenue, Portland, Oregon 97204, upon required payment. The plats may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT: Mary Hartel, telephone: (503) 808–6131, email: *mhartel@blm.gov,* Branch of Geographic Sciences, Bureau of Land Management, 1220 SW 3rd Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at (800) 877–8339 to contact Ms. Hartel during normal business hours. The service 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 plats of survey of the following described lands are scheduled to be officially filed in the BLM, Oregon State Office, Portland, Oregon:

Willamette Meridian, Oregon

T. 37 S., R. 5 W., accepted December 21, 2021
T. 38 S., R. 5 W., accepted December 21, 2021
T. 38 S., R. 6 W., accepted December 21, 2021
T. 38 S., R. 6 E., accepted December 21, 2021
T. 38 S., R. 6 E., accepted December 21, 2021
T. 2 S., R. 6 W., accepted December 21, 2021
T. 33 S., R. 6 W., accepted December 21, 2021
T. 29 S., R. 6 W., accepted December 21, 2021

Willamette Meridian, Washington

T. 30 N., R. 15 W., accepted December 21, 2021
T. 21 N., R. 21 E., accepted December 21, 2021
T. 39 N., R. 31 E., accepted December 21, 2021
T. 4 N., R. 14 E., accepted December 21, 2021

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the Chief Cadastral Surveyor for Oregon/Washington BLM. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any notice of protest filed after the scheduled date of official filing will be untimely and will not be considered. A notice of protest is considered filed on the date it is received by the Chief Cadastral Surveyor for Oregon/Washington during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the Chief Cadastral Surveyor for Oregon/Washington within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other

personal identifying information in a notice of protest or statement of reasons, you should be aware that the documents you submit—including your personal identifying information—may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C., Chapter 3)

Robert Femling,

Acting, Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2022–03474 Filed 2–16–22; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–33393; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before February 4, 2022, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by March 4, 2022.

ADDRESSES: Comments are encouraged to be submitted electronically to *National_Register_Submissions@nps.gov* with the subject line ''Public Comment on <property or proposed district name, (County) State>.'' If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Sherry A. Frear, Chief, National Register of Historic Places/National Historic Landmarks Program, 1849 C Street NW, MS 7228, Washington, DC 20240, *sherry_frear@nps.gov,* 202–913–3763.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before February 4, 2022. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State or Tribal Historic Preservation Officers:

COLORADO

Denver County

Loretto Heights Academy (Boundary Decrease), 3001 South Federal Blvd., Denver, BC100007512

DELAWARE

New Castle County

Mitchell, Robert, House, 1749 Old Wilmington Rd., Hockessin vicinity, SG100007509

MISSOURI

Cole County

Miller, Frank, Green Berry Road Historic District, 1427, 1431 and 1503 Green Berry Rd., Jefferson City, SG100007507

Jasper County

Bank of Avilla, 205 Greenfield St., Avilla, SG100007497

MONTANA

Beaverhead County

Dell Flight Strip, Dell Airport Rd., Dell, SG100007501

Phillips County

Edwards & McLellan Block, 101 South 1st St. East, Malta, SG100007498

NEBRASKA

Clay County

Clay Center Library and Gymnasium, (Carnegie Libraries in Nebraska MPS AD), 117 West Edgar St., Clay Center, MP100007503

Harvard Carnegie Library, (Carnegie Libraries in Nebraska MPS AD), 309 North Clay St., Harvard, MP100007504

Douglas County

Elkhorn Town Hall, 20515 Corby St., Omaha, SG100007505

Holt County

Biglin, W.J., House, 615 East Douglas St., O'Neill, SG100007506

NORTH DAKOTA

Cass County

Fargo-Moorhead YMCA Sign, 400 1st Ave. South, Fargo, SG100007495

OHIO

Lorain County

Broadway Historic District, Roughly bounded by Broadway, West Erie Ave. from Washington Ave. & Erie Street, Bridge, Washington Ave., Reid Ave., West 10th, West 4th, West 5th, West 6th, West 7th, West 8th, and West 9th Sts., Lorain, SG100007496

Lucas County

Toledo Central Business Historic District, Roughly bounded by Madison Ave., the Maumee R., Adams, Jackson, Cherry, Summit, Monroe, 10th, and Michigan Sts., Toledo, SG100007510

VERMONT

Chittenden County

Shelburne Falls Historic District, Falls Rd., Irish Hill Rd., Bacon Dr., Shelburne, SG100007500

Additional documentation has been received for the following resources:

COLORADO

Denver County

Loretto Heights Academy (Additional Documentation), 3001 South Federal Blvd., Denver, AD100007512

MASSACHUSETTS

Essex County

Salem Willows Historic District (Additional Documentation), Roughly, Columbus, Bay View, Beach and Fort Aves., Salem, AD94000265

Authority: Section 60.13 of 36 CFR part 60.

Dated: February 4, 2022.

Sherry A. Frear,

Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2022–03477 Filed 2–16–22; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 221S180110; S2D2S SS08011000 SX064A000 22XS501520; OMB Control Number 1029–0117]

Agency Information Collection Activities; Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining

Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 21, 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. Please provide a copy of your comments to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 4556–MIB, Washington, DC 20240, or by email to *mgehlhar@osmre.gov.* Please reference OMB Control Number 1029–0117 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at *mgehlhar@osmre.gov,* or by telephone at (202) 208–2716. 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), we provide the general public and other Federal agencies with an opportunity 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.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on September 30, 2021 (86 FR 54235). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. 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. 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: This collection of information is authorized by Section 507(b) of Public Law 95–87 which provides that persons conducting coal mining activities submit to the regulatory authority all relevant information regarding ownership and control of the mining company, their compliance status and history, and authority to mine the property. This information is used to insure all legal, financial and compliance requirements are satisfied prior to issuance or denial of a permit.

Title of Collection: Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information.

OMB Control Number: 1029–0117.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses, State and Tribal governments.

Total Estimated Number of Annual Respondents: 201.

Total Estimated Number of Annual Responses: 1,590.

Estimated Completion Time per Response: Varies 1 hour to 9 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 4,481.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $0.

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.*).

Mark J. Gehlhar,

Information Collection Clearance Officer, Division of Regulatory Support.

[FR Doc. 2022–03467 Filed 2–16–22; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1217]

Certain Blowers and Components Thereof; Notice of a Commission Determination To Review an Enforcement Initial Determination and Order No. 36

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in its entirety the enforcement initial determination (''EID'') issued on December 14, 2021, finding no violation of the consent order issued in the above-referenced section 337 investigation. The Commission has also determined to review Order No. 36, also issued on December 14, 2021.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3042. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On September 8, 2020, the Commission instituted the original, underlying investigation based on a complaint filed by Regal Beloit America, Inc. of Beloit, Wisconsin (''Regal'' or ''Complainant''). 85 FR 55491–92 (Sept. 8, 2020). The complaint alleged violations of section 337 of the Tariff Act of 1930, as

amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain blowers and components thereof by reason of infringement of one or more of claims 1, 2, 7–10, and 15 of U.S. Patent No. 8,079,834 (''the '834 patent''). *Id.* at 55492. The Commission's notice of investigation named as respondents East West Manufacturing, LLC of Atlanta, Georgia, and East West Industries of Binh Duong, Vietnam (collectively, ''East West'' or ''Respondents''). *Id.* at 55492. The Office of Unfair Import Investigations (''OUII'') did not participate as a party in the original investigation. *Id.*

On November 12, 2020, the Commission terminated the original investigation with respect to Respondents based upon a consent order stipulation and entry of a consent order. 85 FR 73511 (Nov. 18, 2020). The Consent Order directs East West to ''not sell for importation, import or sell after importation the Subject Articles . . . except under consent or license from Complainant.'' Consent Order at ¶ 5. The Consent Order defines ''Subject Articles'' as ''certain blowers and components thereof that infringe claims 1, 2, 7–10, and 15 of the '834 Patent.'' *Id.* at ¶ 3.

On January 15, 2021, Regal filed an enforcement complaint at the Commission alleging that East West's redesigned blower infringes claims 1, 2, 7–10, and 15 of the '834 patent in violation of the consent order. On February 19, 2021, the Commission instituted a formal enforcement proceeding, pursuant to Commission Rule 210.75(a), to determine whether a violation of the consent order issued in the original investigation has occurred and to determine what, if any, enforcement measures are appropriate. 86 FR 10335 (Feb. 19, 2021). The respondents named in the enforcement proceeding are the same as the respondents named in the original investigation, *i.e.,* East West Manufacturing, LLC of Atlanta, Georgia, and East West Industries of Binh Duong, Vietnam. *Id.* OUII was named as a party in the enforcement proceeding. *Id.*

On March 1, 2021, East West filed a motion for monetary and other sanctions alleging that Regal and its attorneys tampered with and misrepresented the accused redesigned blower in the enforcement complaint. Regal and OUII filed responses thereto on March 11, 2021, and March 18, 2021, respectively. The presiding Administrative Law Judge (''ALJ'') further permitted the private parties to file replies and sur-replies to the sanctions briefing. EID at 16.

On June 29, 2021, the ALJ issued a *Markman* Order (Order No. 22), styled ''*Markman* Claim Constructions With Abbreviated Rationales'' (''*Markman* Order I''). On July 13, 2021, the ALJ issued Order No. 23, clarifying Order No. 22.

The ALJ held an evidentiary hearing from July 20–23, 2021 and received post-hearing briefs thereafter. On September 22, 2021, the ALJ held a supplemental hearing on the sanctions motion. EID at 18.

On October 29, 2021, the ALJ issued Order No. 32 (*Markman* Order II), providing extensive explanations as to the adopted constructions in Order No. 22.

On December 14, 2021, the ALJ issued the subject EID finding no violation of the consent order. The EID found that the parties do not contest personal jurisdiction, and that the Commission has *in rem* jurisdiction over the accused products. EID at 19–20. The EID noted that the private parties filed a ''Joint Stipulation on Importation and Sales,'' describing ''the number of units of the Accused or Redesigned Blower that East West imported and sold.'' *Id.* at 20. The EID found that Regal failed to show that East West's redesigned blower infringes asserted claims 1, 2, 7–10, and 15 of the '834 patent, and thus failed to show a violation of the consent order. *See id.* at 9–10. The EID states that ''in the event the Commission were to find to the contrary, an imposed civil penalty should be *de minimus* and not the maximum civil penalty that Regal has proposed.'' *Id.* at 10. Specifically, the EID recommends that ''East West disgorge its profits plus an additional one-half of its profits from any sales that violated the Consent Order.'' *Id.* at 10–11.

On December 14, 2021, the ALJ also issued Order No. 36 denying East West's motion for monetary sanctions. The ALJ issued a public warning to Regal, citing the Commission's sanctions authority under Commission Rule 210.4(c) and (d), 19 CFR 210.4(c), (d), and ordered Regal to correct potentially misleading portions of the enforcement complaint.

On January 4, 2022, Regal filed a petition for review of the EID, and Respondents filed a contingent petition for review of the EID and a petition for review of Order No. 36. On January 10, 2022, the parties replied to the petitions for review.

Having examined the record of this investigation, including the EID, the petitions for review, and the responses thereto, the Commission has determined to review the EID in its entirety. The Commission has also determined to review Order No. 36.

The Commission does not request additional briefing from the parties.

The Commission's vote on this determination took place on February 11, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR 210).

By order of the Commission.

Issued: February 11, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03402 Filed 2–16–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1196]

Certain In Vitro Fertilization Products, Components Thereof, and Products Containing the Same; Commission Decision Not To Review a Final Initial Determination Finding a Violation of Section 337; Schedule for Filing Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review a final initial determination (''FID'') of the presiding Administrative Law Judge (''ALJ'') finding a violation of section 337 by respondents Fast IVF of Scottsdale, Arizona (''Fast IVF'') and Hermes Ezcanesi of Istanbul, Turkey (collectively, the ''Defaulting Respondents''). The Commission also requests written submissions from the parties, interested government agencies and interested persons, under the schedule set forth below, on remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its

internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On April 16, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by complainant EMD Serono, Inc. of Rockland, Massachusetts (''Complainant''). *See* 85 FR 21267–68 (Apr. 16, 2020). The complaint, as amended and supplemented, alleges a violation of section 337 based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain *in vitro* fertilization products, components thereof, and products containing same (collectively, ''Gray Market IVF Products''), by reason of infringement of U.S. Trademark Registration Nos. 4,689,651; 1,772,761; 3,777,170; 3,389,332; 3,816,320; 1,972,079; 3,604,207; and 3,185,427 (collectively, ''the Asserted Trademarks''); unfair methods of competition and unfair acts in the importation and sale of Gray Market IVF Products by reason of false designation of source; and unfair methods of competition and unfair acts in the importation and sale of the Gray Market IVF Products by reason of false advertising. *See id.* In addition to the Defaulting Respondents, the notice of investigation names General Plastik Drug Stores (''Unserved Respondent'') of Istanbul Suadiye, Turkey as a respondent in this investigation. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On September 1, 2020, the Chief ALJ issued an initial determination (''ID'') finding each of the Defaulting Respondents in default. *See* Order No. 6 (Sept. 1, 2020), *unreviewed by* Comm'n Notice (Sept. 24, 2020). On October 13, 2020, the Chief ALJ also issued an ID terminating Unserved Respondent from the investigation based on the withdrawal of the complaint allegations as to that respondent. *See* Order No. 8 (Oct. 13, 2020), *unreviewed by* Comm'n Notice (Oct. 26, 2020).

On April 16, 2021, the Chief ALJ issued an ID (Order No. 10) (''SD'') granting in part Complainant's motion for summary determination of violation of section 337 by the Defaulting Respondents with respect to Complainant's claim under section 337(a)(1)(C) (infringement of the Asserted Trademarks) but denied the motion with respect to Complainant's unfair competition claims under section 337(a)(1)(A). The SD also finds that Complainant has satisfied the economic prong of the domestic industry requirement under subsection (C) of section 337(a)(3).

On May 18, 2021, the Commission determined to review the SD (Order No. 10) in part. *See* Comm'n Notice (May 18, 2021). Specifically, the Commission determined to review the SD's findings with respect to the economic prong of the domestic industry requirement. *See id.* The Commission determined not to review any other findings in the SD.

On October 6, 2021, the Commission determined to vacate the SD in part. Specifically, the Commission vacated the SD's finding that Complainant has satisfied the economic prong of the domestic industry requirement. Consequently, the Commission also vacated the SD's finding of a violation of section 337 and remanded the investigation to the Chief ALJ. Commissioners Karpel and Schmidtlein dissented from the Commission's decision that Complainant had failed to satisfy the economic prong of the domestic industry requirement and would have found a violation of Section 337 based on substantial, reliable, and probative evidence.

After the Commission decision to vacate the SD, EMD Serono abandoned its request for a general exclusion order; thereafter, it requested a limited exclusion order against both defaulting respondents and a cease and desist order against FastIVF. *See* FID at 6 (citing Motion Docket No. 1196–008 at 1 n.1, 8–9). On December 15, 2021, the ALJ issued an ID partially terminating the investigation as to Complainant's unfair competition claims under section 337(a)(1)(A). *See* Order No. 13 (Dec. 15, 2021), *unreviewed by* Comm'n Notice (Jan 10, 2022).

On December 15, 2021, the ALJ issued the FID finding a violation of section 337 based on the infringement by the Defaulting Respondents of Complainant's Asserted Trademarks pursuant to section 337(g)(1), 19 U.S.C. 1337(g)(1). In addition, the ALJ recommended that the Commission issue a limited exclusion order (''LEO'') against the infringing articles imported by or on behalf of the Defaulting Respondents and a cease and desist order (''CDO'') against FastIVF.

No petition for review of the FID was filed.

On January 4, 2022, Complainant filed a statement on the public interest pursuant to Commission Rule 210.50, 19 CFR 210.50. On the same day, Complainant filed a declaration requesting relief against the Defaulting Respondents, namely, an LEO against the Defaulting Respondents' infringing products and a CDO against FastIVF. No third-party submissions were filed in response to the **Federal Register** notice requesting public interest comments. *See* 86 FR 72620–21 (Dec. 22, 2021).

The Commission has determined not to review the FID.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent(s) being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the

Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should also address the recommended determination by the ALJ on remedy and bonding. Complainant is also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS numbers under which the accused products are imported, and to supply the names of known importers of the products at issue in this investigation.

Written submissions and proposed remedial orders must be filed no later than close of business on February 28, 2022. Reply submissions must be filed no later than the close of business on March 7, 2022. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1196'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

While temporary remote operating procedures are in place in response to COVID–19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant(s) complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The Commission's vote for this determination took place on February 11, 2022.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 11, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03404 Filed 2–16–22; 8:45 am]

BILLING CODE 7020–02–P

LEGAL SERVICES CORPORATION

Retrospective Review of Regulations

AGENCY: Legal Services Corporation.

ACTION: Request for information.

SUMMARY: The Legal Services Corporation (LSC) is requesting public input on its regulatory priorities in 2022 and future years. Although LSC makes its regulatory priorities available for public comment annually in April, LSC has not formally sought the public's views on its regulatory activities since 2007.

DATES: Comments due May 18, 2022.

Listening sessions, all conducted via Zoom, all times Eastern:

1. Thursday, March 3, 2022, 11:00 a.m.–1:00 p.m.
2. Monday, March 14, 2022 2:00 p.m.–4:00 p.m.
3. Tuesday, March 29, 2022, 3:00 p.m.–5:00 p.m.
4. Wednesday, April 13, 10:00 a.m.–12:00 p.m.

ADDRESSES: You may send comments by any of the following methods:

- *Email: lscrulemaking@lsc.gov.* Include ''2022 Regulatory Review Comments'' in the subject line of the message.
- *Fax:* 202–337–6519. Please send to the attention of Stefanie Davis, Senior Associate General Counsel, and include ''2022 Regulatory Review Comments'' on the cover page.
- *Mail:* Legal Services Corporation, ATTN: Stefanie Davis, Senior Associate General Counsel, 3333 K Street NW, Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Stefanie Davis, Senior Associate General Counsel, Legal Services Corporation, 3333 K Street NW, Washington, DC 20007; (202) 295–1563 (phone); 202–337–6831 (fax); or *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION:

Listening Session Access Information: To participate in the listening sessions via Zoom, please follow the link or use the dial-in instructions below:

Link: https://lsc-gov.zoom.us/j/2464362303.

Meeting ID: 246 436 2303.

Find your local number: https://lsc-gov.zoom.us/u/a293EJE37.

Background: LSC last solicited input broadly on its Rulemaking Agenda in 2007 via an email to Executive Directors. In the intervening years, LSC has identified rulemaking priorities through a combination of:

- LSC Task Force reports;
- Comments from stakeholders, including grantees, the client board member community, LSC's Board of Directors, and the National Legal Aid and Defender Association;
- Audit and investigation reports issued by LSC's Office of the Inspector General;
- Statutory changes; and
- Discrete situations that indicated a need for rulemaking.

Since 2010, LSC has completed 17 separate rulemakings. These rulemakings have ranged from ones needed to reflect Congressional action, such as revisions to the Freedom of Information Act or the expansion of grantees' authority to represent defendants in Tribal criminal courts under the Tribal Law and Order Act of 2010, to complete overhauls of LSC's subgrant rule. LSC repealed one

obsolete rule governing the creation and operation of state advisory councils. LSC also created two new rules, one modeled after the Federal government's *Touhy* rule establishing the process by which outside parties may request documents and testimony from LSC for litigation purposes, and one governing grantees' processes for awarding contracts and acquiring, using, and disposing of property with LSC funds.

Because more than ten years have elapsed since LSC last engaged its stakeholders in a comprehensive review of its rules, LSC Management believed that consulting with grantees, the Board, and other stakeholders in a more focused process will result in a new agenda that prioritizes changes aimed at reducing administrative burdens on grantee and LSC staff alike and improving the efficiency and effectiveness of grantees' operations and LSC's oversight activities.

Through this Notice, LSC is announcing opportunities for grantees, clients, other stakeholders, and the public to provide LSC with their views on three issues:

- Regulations that require clarification, modification, or revision;
- Regulations that are no longer needed and may be repealed; and
- Areas or topics for which new regulations may be needed or desirable.

Interested parties may submit their comments in writing to LSC via email, fax, or postal mail. Additionally, LSC will hold four listening sessions during which interested parties may join a Zoom call with LSC staff to provide their comments orally.

Authority: 42 U.S.C. 2996g(e).

Dated: February 14, 2022.

Stefanie Davis,

Senior Associate General Counsel.

[FR Doc. 2022–03445 Filed 2–16–22; 8:45 am]

BILLING CODE 7050–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

Meeting of Humanities Panel

AGENCY: National Endowment for the Humanities; National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: The National Endowment for the Humanities (NEH) will hold forty-three meetings, by videoconference, of the Humanities Panel, a Federal advisory committee, during February and March 2022. The purpose of the meetings is for panel review, discussion, evaluation, and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates. The meetings will open at 8:30 a.m. and will adjourn by 5:00 p.m. on the dates specified below.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, Room 4060, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given of the following meetings:

1. Date: February 24, 2022

This video meeting—the first of two on this date—will discuss applications for the National Digital Newspaper Program, submitted to the Division of Preservation and Access.

2. Date: February 24, 2022

This video meeting—the second of two on this date—will discuss applications for the National Digital Newspaper Program, submitted to the Division of Preservation and Access.

3. Date: March 2, 2022

This video meeting will discuss applications on the topic of Biography, for the Public Scholars grant program, submitted to the Division of Research Programs.

4. Date: March 3, 2022

This video meeting will discuss applications on the topics of Literature and Language, for the Public Scholars grant program, submitted to the Division of Research Programs.

5. Date: March 9, 2022

This video meeting will discuss applications on the topics of Philosophy, Politics, and Law, for the Public Scholars grant program, submitted to the Division of Research Programs.

6. Date: March 9, 2022

This video meeting will discuss applications on the topic of U.S. History, for the Public Scholars grant program, submitted to the Division of Research Programs.

7. Date: March 10, 2022

This video meeting will discuss applications on the topics of Science, Medicine, and the Environment, for the Public Scholars grant program, submitted to the Division of Research Programs.

8. Date: March 10, 2022

This video meeting will discuss applications on the topic of Social Sciences, for the Public Scholars grant program, submitted to the Division of Research Programs.

9. Date: March 11, 2022

This video meeting will discuss applications on the topic of American Studies, for the Public Scholars grant program, submitted to the Division of Research Programs.

10. Date: March 14, 2022

This video meeting will discuss applications on the topics of Film, Media, and Communications, for the Public Scholars grant program, submitted to the Division of Research Programs.

11. Date: March 14, 2022

This video meeting will discuss applications on the topic of U.S. History, for the Public Scholars grant program, submitted to the Division of Research Programs.

12. Date: March 15, 2022

This video meeting will discuss applications on the topics of Historic Houses and Sites, for the Sustaining Cultural Heritage Collections grant program, submitted to the Division of Preservation and Access.

13. Date: March 15, 2022

This video meeting will discuss applications on the topic of Biography, for the Public Scholars grant program, submitted to the Division of Research Programs.

14. Date: March 15, 2022

This video meeting will discuss applications on the topic of American Studies, for the Public Scholars grant program, submitted to the Division of Research Programs.

15. Date: March 16, 2022

This video meeting will discuss applications on the topic of Religion, for the Public Scholars grant program, submitted to the Division of Research Programs.

16. Date: March 16, 2022

This video meeting will discuss applications on the topic of Art Museums, for the Sustaining Cultural Heritage Collections grant program, submitted to the Division of Preservation and Access.

17. Date: March 17, 2022

This video meeting will discuss applications on the topic of History Documentaries, for the Media Projects Production grant program, submitted to the Division of Public Programs.

18. Date: March 17, 2022

This video meeting will discuss applications on the topics of American and Latin American Studies, for the Public Scholars grant program, submitted to the Division of Research Programs.

19. Date: March 17, 2022

This video meeting will discuss applications on the topics of Literature, Communication, and the Arts, for the Collaborative Research grant program, submitted to the Division of Research Programs.

20. Date: March 18, 2022

This video meeting will discuss applications on the topics of History and Studies of the Americas, for the Collaborative Research grant program, submitted to the Division of Research Programs.

21. Date: March 18, 2022

This video meeting will discuss applications on the topic of History, for the Public Scholars grant program, submitted to the Division of Research Programs.

22. Date: March 18, 2022

This video meeting will discuss applications on the topic of Cultural History Documentaries, for the Media Projects Production grant program, submitted to the Division of Public Programs.

23. Date: March 21, 2022

This video meeting will discuss applications on the topic of Arts, for the Public Scholars grant program, submitted to the Division of Research Programs.

24. Date: March 21, 2022

This video meeting will discuss applications on the topics of World Literature and Studies, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

25. Date: March 22, 2022

This video meeting will discuss applications on the topic of History Documentaries, for the Media Projects Production grant program, submitted to the Division of Public Programs.

26. Date: March 22, 2022

This video meeting will discuss applications on the topics of Libraries, Archives, and Historical Societies, for the Sustaining Cultural Heritage Collections grant program, submitted to the Division of Preservation and Access.

27. Date: March 23, 2022

This video meeting will discuss applications on the topics of Archaeological and Native American Studies, for the Sustaining Cultural Heritage Collections grant program, submitted to the Division of Preservation and Access.

28. Date: March 23, 2022

This video meeting will discuss applications on the topics of Literature and the Arts, for the Collaborative Research grant program, submitted to the Division of Research Programs.

29. Date: March 23, 2022

This video meeting will discuss applications on the topic of U.S. History, for the Public Scholars grant program, submitted to the Division of Research Programs.

30. Date: March 24, 2022

This video meeting will discuss applications on the topics of Communication and Media Studies, for the Collaborative Research grant program, submitted to the Division of Research Programs.

31. Date: March 24, 2022

This video meeting will discuss applications on the topic of American History, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

32. Date: March 24, 2022

This video meeting will discuss applications on the topic of Humanities Documentaries, for the Media Projects Production grant program, submitted to the Division of Public Programs.

33. Date: March 25, 2022

This video meeting will discuss applications on the topic of American Studies, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

34. Date: March 25, 2022

This video meeting will discuss applications on the topics of History, Philosophy, and Social Sciences, for the Collaborative Research grant program, submitted to the Division of Research Programs.

35. Date: March 28, 2022

This video meeting will discuss applications on the topics of Philosophy, Religion, and Social Sciences, for the Collaborative Research grant program, submitted to the Division of Research Programs.

36. Date: March 29, 2022

This video meeting will discuss applications on the topic of American History, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

37. Date: March 29, 2022

This video meeting will discuss applications on the topics of Culture Radio and Podcasts, for the Media Projects Production grant program, submitted to the Division of Public Programs.

38. Date: March 30, 2022

This video meeting will discuss applications on the topic of Historical Sites, for the Public Humanities Projects: Exhibitions (Implementation) grant program, submitted to the Division of Public Programs.

39. Date: March 30, 2022

This video meeting will discuss applications on the topics of European Studies and Music, for the Scholarly Editions and Translations grant program, submitted to the Division of Research Programs.

40. Date: March 30, 2022

This video meeting will discuss applications on the topics of Collections and Access, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

41. Date: March 31, 2022

This video meeting will discuss applications on the topics of Pedagogy and Virtual Reality, for the Digital Humanities Advancement Grants program, submitted to the Office of Digital Humanities.

42. Date: March 31, 2022

This video meeting will discuss applications on the topics of History and Studies of Africa, Asia, and Europe, for the Collaborative Research grant program, submitted to the Division of Research Programs.

43. Date: March 31, 2022

This video meeting will discuss applications on the topics of History Radio and Podcasts, for the Media Projects Production grant program,

submitted to the Division of Public Programs.

Because these meetings will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, the meetings will be closed to the public pursuant to sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C., as amended. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Dated: February 14, 2022.

Samuel Roth,

Attorney-Advisor, National Endowment for the Humanities.

[FR Doc. 2022–03464 Filed 2–16–22; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's Committee on Oversight hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Tuesday, February 22, 2022, from 3:00–4:00 p.m. EST.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Open.

MATTERS TO BE CONSIDERED: The agenda of the teleconference is: Chair's opening remarks; approval of prior Committee minutes; discussion of requests for changes to Merit Review Digest; the Office of the Inspector General update; Chief Financial Officer update; report on pilots—Merit Review training and Broader Impacts expertise on Committees of Visitors.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000. The meeting may be viewed live at *https://youtu.be/U-oAd7QUUXI.* Meeting updates may be found at the National Science Board website at *www.nsf.gov/nsb.*

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2022–03626 Filed 2–15–22; 4:15 pm]

BILLING CODE 7555–01–P

OFFICE OF SPECIAL COUNSEL

OSC ADR Surveys

AGENCY: U.S. Office of Special Counsel.

ACTION: Notice of information collection.

SUMMARY: The U.S. Office of Special Counsel (OSC), seeks approval from the Office of Management and Budget (OMB) for use of two surveys used by OSC's Alternate Dispute Resolution (ADR) program to assess its efficacy and seek ways to improve the process: An initial survey sent to all mediation participants, and a follow-up survey sent to a subset of mediation participants who opt into receiving the second survey.

DATES: Written comments should be received on or before March 21, 2022.

ADDRESSES: You may submit written comments by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for OSC, New Executive Office Building, Room 10235, Washington, DC 20503; or by email via: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Amy Beckett, Senior Litigation Counsel, by telephone at (202) 804–7000, or by email at *frliaison@osc.gov.*

SUPPLEMENTARY INFORMATION: The initial ADR survey consists of a questionnaire containing thirty-four (34) questions about the respondent's experience in mediation at OSC, including whether they understood how the process would work, their confidentiality obligations, the neutrality of the mediator, whether they felt the process was adequately resourced, and other matters. The follow-up survey is sent approximately six (6) months later to participants who opt in, consisting of a new questionnaire containing a maximum of six (6) questions or a maximum of four (4), the number of questions depending on the outcome of the earlier, concluded mediation.

OSC invites comments on: (a) The accuracy of OSC's estimate of the burden of the proposed collections of information; (b) ways to enhance the quality, utility, and clarity of the information to be collected; and (c) ways to minimize the burden of the collection of information on respondents.

OSC is a permanent independent federal investigative and prosecutorial agency. OSC's basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC's primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. The ADR Unit offers mediation and conciliation to complainants and agencies in selected cases as an alternative process for resolving their dispute. Mediation is a facilitated negotiation between parties to the dispute. Conciliation is similar to ''shuttle diplomacy'' by telephone. In either case, the ADR process is voluntary, confidential, and allows the parties to retain control of the outcome of the dispute. Parties who participate in mediation and conciliation are able to find and agree to solutions that can be crafted in a way that meets their high priority needs. The ADR process can also foster better communication skills and improve working relationships between parties.

OSC conducts the two surveys of ADR participants to assess the quality of OSC's mediation process.

OSC will use the questionnaires to survey all persons who use ADR services at OSC and a subset of those persons who agree to participate in a follow-up survey. The survey questionnaires are available for review online at *https://osc.gov/Resources/Pages/Reports.aspx#tabGroup07.*

Type of Information Collection Request: Opinion of mediation participants about the effectiveness and quality of their OSC mediation experience.

Affected Public: OSC mediation participants, including OSC complainants and their attorneys; Federal Agency attorneys; Federal Agency settlement officials; and other representatives or support persons.

Respondent's Obligation: Voluntary.

Estimated Annual Number of Survey Form Respondents: 100 per year for the initial survey and 75 for the follow-up survey. Number may rise if case intake rises.

Frequency of Survey Form Use: After each mediation is concluded.

Estimated Average Amount of Time for a Person to Respond to Survey: Eight minutes for the initial survey and two minutes for the follow-up survey.

Estimated Annual Survey Burden: 15.8 hours.

Date: February 10, 2022.

Travis Millsaps,

Deputy Special Counsel for Public Policy.

[FR Doc. 2022–03299 Filed 2–16–22; 8:45 am]

BILLING CODE 7405–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Certification of Vaccination Common Form 3206–0277

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on the renewal of an existing information collection request (ICR) 3206–0277, Certification of Vaccination Common Form. As required by the Paperwork Reduction Act of 1995, as amended by the Clinger-Cohen Act, OPM is soliciting comments for this collection. The information collection was previously published in the **Federal Register** for a 60-day comment period on November 23, 2021. No comments were received for this information collection. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until March 21, 2022.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

Federal Rulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Office of Privacy and Information Management, Office of Personnel Management, 1900 E Street NW, Washington, DC, Attn: PRA/Forms Manager, or via email at *privacy@opm.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35), as amended by the Clinger-Cohen Act (Pub. L. 104–106), the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for renewal of an existing information request, Certification of Vaccination Common Form (3206–0277), for which OPM previously received emergency clearance and that published November 23, 2021 at 86 FR 66600. This information collection is necessary for implementing specific safety protocols for individuals in Federal workspaces based on their vaccination status.

The Office of Management and Budget is particularly interested in comments that:

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: Office of Personnel Management.

Title: Certification of Vaccination Common Form.

OMB Number: 3206–0277.

Affected Public: Individuals or Households.

Number of Respondents: 3,952.

Estimated Time per Respondent: 2 minutes (1/30 hour).

Total Burden Hours: 132 hours.

Office of Personnel Management.

Kellie Cosgrove Riley,

Director, Office of Privacy and Information Management.

[FR Doc. 2022–03457 Filed 2–15–22; 4:15 pm]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–39 and CP2022–46]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filings, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 18, 2022.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3030, and 39 CFR part 3040, subpart B. For request(s)

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3040, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2022–39 and CP2022–46; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 214 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 10, 2022; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; *Public Representative:* Katalin K. Clendenin; *Comments Due:* February 18, 2022.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–03382 Filed 2–16–22; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94233; File No. SR–NYSEArca–2022–08]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

February 11, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that January 31, 2022, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 proposes to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'') to adopt an alternative requirement to qualify for the Retail Order Step-Up Tier 1 pricing tier. The Exchange proposes to implement the fee change effective February 1, 2022. The proposed rule 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to adopt an alternative requirement to qualify for the Retail Order Step-Up Tier 1 pricing tier. The Exchange proposes to implement the fee change effective February 1, 2022.

Background

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.'' [3]

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.'' [4] Indeed, equity trading is currently dispersed across 16 exchanges,[5] numerous alternative trading systems,[6] and broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange currently has more than 20% market share.[7] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange currently has less than 10% market share of executed volume of equities trading.[8]

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 a firm routes order flow. The competition for Retail Orders [9] is even more stark, particularly as it relates to exchange versus off-exchange venues.

The Exchange thus needs to compete in the first instance with non-exchange venues for Retail Order flow, and with the 15 other exchange venues for that Retail Order flow that is not directed off-exchange. Accordingly, competitive forces compel the Exchange to use exchange transaction fees and credits, particularly as they relate to competing for Retail Order flow, because market participants can readily trade on competing venues if they deem pricing levels at those other venues to be more favorable.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *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'').

[4] *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).

[5] *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.*

[6] *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.*

[7] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[8] *See id.*

[9] A Retail Order is an agency order that originates from a natural person and is submitted to the Exchange by an ETP Holder, provided that no change is made to the terms of the order to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology. *See* Securities Exchange Act Release No. 67540 (July 30, 2012), 77 FR 46539 (August 3, 2012) (SR–NYSEArca–2012–77).

To respond to this competitive environment, the Exchange has established Retail Order Step-Up tiers,[10] which are designed to provide an incentive for ETP Holders to route Retail Orders to the Exchange by providing higher credits for adding liquidity correlated to an ETP Holder's higher trading volume in Retail Orders on the Exchange. Under the Retail Order Step-Up Tiers, ETP Holders also do not pay a fee when such Retail Orders have a time-in-force of Day that add and remove liquidity from the Exchange.

Proposed Rule Change

Currently, to qualify for the Retail Order Step-Up Tier 1 credit, an ETP Holder must execute an average daily volume (ADV) per month of Retail Orders with a time-in-force of Day that add or remove liquidity that is an increase of 0.40% of CADV above its April 2018 ADV taken as a percentage of CADV, and have Adding ADV of 1.00% or more of CADV. ETP Holders that meet the Retail Order Step-Up Tier 1 requirement are eligible to earn a credit of $0.0038 per share for Retail Orders that add liquidity in Tape A, Tape B and Tape C securities.[11] As noted above, ETP Holders are not a charged a fee for Retail Orders with a time-in-force of Day that add and remove liquidity.[12]

The Exchange proposes to modify the requirements to qualify for Retail Order Step-Up Tier 1 by adopting an alternative qualification basis for the Retail Order Step-Up Tier 1 fees and credits. As proposed, in addition to providing an ADV of 1.00% or more of CADV, an ETP Holder would qualify for the current fees and credits by executing an ADV per month of Retail Orders with a time-in-force of Day that add or remove liquidity that is an increase of 0.40% of CADV above its April 2018 ADV taken as a percentage of CADV, or by executing an ADV per month of 55 million shares of Retail Orders with a time-in-force of Day that add or remove liquidity. The Exchange does not propose any change to the level of fees and credits under Retail Order Step-Up Tier 1.

The purpose of the proposed rule change is to encourage greater participation from ETP Holders and promote additional liquidity in Retail Orders. As described above, ETP Holders with liquidity-providing orders have a choice of where to send those orders. Given the overall decline of Retail Orders, as a percentage of total volume in the equity markets, the Exchange believes introducing alternative criteria for ETP Holders to qualify for Retail Order Step-Up Tier 1 will allow greater number of ETP Holders to potentially qualify for the tier, and will incentivize more ETP Holders to route their liquidity-providing Retail Orders to the Exchange rather than to a competing exchange.

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,[13] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[14] 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 and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Fee Change Is Reasonable

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.'' [15]

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. With respect to Retail Orders, 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 reasonably constrain exchange transaction fees that relate to Retail 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.

In particular, the Exchange believes that the proposed new alternative threshold to qualify for Retail Order Step-Up Tier 1 is reasonable because it is designed to encourage greater participation from ETP Holders and promote additional liquidity in Retail Orders. The Exchange believes it is reasonable to require ETP Holders to meet the applicable volume threshold to qualify for the Retail Order Step-Up Tier 1 credit. Further, the proposed change is reasonable as it would allow ETP Holders an additional method to qualify for the credit payable under the pricing tier if ETP Holders are unable to meet the existing requirement, particularly when there has been an overall decline of Retail Orders as a percentage of total volume in the equity markets, and yet sustained high consolidated daily volumes. The Exchange believes that the proposal represents a reasonable effort to promote price improvement and enhanced order execution opportunities for ETP Holders. All ETP Holders would benefit from the greater amounts of liquidity on the Exchange, which would represent a wider range of execution opportunities. The Exchange notes that market participants are free to shift their order flow to competing venues if they believe other markets offer more favorable fees and credits.

The Proposed Fee Change Is an Equitable Allocation of Fees and Credits

The Exchange believes the proposed rule change to introduce alternative criteria for ETP Holders to qualify for Retail Order Step-Up Tier 1 equitably allocates its fees among its market participants. The Exchange believes the Retail Order Step-Up Tier 1 pricing tier is equitable because it would apply to all similarly situated ETP Holders on an equal basis and provides an alternative path to qualify for a per share credit that is reasonably related to the value of an exchange's market quality associated with higher volumes. The Exchange believes it is equitable to require ETP

[10] *See* Retail Order Tier, Retail Order Step-Up Tier 1, Retail Order Step-Up Tier 2, and Retail Order Step-Up Tier 3 under Retail Tiers on the Fee Schedule.

[11] Pursuant to footnote (d) under Retail Tiers, ETP Holders that qualify for Retail Order Step-Up Tier 1 are subject to the following rates in Tape C: ($0.0035) for Adding displayed liquidity; $0.0027 for Removing; and Additional ($0.0002) for Adding non-displayed liquidity. *See* Fee Schedule.

[12] Pursuant to footnote (e) under Retail Tiers, ETP Holders that qualify for Retail Order Step-Up Tier 1, Retail Order Step-Up Tier 2 and Retail Order Step-Up Tier 3 are not charged a fee or provided a credit for Retail Orders where each side of the executed order (1) shares the same MPID and (2) is a Retail Order with a time-in-force of Day. *See* Fee Schedule.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

Holders to meet the applicable volume thresholds to qualify for the Retail Order Step-Up Tier 1 credit. Further, the proposed change is also equitable as it would allow ETP Holders an alternative method to qualify for the credit payable under the pricing tier if ETP Holders are unable to meet the current requirement.

The Exchange believes that modifying Retail Order Step-Up Tier 1 would encourage the submission of additional liquidity to the Exchange, thus enhancing order execution opportunities for ETP Holders from the substantial amounts of liquidity present on the Exchange. All ETP Holders would benefit from the greater amounts of liquidity that would be present on the Exchange, which would provide greater execution opportunities.

The Exchange does not know how much Retail Order flow ETP Holders choose to route to other exchanges or to off-exchange venues. 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 ETP Holders sending more of their Retail Orders to the Exchange to qualify for the Retail Order Step-Up Tier 1 credit of $0.0038 per share, which is among the highest credits offered by the Exchange. The Exchange believes that its fee structure for Retail Orders, in particular the Retail Order Step-Up Tier 1 pricing tier, should incentivize ETP Holders to send such orders to the Exchange. The Exchange cannot predict with certainty how many ETP Holders would avail themselves of this opportunity but additional Retail Orders would benefit all market participants because it would provide greater execution opportunities on the Exchange.

The Exchange believes that the proposed rule change is equitable because maintaining the proportion of Retail 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 Proposed Fee Change Is Not Unfairly Discriminatory

The Exchange believes that the proposed rule change to introduce alternative criteria for ETP Holders to qualify for Retail Order Step-Up Tier 1 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. Moreover, the proposal neither targets nor will it have a disparate impact on any particular category of market participant. The Exchange believes that the proposal does not permit unfair discrimination because the proposal would be applied to all similarly situated ETP Holders and all ETP Holders would be subject to the same modified Retail Order Step-Up Tier 1. Accordingly, no ETP Holder already operating on the Exchange would be disadvantaged by the proposed allocation of fees. The Exchange further believes that the proposed changes would not permit unfair discrimination among ETP Holders because the general and tiered rates are available equally to all ETP Holders.

As described above, in today's competitive marketplace, order flow providers have a choice of where to direct liquidity-providing order flow, and the Exchange believes there are additional ETP Holders that could qualify for Retail Order Step-Up Tier 1 if they chose to direct their order flow to the Exchange. Lastly, the submission of Retail Orders is optional for ETP Holders in that they could choose whether to submit Retail Orders and, if they do, the extent of its 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.

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,[16] 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 the proposed 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 all market participants. As a result, the Exchange believes that the proposed change 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.'' [17]

Intramarket Competition. The Exchange believes the proposed rule change does not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed change represents a significant departure from previous pricing offered by the Exchange or its competitors. The proposed change is designed to attract Retail Orders to the Exchange. The Exchange believes that amending criteria of established tiers would incentivize market participants to direct liquidity adding order flow to the Exchange, bringing with it additional execution opportunities for market participants and improved price transparency. Greater overall order flow, trading opportunities, and pricing transparency benefits 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 believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which 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 noted above, the Exchange's market share of intraday trading (*i.e.,* excluding auctions) is currently less than 10%. In such an environment, the Exchange must continually adjust its fees and rebates 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 this proposed fee change would impose any burden on intermarket competition.

[16] 15 U.S.C. 78f(b)(8).

[17] *See* Securities Exchange Act Release No. 51808, 70 FR 37495, 37498–99 (June 29, 2005) (S7–10–04) (Final Rule).

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) [18] of the Act and subparagraph (f)(2) of Rule 19b–4 [19] 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) [20] 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–NYSEArca–2022–08 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–NYSEArca–2022–08. 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 offices 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–NYSEArca–2022–08, and should be submitted on or before March 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03392 Filed 2–16–22; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(2).

[20] 15 U.S.C. 78s(b)(2)(B).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94226; File No. SR–NASDAQ–2022–012]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Equity 7, Section 115 of the Fee Schedule

February 11, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 31, 2022, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''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 proposes to amend the Exchange's pricing schedule at Equity 7, Section 115, as described further below.

The text of the proposed rule change is detailed below: proposed new language is italicized and proposed deletions are in brackets.

* * * * *

The Nasdaq Stock Market Rules

* * * * *

Equity Rules

* * * * *

Equity 7 Pricing Schedule

* * * * *

Section 115. Ports and Services†

The charges under this section are assessed by Nasdaq for connectivity to services and the following systems operated by Nasdaq or FINRA: The Nasdaq Market Center, FINRA Trade Reporting and Compliance Engine (TRACE), the FINRA/Nasdaq Trade Reporting Facility, and the FINRA OTC Reporting Facility (ORF). The following fees are not applicable to The Nasdaq Options Market LLC. For related options fees for Ports and other Services refer to Options 7, Section 3 of the Options Rules.

(a)–(d) No change.

(e) Specialized Services Related to FINRA/Nasdaq Trade Reporting Facility.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

WebLink ACT or Nasdaq	$[5]*625*[.00]/month
Workstation Post Trade	A subscription includes: The Trade Reporting File Upload service, which allows members to upload multiple trade reports in batches to ACT; and the ACT Reject Scan service, which provides a list of all of a member's rejected ACT trade entries and a copy of each rejected trade report form submitted to ACT. [$225 per month for the ACT Trade History service which provides searchable access to a member's trades that are older than six months dating back to 2009.]
ACT Workstation	$[5]*625*/logon/month [$225 per month for the ACT Trade History service which provides searchable access to a member's trades that are older than six months dating back to 2009.]
Nasdaq WorkX	$[5]*625*/logon/month [$225 per month for the ACT Trade History service which provides searchable access to a member's trades that are older than one year dating back five years.] For customers using both Act Workstation and Nasdaq WorkX, fees for Nasdaq WorkX will be waived for the first month of service.

(f)–(j) No change.

† Fees, *other than the specialized service fees in Section 115(e),* are assessed in full month increments under this section, and thus are not prorated.

* * * * *

(b) Not applicable.

(c) Not applicable.

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 schedule of fees, at Equity 7, Section 115(e). In April 2021, the Exchange enhanced its connectivity, surveillance and risk management services by launching three re-platformed products including Nasdaq WorkX™ (''WorkX'').[3] These changes were filed by the Exchange on April 20, 2021 and published in the **Federal Register** on May 7, 2021.[4] The Exchange noted in the filing that as it rolled out the enhanced products, the fees for the re-platformed products would be the same as the fees for the corresponding non-re-platformed products. After the first month of service on WorkX, a member firm is expected to fully migrate to the new product and is charged for any fees incurred for using the new products thereafter. To date, the Exchange continues to assist its members in migrating from Workstation to WorkX.

The Exchange proposes to increase its existing fees for ACT Workstation (''Workstation''),[5] WebLink ACT or Nasdaq Workstation Post Trade (''WebLink''), [6] and WorkX from $525 to $625. These fees solely apply to the FINRA/Nasdaq Trade Reporting Facility (TRF) related services.

The Exchange also proposes to eliminate the ACT Trade History service fee of $225 for each of these existing products. The ACT Trade History service provides searchable access to a member's trades.[7] The Exchange believes it is important for users to freely perform unlimited scans and queries of their trade history to effectively perform their regulatory responsibilities without being hampered by the separate ACT Trade History charge.[8]

Additionally, the Exchange proposes to prorate the cost of the first and last month of a user's subscription to the WebLink, Workstation and WorkX products.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal is reasonable in several respects. As a threshold matter, the FINRA/Nasdaq TRF and its related front-end products are subjected to significant competitive forces in the market for trade reporting and regulatory compliance services that constrain the Exchange's pricing determinations for Workstation, WebLinks and WorkX. 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.

The competitive nature of this market is evidenced by the FINRA/NYSE TRF, to which firms may report their trade instead of the FINRA/Nasdaq TRF, and which offers a similar front-end trade reporting and regulatory compliance service to trade report, clear and monitor compliance for activity on its facility. Firms may choose to trade report with the FINRA/NYSE TRF based on the features and functionality of the TRF or based on the features and functionality of the regulatory reporting and compliance front-end services

[3] WorkX is a re-platformed version of Workstation that simplifies compliance with regulatory responsibilities and enhances the user experience with improved workflow, system performance, and data visualization. WorkX also upgrades trade reporting and monitoring with a modern user interface using cloud-based technology.

[4] *See* Securities Exchange Act Release No. 91744 (May 3, 2021), 86 FR 24685 (May 7, 2021) (NASDAQ–2021–025).

[5] Workstation is a web-based application that electronically facilitates trade reporting and clearing functions for trades reported to the FINRA/Nasdaq TRF. Workstation services include trade entry, trade scan, and uploads for bulk trade entry to support FINRA/Nasdaq TRF participant trade reporting in accordance with Financial Industry Regulatory Authority (''FINRA'') rules.

[6] Workstation and WebLink are identical applications that perform the same functions. For historical reasons, they each have separate entries on the Exchange's fee schedule. WebLink, the same as Workstation, is a web-based application that electronically facilitates trade reporting and clearing functions for trades reported to the FINRA/Nasdaq TRF.

[7] WebLink and Workstation provide searchable access to a member's trades that are older than six months dating back to 2009. WorkX provides searchable access to a member's trades that are older than one year dating back five years.

[8] In its capacity as a Business Member of the FINRA/Nasdaq TRF, Nasdaq also plans to separately eliminate the $0.50 per query fee that is charged for querying reported transactions in the FINRA/Nasdaq TRF using Workstation, WebLink and WorkX. The change was proposed in FINRA–2022–002, which was filed on January 31, 2022.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

offered for the FINRA/NYSE TRF. Within this competitive environment, customers can freely select the FINRA/NYSE trade reporting facility and its trade reporting and compliance front-end services in response to changes in the Exchange's pricing schedule.

The Proposal Is Reasonable

The Exchange believes that the proposal to raise fees for Workstation, WebLinks and WorkX is reasonable because of the competitive forces described above. Moreover, the Exchange has not adjusted its fees for these products since 2016.

Additionally, the Exchange believes that it is reasonable to remove the ACT Trade History data charge from WebLink, Workstation and WorkX because removal of this fee streamlines the cost to one base fee with no add-on search charges and will allow users to freely perform unlimited query searches of their trade history. As discussed above, these searches assist users in performing their regulatory responsibilities. Additionally, the proposed fee increase of $100 for using Weblink, Workstation or WorkX is less than half of the current ACT Trade History fee. Therefore, users who utilize the trade history feature may incur decreased fees. For example, a user who is subscribed to one log-on for WorkX and utilizes the ACT Trade History search feature currently pays $750/month. Under the proposed fee changes, the subscriber will pay $625/month. Although some users will incur a decrease in fees as a result of the proposed changes, there are some users whose fees may increase. For example, a user who is subscribed to one log-on for WorkX and does not utilize the ACT Trade History search feature currently pays $525/month. Under the proposed fee changes, the subscriber will pay $625/month with no additional charge for the use of the ACT Trade History. Because users who choose to utilize the optional ACT Trade History function have historically incurred a higher fee than those who have not utilized the function, the impact of the proposed change will be different for those users. The Exchange believes that the difference in impact resulting from the proposed changes is reasonable and not unfairly discriminatory because all users will be able to use ACT Trade History without a separate fee and those who have not used ACT Trade History in the past may decide to start using the service. Moreover, the Exchange notes that users who are dissatisfied with the proposal (*e.g.,* if they experience an overall increase) are free to utilize the FINRA/NYSE TRF and its related front-end service.

Additionally, the Exchange believes that it is reasonable to prorate the fees for the first and last month of a user's subscription to Workstation, Weblink and WorkX. For example, the Exchange believes that it is reasonable to charge a user who unsubscribes to any of the three products on December 2 or subscribes on December 30 only for the days that they are actually subscribed to the products.

The Proposal Is an Equitable Allocation of Fees

Nasdaq believes that the proposed rule change will allocate fees fairly among the users of WebLink, Workstation and WorkX.

The Exchange believes that it protects investors and is an equitable allocation to eliminate its existing $225 ACT Trade History fee. As discussed above, removal of the fee eliminates any impediment for users to freely utilize the search functions to monitor and satisfy their regulatory responsibilities. Moreover, the Exchange believes that prorating the fees for the first and final month of a user's subscription will ensure that the fees are equitable to a user's utilization of the products.

Lastly, although all users of Workstation, WebLink and WorkX products will incur an increased monthly fee for use of the products, some users who utilize the optional ACT Trade History function will receive a decrease in their overall fees. The Exchange believes it is equitable for some users to incur an increased fee and for other users to receive a decrease because users who choose to utilize the ACT Trade History function have historically incurred a higher fee than those who have not utilized the function. Therefore, the impact of the proposed change will affect users differently than users who have not historically utilized the function. The Exchange believes that the difference in impact resulting from the proposed changes is equitable because all users will be able to use ACT Trade History without a separate fee and those who have not used ACT Trade History in the past may decide to start using the service. Moreover, the Exchange notes that users who are dissatisfied with the proposal (*e.g.,* if they experience an overall increase) are free to utilize the FINRA/NYSE TRF and its related front-end service.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. All users of WebLink, Workstation and WorkX will be required to pay the proposed increased subscription fee and the proposed fees will apply to all users in the same manner. As discussed above, although some users will incur a decrease in fees as a result of the proposed changes, there are some users whose fees may increase. Users who have historically chosen to not incur the additional cost of the ACT Trade History will pay a modestly higher proportionate amount. The Exchange does not believe that this disparity among users is unfairly discriminatory because users who choose to utilize the optional ACT Trade History function have historically incurred a higher fee than those who have not utilized the function. Therefore, the impact of the proposed change will be different for those users. The Exchange believes that the difference in impact resulting from the proposed changes is not unfairly discriminatory because all users will be able to use ACT Trade History without a separate fee and those who have not used ACT Trade History in the past may decide to start using the service. Additionally, all users, to the extent that they already subscribe to ACT Trade History will benefit from the proposed removal of the ACT Trade History fee and all users will benefit from the proration of the first and last month of their subscription.

Moreover, the Exchange notes that users who are dissatisfied with the proposal (*e.g.,* if they experience an overall increase) are free to utilize the FINRA/NYSE TRF and its related front-end service.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposals will place any category of Exchange participant at a competitive disadvantage. All users of WebLink, Workstation and WorkX will be required to pay the proposed increase fee for a subscription to any of the three products and will receive a proration for the first and last month of their subscription. To the extent that members were not utilizing any of the three products, the proposed fee change will not place them at a competitive disadvantage. The Exchange notes that its members are not required to subscribe to the products if they believe

that the cost of the subscriptions is not attractive.

The proposed elimination of the ACT Trade History fee for WebLink, Workstation and WorkX will have minimal competitive effect insofar as some users that utilize the ACT Trade History service may receive a decrease in their overall subscription to the products. As discussed above, although some users will incur a decrease in fees and others will incur a fee increase because of the proposed changes, the Exchange does not believe that this difference will result in a competitive disadvantage to any users because the proposed rule change will allow all users of WebLink, Workstation and WorkX to freely use the tool at no additional cost.

Firms also have the option of reporting their trades on the FINRA/NYSE TRF and utilizing its trade reporting and regulatory compliance service products if they are dissatisfied with the Exchange's fee proposal.

Intermarket Competition

The Exchange believes that its proposed modifications to its fee schedule will not impose any burden on competition because the increased fees, proration and removal of ACT Trade History charges simplifies the subscription rates for these products and ensures that the Exchange is able to continue to provide the best products that benefit member firms. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor the FINRA/NYSE TRF if they are dissatisfied with the fee change or deem the FINRA/NYSE TRF and its related front-end products to be more favorable. The proposed fee changes to WebLink, Workstation and WorkX are reflective of this competition.

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

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[11] the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–NASDAQ–2022–012 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–NASDAQ–2022–012. 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–NASDAQ–2022–012 and should be submitted on or before March 10, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03391 Filed 2–16–22; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 11654]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "Louise Bourgeois: Paintings" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Louise Bourgeois: Paintings'' at The Metropolitan Museum of Art, New York, New York, the New Orleans Museum of Art, New Orleans, Louisiana, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street, NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28,

2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–03418 Filed 2–16–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11655]

Notice of Determinations; Additional Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Through Vincent's Eyes: Van Gogh and His Sources'' Exhibition

SUMMARY: On October 8, 2021, notice was published on page 56345 of the **Federal Register** (volume 86, number 193) of determinations pertaining to certain objects to be included in an exhibition entitled ''Through Vincent's Eyes: Van Gogh and His Sources.'' Notice is hereby given of the following determinations: I hereby determine that certain additional objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the aforementioned exhibition at the Santa Barbara Museum of Art, Santa Barbara, California, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Chi D. Tran, Program Administrator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stacy E. White,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2022–03408 Filed 2–16–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 11656]

30-Day Notice of Proposed Information Collection: Courier Drop-Off List for U.S. Passport Applications

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 30 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to March 21, 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 information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You must include the DS form number (DS–4283), information collection title, and the OMB control number in any correspondence (if applicable). Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument, and supporting documents to *PPTFormsOfficer@state.gov.* You must include the DS form number (DS–4283) and information collection title.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Courier Drop-Off List for U.S. Passport Applications.
- *OMB Control Number:* 1405–0222.
- *Type of Request:* Renewal of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Passport Services (CA/PPT).
- *Form Number:* DS–4283.
- *Respondents:* Business or Other For-Profit Organizations.
- *Estimated Number of Respondents:* 210,000 respondents per year.
- *Estimated Number of Responses:* 210,000 responses per year.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 35,000 annual hours.
- *Frequency:* Daily.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department
- 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
- Enhance the quality, utility, and clarity of the information to be collected
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The information collected on the DS–4283 is used to facilitate the issuance of passports to U.S. citizens and nationals in the continental United States with imminent travel plans who hire private courier companies to deliver their applications and other material to one of fourteen domestic passport agencies located in the continental United States. The Department asks courier company employees to complete the DS–4283 for each service type and submit the form with passport applications and other material delivered in bulk to passport agencies in a designated drop-off box. Passport agencies use the form to track the submission of applications that a courier drops off. The form serves as a record of receipt of passport applications and other documents submitted to the Department and as an acknowledgment of who delivered them. The DS–4283 is part of a Department effort to facilitate the delivery of passport applications and other documents by private courier

companies while maintaining the integrity of the passport application process.

Methodology

This form is used to track the processing of passport applications and other documents delivered in bulk to passport agencies by private courier companies. Courier employees are asked to attach the form onto sealed envelopes or packages containing passport applications and other documents which they deliver in bulk to designated drop-off facilities at one of fourteen passport agencies for processing. A PDF fillable form will be available to download from *https://eforms.state.gov.*

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2022–03446 Filed 2–16–22; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2022–0026]

Qualification of Drivers; Exemption Applications; Implantable Cardioverter Defibrillators (ICDs)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from two individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against operation of a commercial motor vehicle (CMV) by persons with a current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope (transient loss of consciousness), dyspnea (shortness of breath), collapse, or congestive heart failure. If granted, the exemptions would enable these individuals with ICDs to operate CMVs in interstate commerce.

DATES: Comments must be received on or before March 21, 2022.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket ID FMCSA–2022–0026 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov/,* insert the docket number, FMCSA–2022–0026, 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–2022–0026), 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–2022–0026 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–2022–0026, 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 two individuals listed in this notice have requested an exemption from § 391.41(b)(4). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the

required level of safety mandated by statute.

The physical qualification standard found in § 391.41(b)(4) states that a person is physically qualified to drive a CMV if that person has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.

In addition to the regulations, FMCSA has published advisory criteria [1] to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. The advisory criteria states that ICDs are disqualifying due to risk of syncope.

III. Qualifications of Applicants

Michael Bianculli

Mr. Bianculli is a CMV driver in Massachusetts. A December 3, 2021, letter from Mr. Bianculli's cardiologist reports that an ICD was implanted in September 2021, for primary prevention. His cardiologist reports that he has never had cardiac arrest or loss of consciousness, his ICD has never fired, his cardiac function is normal, and he has no symptoms attributed to his cardiac condition.

Kelly Lemus

Ms. Lemus is a CMV driver in the state of Washington. An April 1, 2021, letter from Ms. Lemus' cardiologist reports that an ICD was implanted in November 2011, after recurrent episodes of syncope. No documentation of sustained arrhythmias or therapies have been delivered from the ICD since implantation. Ms. Lemus has routine scheduled follow ups with cardiology.

IV. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–03412 Filed 2–16–22; 8:45 am]

BILLING CODE 4910–EX–P

[1] These criteria may be found in 49 CFR part 391, Appendix A to Part 391—Medical Advisory Criteria, Section D. Cardiovascular: § 391.41(b)(4), paragraph 4, which is available on the internet at *https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf.*

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No.: PHMSA–2022–0008; Notice No. 2022–03]

Hazardous Materials: Request for Comments on Issues Concerning International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Materials

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Notice; request for comments.

SUMMARY: PHMSA and the U.S. Nuclear Regulatory Commission are jointly seeking comments on issues concerning requirements in the International Atomic Energy Agency (IAEA) regulations for the safe transport of radioactive materials. The IAEA is considering revisions to their regulations as part of its periodic review cycle for a new edition.

DATES: Submit comments by March 4, 2022. Comments received after this date will be considered if it is practical to do so; however, we are only able to assure consideration for proposals received on or before this date.

ADDRESSES: You may submit comments identified by the docket number (PHMSA–2022–0008) by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* To Docket Operations, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

Instructions: All submissions must include the agency name and docket number for this notice at the beginning of the comment. Note that all comments received will be posted without change to the docket management system, including any personal information provided.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov,* or DOT's Docket Operations Office (see **ADDRESSES**).

Privacy Act: Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477) or you may visit *http://www.regulations.gov.*

Confidential Business Information (CBI): CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Rick Boyle, Sciences and Engineering Division, (202) 366–4545, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary that PHMSA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Boyle, Sciences and Engineering Division, (202) 366–4545, Pipeline and Hazardous Materials Safety Administration.

SUPPLEMENTARY INFORMATION:

I. Background

The International Atomic Energy Agency (IAEA) works with its Member States and multiple partners worldwide to promote safe, secure, and peaceful nuclear technologies. The IAEA established and maintains an international standard, *Regulations for the Safe Transport of Radioactive Material (SSR–6 (Rev. 1)),* to promote the safe and secure transportation of radioactive material. The IAEA periodically reviews and, as deemed appropriate, revises its regulations to reflect new information and

accumulated experience. The Department of Transportation (DOT) is the U.S. competent authority for radioactive material transportation matters. The U.S. Nuclear Regulatory Commission (NRC) provides technical support to DOT in this regard, particularly regarding Type B and other fissile transportation packages.

The IAEA recently initiated a review cycle for its regulations. This is a first step in the review cycle for the IAEA transport regulations, but it does not constitute a decision to revise the transport regulations. To assure opportunity for public participation in the international regulatory development process, DOT and NRC are soliciting comments and information pertaining to issues with the IAEA regulations.

The focus of this solicitation is to identify issues or concerns with SSR–6 (Rev. 1). SSR–6 (Rev. 1) can be found online at *https://www-pub.iaea.org/MTCD/Publications/PDF/PUB1798_web.pdf.*

The IAEA requests that any proposal for a change in the transport regulations should demonstrate that the proposed change is:

- Required to ensure safety and to protect people, property, and the environment from harmful effects of ionizing radiation during the transport of radioactive material.
- Needed to define or redefine the level of protection of people, property, and the environment from harmful effects of ionizing radiation during the transport of radioactive material.
- Required for consistency within the Transport Regulations.
- Required as a result of advances in technology.
- Needed to improve implementation of the Transport Regulations.

The IAEA also requests that a submission of an identified problem in the regulations for which new text is not proposed should also demonstrate a clear link to the criteria outlined above. Comments and proposed changes should reference the particular paragraphs of concern in SSR–6 (Rev. 1).

This information, and any associated discussions, will assist DOT in examining the full range of views and alternatives as the agency develops proposals to be submitted to the IAEA for consideration. DOT has not yet fully harmonized its US regulations with the 2012 and 2018 editions of SSR–6. DOT will follow its normal rulemaking procedures in any action to harmonize requirements for domestic and international transportation of radioactive materials. This call for input to the IAEA process is separate from any future or current domestic rulemakings.

II. Public Participation

PHMSA and the NRC are jointly seeking comments on issues concerning requirements in SSR–6 (Rev. 1). The IAEA is considering revisions to the SSR–6 (Rev. 1) regulations as part of its periodic review cycle for a new edition. Proposals must be submitted in writing (electronic file in Microsoft Word format preferred).

DOT and NRC will review the proposed issues and identified problems. Proposed issues and identified problems from all Member States and International Organizations will be initially considered at an IAEA Transport Safety Standards Committee (TRANSSC) Meeting to be convened by IAEA on June 20–24, 2022, in Vienna, Austria. The subsequent meeting of TRANSSC, to be held in November 2022, will determine whether the aggregate of the accepted proposed changes amounts to a change in requirements that is important in terms of safety. If this is the case, a revision of the transport regulations will be initiated by the IAEA. If there is no safety imperative, the issues agreed upon will be considered during the next review cycle scheduled to start in 2023.

Issued in Washington, DC, on February 11, 2022.

William S. Schoonover,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2022–03393 Filed 2–16–22; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Interagency Appraisal Complaint Form

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC).

ACTION: Notice and request for comment.

SUMMARY: The Office of the Comptroller of the Currency (OCC) as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an information collection renewal as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning the renewal of its information collection titled ''Interagency Appraisal Complaint Form.''

DATES: Comments must be received by April 18, 2022.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557–0314, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0314'' 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 the method set forth in the next bullet. Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Hover over 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 ''1557–0314'' or ''Interagency Appraisal Complaint Form.'' 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.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

Section 1473(p) of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] provides that if the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council (FFIEC) determines, six months after enactment of that section (*i.e.,* January 21, 2011), that no national hotline exists to receive complaints of non-compliance with appraisal independence standards and Uniform Standards of Professional Appraisal Practice (USPAP), then the ASC shall establish and operate such a hotline (ASC Hotline). The ASC Hotline shall include a toll-free telephone number and an email address. Section 1473(p) further directs the ASC to refer complaints received through the ASC Hotline to the appropriate government bodies for further action, which may include referrals to OCC, the Federal Reserve Board (Board), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Bureau of Consumer Financial Protection (CFPB), and state agencies. The ASC determined that a national appraisal hotline did not exist at a meeting held on January 12, 2011, and a notice of that determination was published in the **Federal Register** on January 28, 2011, (76 FR 5161). As a result, the ASC established a hotline to refer complaints to appropriate state and Federal regulators.

Representatives from the OCC, the Board, the FDIC, the NCUA (Agencies), and the CFPB met and established a process to facilitate the referral of complaints received through the ASC Hotline to the appropriate Federal financial institution regulatory agency or agencies. The Agencies developed the Interagency Appraisal Complaint Form to collect information necessary to take further action on the complaint. The CFPB incorporated the process into one of their existing systems.

The Interagency Appraisal Complaint Form was developed for use by those who wish to file a formal, written complaint that an entity subject to the jurisdiction of one or more of the Agencies has failed to comply with the appraisal independence standards or USPAP. The Interagency Appraisal Complaint Form is designed to collect information necessary for the Agencies to take further action on a complaint from an appraiser, other individual, financial institution, or other entities. The Agencies use the information to take further action on the complaint to the extent the complaint relates to an issue within their jurisdiction.

OMB Control No.: 1557–0314.

Estimated Number of Respondents: 100.

Estimated Burden per Response: 0.5 hours.

Estimated Total Annual Burden: 50 hours.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection 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.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2022–03403 Filed 2–16–22; 8:45 am]

BILLING CODE P

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act section 1473, Public Law 111–203, 124 stat. 1376, July 21, 2010; 12 U.S.C. 3351(i).

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Part II

Securities and Exchange Commission

17 CFR Parts 275 and 279

Amendments to Form PF To Require Current Reporting and Amend Reporting Requirements for Large Private Equity Advisers and Large Liquidity Fund Advisers; Proposed Rule

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 275 and 279

[Release No. IA–5950; File No. S7–01–22]

RIN 3235–AM75

Amendments to Form PF To Require Current Reporting and Amend Reporting Requirements for Large Private Equity Advisers and Large Liquidity Fund Advisers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Securities and Exchange Commission (''SEC'' or ''Commission'') is proposing to amend Form PF, the confidential reporting form for certain SEC-registered investment advisers to private funds to require current reporting upon the occurrence of key events. The proposed amendments also would decrease the reporting threshold for large private equity advisers and require these advisers to provide additional information to the SEC about the private equity funds they advise. Finally, we are proposing to amend requirements concerning how large liquidity advisers report information about the liquidity funds they advise. The proposed amendments are designed to enhance the Financial Stability Oversight Council's (''FSOC'') ability to monitor systemic risk as well as bolster the SEC's regulatory oversight of private fund advisers and investor protection efforts.

DATES: Comments should be received on or before March 21, 2022.

ADDRESSES: Comments may be submitted by any of the following methods.

Electronic Comments

- Use the Commission's internet comment forms (*https://www.sec.gov/rules/submitcomments.htm*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–01–22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–01–22. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's website (*https://www.sec.gov/rules/proposed.shtml*). Comments also are 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 a.m. and 3 p.m. Operating conditions may limit access to the Commission's Public Reference Room. 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.

Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on the Commission's website. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at *www.sec.gov* to receive notifications by email.

FOR FURTHER INFORMATION CONTACT: Alexis Palascak, Lawrence Pace, Samuel K. Thomas, Senior Counsels; Michael C. Neus, Senior Special Counsel; or Melissa Gainor, Assistant Director at (202) 551–6787 or *IArules@sec.gov,* Investment Adviser Regulation Office, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION: The SEC is requesting public comment on the following under the Investment Advisers Act of 1940 [15 U.S.C. 80b] (''Advisers Act'').[1]

Commission reference	CFR citation
Form PF	17 CFR 279.9.
Rule 204(b)–1	17 CFR 275.204(b)–1.

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[1] 15 U.S.C. 80b. Unless otherwise noted, when we refer to the Advisers Act, or any section of the Advisers Act, we are referring to 15 U.S.C. 80b, at which the Advisers Act is codified, and when we refer to rules under the Advisers Act, or any section of these rules, we are referring to title 17, part 275 of the Code of Federal Regulations [17 CFR 275], in which these rules are published.

[2] Form PF was adopted in 2011 as required by the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. Pub. L. 111–203, 124 Stat. 1376 (2010). *See* Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF, Advisers Act Release No. 3308 (Oct. 31, 2011), [76 FR 71128 (Nov. 16, 2011)] (''2011 Form PF Adopting Release'') at section I. In 2014, the Commission amended Form PF section 3 in connection with certain money market fund reforms. *See* Money Market Fund Reform; Amendments to Form PF, Advisers Act Release No. 3879 (July 23, 2014), [79 FR 47736] (Aug. 14, 2014) (''2014 Form PF Amending Release''). Form PF is a joint form between the Commission and the Commodity Futures Trading Commission (''CFTC'') only with respect to sections 1 and 2 of the Form; sections 3 and 4, which we propose to amend, were adopted only by the Commission. Current Form PF section 5, request for temporary hardship exemption, would become new section 7 and new sections 5 and 6 are proposed only by the Commission.

V. Regulatory Flexibility Act Certification
VI. Consideration of Impact on the Economy
VII. Statutory Authority

I. Introduction

The Commission is proposing to amend Form PF, the form that certain investment advisers registered with the Commission use to report confidential information about the private funds that they advise.[2] The proposed amendments are designed to enhance FSOC's monitoring and assessment of systemic risk and to provide additional information for FSOC's use in determining whether and how to deploy its regulatory tools. The proposed amendments also are designed to collect additional data for the Commission's use in its regulatory programs, including examinations, investigations and investor protection efforts relating to private fund advisers.

Form PF provides the Commission and FSOC with important information about the basic operations and strategies of private funds and has helped establish a baseline picture of the private fund industry for use in assessing systemic risk.[3] We now have almost a decade of experience analyzing the information collected on Form PF. In that time, the private fund industry has grown in size and evolved in terms of business practices, complexity of fund structures, and investment strategies and exposures.[4] Based on this experience and in light of these changes, the Commission and FSOC have identified significant information gaps and situations where more granular and timely information would improve our understanding of the private fund industry and the potential systemic risk within it, and improve our ability to protect investors.[5]

First, we are proposing new current reporting by large hedge fund advisers[6] regarding their qualifying hedge funds[7] and by private equity advisers upon the occurrence of certain key events. Most private fund advisers report general information on Form PF, such as the types of private funds advised (*e.g.,* hedge funds, private equity funds, or liquidity funds), fund size, use of borrowings and derivatives, strategy, and types of investors. Certain larger private fund advisers report more detailed information on the qualifying hedge funds, the liquidity funds and the private equity funds that they advise.[8] In its current form, however, Form PF does not require current reporting of information from advisers whose funds are facing stress that could result in investor harm or potentially create systemic risk. Advisers file Form PF months after their quarter and year ends, depending on their size and the type of funds they advise. This means that during fast moving market events, Form PF data is often stale.[9]

The SEC's experiences with recent market events like the March 2020 COVID–19 turmoil and the January 2021 market volatility in certain stocks, have highlighted the importance of receiving current information from market participants during fast moving market events.[10] We believe current reporting upon the occurrence of certain key events on Form PF would facilitate a regulatory response if appropriate and potentially mitigate the impact on investors and systemic risk. Current reports also would allow the Commission and FSOC to identify patterns among similarly situated funds that could indicate broader systemic implications or investor protection concerns. Therefore, we are proposing to require large hedge fund advisers and private equity advisers to report information within one day upon the occurrence of events that indicate significant stress or otherwise serve as signals of potential systemic risk implications, as well as potential areas for inquiry designed to prevent investor harm.

[3] Advisers Act section 202(a)(29) defines the term ''private fund'' as an issuer that would be an investment company, as defined in section 3 of the Investment Company Act of 1940 (''Investment Company Act''), but for sections 3(c)(1) or 3(c)(7) of that Act. Section 3(c)(1) of the Investment Company Act provides an exclusion from the definition of ''investment company'' for any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons (or, in the case of a qualifying venture capital fund, 250 persons) and which is not making and does not presently propose to make a public offering of its securities. Section 3(c)(7) of the Investment Company Act provides an exclusion from the definition of ''investment company'' for any issuer, the outstanding securities of which are owned exclusively by persons who, at the time of acquisition of such securities, are qualified purchasers, and which is not making and does not at that time propose to make a public offering of such securities. The term ''qualified purchaser'' is defined in section 2(a)(51) of the Investment Company Act. Since Form PF's adoption Commission staff have used Form PF statistics to inform our regulatory programs and establish census type information regarding the private fund industry. *See* SEC 2020 Annual Staff Report Relating to the Use of Form PF Data (Nov. 2020), *available at https://www.sec.gov/files/2020-pf-report-to-congress.pdf.* Staff reports, statistics, and other staff documents (including those cited herein) represent the views of Commission staff and are not a rule, regulation, or statement of the Commission. The Commission has neither approved nor disapproved the content of these documents and, like all staff statements, they have no legal force or effect, do not alter or amend applicable law, and create no new or additional obligations for any person. The Commission has expressed no view regarding the analysis, findings, or conclusions contained therein.

[4] The value of private fund net assets reported on Form PF has more than doubled, growing from $5 trillion in 2013 to $11 trillion by the end of 2020, while the number of private funds reported on the form has increased by nearly 70 percent in that time period. Unless otherwise noted, the private funds statistics used in this Release are from the Private Funds Statistics Fourth Quarter 2020. Any comparisons to earlier periods are from the private funds statistics from that period, all of which are *available at https://www.sec.gov/divisions/investment/private-funds-statistics.shtml.* SEC staff began publishing the private fund statistics in 2015, including data from 2013. Therefore, many comparisons in this Release discuss the eight year span from the beginning of 2013 through the end of 2020. Some discussion in this Release compares data from a six year span, from the beginning of 2015 through the end of 2020, because the SEC staff began publishing that particular data in 2016.

[5] We are proposing these amendments, in part, pursuant to our authority under section 204(b) of the Advisers Act, which gives the Commission the authority to establish certain reporting and recordkeeping requirements for advisers to private funds and provides that the records and reports of any private fund to which an investment adviser registered with the Commission provides investment advice are deemed to be the records and reports of the investment adviser.

[6] *See infra* footnote 8.

[7] A qualifying hedge fund is defined in Form PF as ''any hedge fund that has a net asset value (individually or in combination with fund any feeder funds, parallel funds and/or dependent parallel managed accounts) of at least $500 million as of the last day of any month in the fiscal quarter immediately preceding your most recently completed fiscal quarter.''

[8] In particular, three types of ''Large Private Fund Advisers'' must complete certain additional sections of the current Form PF: (1) Any adviser having at least $1.5 billion in regulatory assets under management attributable to hedge funds as of the end of any month in the prior fiscal quarter (''large hedge fund advisers''); (2) any adviser managing a liquidity fund and having at least $1 billion in combined regulatory assets under management attributable to liquidity funds and registered money market funds as of the end of any month in the prior fiscal quarter (''large liquidity fund advisers''); and (3) any adviser having at least $2 billion in regulatory assets under management attributable to private equity funds as of the last day of the adviser's most recently completed fiscal year (''large private equity adviser''). Under the proposal, we would lower the threshold for large private equity advisers to $1.5 billion.

[9] Instruction 9 to Form PF directs large hedge fund advisers file within 60 calendar days of their first, second and third fiscal quarters. Large liquidity fund advisers file within 15 calendar days of their first, second and third fiscal quarters. All other advisers file their annual updates within 120 calendar days after their fiscal year ends.

[10] *See* SEC Staff Report on U.S. Credit Markets: Interconnectedness and the Effects of the COVID–19 Economic Shock (Oct. 4, 2020) (report of the SEC Division of Economic and Risk Analysis regarding market stress during the COVID–19 shock of March 2020), *available at https://www.sec.gov/files/US-Credit-Markets_COVID-19_Report.pdf* (noting that in March 2020 hedge funds were one of the principal sellers of U.S. Treasury futures with potential implications for the varying stresses in, the cash, futures, and repo markets). *See also* Staff Report on Equity and Options Market Structure Conditions in Early 2021 (Oct. 14, 2021), *available at https://www.sec.gov/files/staff-report-equity-options-market-struction-conditions-early-2021.pdf* (noting significant participation of institutional investors, including hedge funds, in the market for Gamestop Corp shares).

Second, we are proposing to decrease the threshold for reporting as a large private equity adviser [11] and to require additional information from these advisers. The private equity space has grown substantially since Form PF was initially adopted. There were 6,910 funds with $1.60 trillion in gross assets in first quarter of 2013 and 15,584 funds with $4.71 trillion in gross assets in the fourth quarter of 2020.[12] In addition, given the increased demand for exposure to private equity among institutional investors, private equity advisers have expanded the breadth of their investment strategies and the types of offerings, including a significant increase in private credit strategies, which raises questions regarding lending practices that could raise systemic risk concerns.[13]

Given the growth in the private equity industry over the past 11 years, coupled with an increase in the number of advisers with aggregate private equity assets under management below $2 billion, we are proposing to reduce the threshold for reporting as a large private equity adviser from $2 billion to $1.5 billion in private equity fund assets under management.[14] Lowering this threshold would enable the Commission and FSOC to receive reporting from a similar proportion of the U.S. private equity industry based on committed capital as we did when Form PF was initially adopted. We believe reducing the threshold in this manner would provide a robust data set to help identify potential investor protection issues and monitor for systemic risk, while also minimizing burdens for smaller advisers.

Additionally, we are proposing to amend section 4 of Form PF to gather more detailed information from large private equity advisers. The information regarding the activities of private equity funds, certain of their portfolio companies and the creditors involved in financing private equity transactions is important to the assessment of systemic risk. We are proposing tailored amendments to section 4 to gather more information from large private equity advisers regarding fund strategies, use of leverage and portfolio company financings, controlled portfolio companies (''CPCs'') and CPC borrowings, fund investments in different levels of a single portfolio company's capital structure, and portfolio company restructurings or recapitalizations. We believe this reporting would provide useful empirical data to FSOC with which it may analyze the extent to which the activities of private equity funds or their advisers pose systemic risk and provide the Commission with targeted information for use in its regulatory program for the protection of investors.

Finally, we are proposing to require large liquidity fund advisers to report substantially the same information that money market funds would report on Form N–MFP, as we propose to amend it.[15] As discussed more fully in our release to amend Form N–MFP, we are proposing amendments to improve money market funds' resiliency and transparency. Together, Form N–MFP and Form PF are designed to provide a complete picture of the short-term financing markets in which money market funds and liquidity funds both invest.[16] The proposed amendments to Form PF are designed to enhance the Commission and FSOC's ability to assess short-term financing markets and facilitate our oversight of those markets and their participants. This, in turn, is designed to enhance investor protection efforts and systemic risk assessment.

We consulted with FSOC to gain input on this proposal, and to help ensure that Form PF continues to provide FSOC with information it can use to assess systemic risk in light of changes in the private fund industry over the past decade, while also serving to enhance the Commission's investor protection efforts going forward.

II. Discussion

A. Current Reporting for Large Hedge Fund Advisers and Advisers to Private Equity Funds

In order to receive more timely information about certain events that may signal distress at qualifying hedge funds and private equity funds or market instability we are proposing new current reporting section 5 for large hedge fund advisers and new current reporting section 6 for private equity advisers.[17] Currently, large hedge fund advisers file Form PF quarterly while private equity advisers file annually. This means that during fast moving events that could have systemic risk implications or negatively impact investors, Form PF data is often stale. The proposed current reporting requirements would provide important, current information to the Commission and FSOC to facilitate timely assessment of the causes of the reporting event, the potential impact on investors and the financial system, and any potential regulatory responses.[18] The current reports would also enhance our analysis of other information the Commission already collects across funds and other market participants allowing the Commission and FSOC to identify patterns that may present systemic risk or that could result in investor harm.[19] For example, information regarding a margin default at a large qualifying hedge fund would inform our understanding of data on market trading conditions and other information shared with other market participants, including securities exchanges.

Advisers would file current reports for reporting events within one business day of the occurrence of a reporting event.[20] We believe this emphasizes the Commission's and FSOC's need for timely information while allowing advisers one business day to evaluate and obtain the necessary data to confirm the existence of a filing event, and file the current report. For example, if an adviser determined that a reporting event occurred on Monday, they would have to file a current report by the close of business on Tuesday. Advisers should consider filing a current report as soon as possible following such an event. Advisers also would be able to file an amendment to a previously filed current report to correct information

[11] *See supra* footnote 8.

[12] Division of Investment Management, Private Fund Statistics (Aug. 21, 2021), *available at https://www.sec.gov/divisions/investment/private-funds-statistics.shtml.*

[13] *See* Jessica Hamlin, Private Equity Funds Fuel Growth in Private Credit, Institutional Investor (Nov. 10, 2020), *available at https://www.institutionalinvestor.com/article/b1vdhdbryr7dkp/Private-Equity-Funds-Fuel-Growth-in-Private-Credit.*

[14] Calculated based on the amount of private equity fund assets under management as of the last day of the adviser's most recently completed fiscal year.

[15] *See* Money Market Fund Reforms, Investment Company Act Release No. 34441 (Dec. 15, 2021) (''Money Market Fund Proposing Release'').

[16] *See* 2014 Form PF Amending Release, *supra* footnote 2.

[17] We are also proposing, in connection with the proposed addition of new section 5 and section 6 for current reporting, to make conforming changes to rule 204(b)–1 under the Advisers Act to re-designate current section 5, which includes instructions for requesting a temporary hardship exemption, as section 7.

[18] We propose to define ''reporting event'' in the Form PF Glossary to include any event that triggers the requirement to complete and file a current report pursuant to the items in sections 5 and 6.

[19] We propose to define ''current report'' in the Form PF Glossary to include a report provided pursuant to the items in sections 5 and 6.

[20] We propose to amend Instructions 1, 3, 9, and 12 of the general instructions to reflect this new obligation for large hedge fund advisers and private equity advisers. Specifically, we propose to amend Instruction 3 to identify the new sections 5 and 6 and Instruction 9 to address the timing of filing the proposed current reports.

that was not accurate at the time of filing.[21]

We request comments on the addition of current reporting to Form PF:

1. Should we amend Form PF to include current reporting in sections 5 and 6 as proposed? If not, what alternatives would provide the Commission with timely information regarding events that could signal distress or financial stability risks or potential investor harm?

2. We have proposed Sections 5 and 6 as separate reporting sections on Form PF. Should we instead require current reporting as its own form?

3. Is the proposed one business day reporting window appropriate for current reports? Should the notification be on the same day as the event? Are there challenges associated with providing these current reports within one business day? Is one business day sufficient time to eliminate or significantly reduce false positive reports? Would advisers need more than one business day to gather and confirm the required information for certain current reports? If so, should we require advisers to file a current report within two business days, three business days or some longer period? Would different time limits for different current reports, tailored to the potential seriousness of the event or the level of burden in collecting the information be more appropriate? Would different time limits for different current reports potentially cause confusion?

4. Should we require advisers to file a current report based on a number of calendar days instead of business days?

5. Should we define ''business day'' for sections 5 and 6? If so, how? For example, should we define the term to include any day other than a Saturday, Sunday, or Federal or market holiday for purposes of sections 5 and 6?

6. In addition to filing the current report, are there some events for which advisers should be required to notify the Commission via email or a phone call on a more immediate basis on the same day the event occurred?

7. Would proposed section 6 disproportionally impact or create an undue burden for smaller private equity advisers, *i.e.,* those with private equity fund assets under management of between $150 million and $1.5 billion? If so, how should we modify this reporting requirement?

[21] Current Instruction 16 explains that an adviser is not required to update information that it believes in good faith properly responded to Form PF on the date of filing even if that information is subsequently revised for purposes of the adviser's recordkeeping, risk management or investor reporting (such as estimates that are refined after completion of a subsequent audit).

1. Large Hedge Fund Adviser Current Reporting on Qualifying Hedge Funds

We propose to add a new section 5 to Form PF, which would require large hedge fund advisers to file a current report within one business day of the occurrence of one of several reporting events at a qualifying hedge fund that they advise. As discussed below, the reporting events include extraordinary investment losses, certain margin events, counterparty defaults, material changes in prime broker relationships, changes in unencumbered cash, operations events, and certain events associated with redemptions. We have designed the reporting events to indicate significant stress at a fund that could harm investors or signal risk in the broader financial system. For example, large investment losses or a margin default involving one large highly levered hedge fund may have systemic risk implications. Counterparties could react by increasing margin requirements or limiting borrowing, or investors may withdraw, and these responses could amplify the fund's stress by forcing additional asset sales. Similarly, reports of large investment losses at multiple qualifying hedge funds (even if not the largest or most levered) may indicate market stress that could have systemic effects. Current reports would be especially useful during periods of market volatility and stress, when the Commission and FSOC are actively ascertaining the affected funds, gathering information to assess systemic risk, and determining whether and how to respond in a timely manner.

The proposed reporting events incorporate objective tests to allow advisers to determine whether a report must be filed. We designed and tailored the reporting events to decrease reporting burden and to allow advisers to use frameworks that we understand many large hedge fund advisers already maintain to assess and manage risk actively. A number of the items include quantifiable threshold percentage tests calibrated to trigger reporting for events that we believe are likely indicative of severe stress at a fund or may have broader implications for systemic risk. We considered varying levels of thresholds and believe that the proposed thresholds would trigger reporting for relevant stress events for which we seek timely information while minimizing the potential for false positives and multiple unnecessary current reports. In addition, we considered a number of temporal periods over which to measure certain stress events before arriving at measurement windows that we believe are appropriate to trigger reporting for precipitous, but sustained stress events. In our experience these time frames, in some instances applied over rolling periods, are calibrated to capture serious stress events and mitigate the potential for reporting for short-lived fund stresses or events caused by relatively routine market volatility.

To supplement the objective triggers, several of the items include check boxes that would provide additional context and obviate the need for advisers to provide narrative responses during periods of stress under time pressure. We designed the checkboxes to incorporate descriptions of circumstances that we believe provide important context to events that would allow the Commission and FSOC to review and analyze the current reports and screen false positives (*i.e.,* incidents that trigger the proposed current reporting requirement but do not actually raise significant risks) during periods in which they may be actively evaluating fast-moving market events.

Proposed section 5 would contain Items A through K. Section 5, Item A would require advisers to identify themselves and the reporting fund, including providing the reporting fund's name, private fund identification number, NFA identification number (if any), and LEI (if any).[22] Section 5, Items B through J would set forth the reporting events and the applicable reporting requirements for each event. Section 5, Item K would serve as an optional repository for explanatory notes that the large hedge fund adviser could provide to improve understanding of any information reported in response to the other section 5 items. The following sections discuss each reporting event.

a. Extraordinary Investment Losses

Proposed current reporting Item B would require large hedge fund advisers, whose advised qualifying hedge funds experience extraordinary losses within a short period of time, to provide a current report describing the losses. Reporting for proposed Item B would be triggered by a loss equal to or greater than 20 percent of a fund's most recent net asset value over a rolling 10 business day period. This reporting event would capture, for example, a situation where the fund's most recent

[22] Section 5, Item A would also require identifying information on the reporting fund's adviser, including the adviser's full legal name, SEC 801-Number, NFA ID Number (if any), large trader ID (if any), and large trader ID suffix (if any), as well as the name and contact information of the authorized representative of the adviser and any related person who is signing the current report.

net asset value is $1 billion and the fund loses $20 million per business day for consecutive 10 business days. It would also capture a loss of $200 million in one business day as the rolling 10 day period is backward looking. We designed the proposed threshold to capture a significant loss at the reporting fund over a relatively short rolling period as well as a precipitous loss without capturing immaterial losses that may not be indicative of stress at the fund.

In our experience, losses of 20 percent or more of a fund's most recent net asset value during this period could indicate significant stress at the fund or the markets in which the fund participates that could raise investor protection and systemic risk concerns warranting prompt reporting. For example, these losses could signal a precipitous liquidation or broader market instability that could lead to secondary effects, including greater margin and collateral requirements, financing costs for the fund, and the potential for large investor redemptions. Notice of large losses could provide notice to the Commission and FSOC of potential fund or market issues in advance of the occurrence of more downstream consequences, such as sharp margin increases, defaults, or fund liquidation. Also, funds in serious stress may be in the process of deleveraging, exiting certain strategies, or liquidating securities in a declining market with implications for both fund investors and systemic risk. Moreover, large, sharp, and sustained losses suffered by one fund within this short period may signal concern for similarly situated funds, allowing the Commission and FSOC to analyze the scale and scope of the event and whether additional funds that may have similar investments, market positions, or financing profiles are at risk.

Under this reporting event, the fund's losses would be compared to its ''most recent net asset value,'' which we propose to define as ''as of the data reporting date at the end of the reporting fund's most recent reporting period,'' which typically would be the most recent update to the fund's routine quarterly or annual Form PF filing.[23] We understand that some funds calculate a daily mark to market value for certain assets in their portfolios and that using a current daily mark to market value for this reporting event may be feasible and provide a more current and accurate picture of a fund's losses. However, given that some funds do not calculate a daily net asset value, we believe that requiring that the losses be based on the most recent net asset value reported on Form PF would ease burdens for some advisers while still providing the Commission and FSOC with timely information about investment losses that may indicate significant stress at a fund. We acknowledge that this approach could result in a lag between the net asset value date and a calculation date for purposes of this reporting event, during which market movements could significantly affect values. This could potentially result in over-reporting in instances where the fund assets have appreciated substantially in the intervening period since the last reporting date and under-reporting when the fund assets have significantly depreciated in value since the last reporting date. However, we propose this approach because we believe the proposed limited reporting requirements discussed below, combined with the option to add explanatory notes to its current report to explain the circumstances of the loss, mitigate these concerns.

Under proposed Item B, an adviser must file the following information: (1) the dates of the 10 business day period over which the loss occurred and (2) the dollar amount of the loss. If the loss were to continue past the initial 10 day period, advisers would not file another current report until the next 10 business day loss period beginning on or after the end date stated in the adviser's initial Item B current report.[24] This proposed information would allow the Commission and FSOC to understand the scale of the loss and its potential effects both to investors in the reporting fund as well as the broader financial markets, particularly if current reports are filed by multiple advisers.

We request comment on the proposed current reporting item for extraordinary investment losses:

8. Would extraordinary losses raise investor protection or systemic risk concerns such that the Commission and FSOC should be notified within one business day? Should the notification be on the same day as the event? Should it be longer? For example, should we require advisers to file a current report within two business days, three business days or some longer period?

9. As currently formulated, is the trigger for reporting extraordinary losses likely to provide us with an early warning of hedge fund or industry stress and potential systemic risk implications? Would proposed Item B capture extraordinary losses that are not indicative of fund or market stress? Would reporting on Item B be burdensome to operationalize, particularly its use of a measure of the reporting fund's extraordinary losses over a rolling 10 business day period? Are large hedge fund advisers able to apply the extraordinary loss trigger using their existing metrics?

10. Should the scale of losses be compared to the reporting fund's most recent net asset value as proposed? Is this approach a reasonable measure of whether investment losses are ''extraordinary'' for purposes of the current reporting requirement? Would this approach ease burdens on reporting advisers or do large hedge fund advisers calculate the fund's net asset value on each business day? Do large hedge fund advisers calculate a different fund value that might be used instead of net asset value for measuring extraordinary losses? If so, what other measures would be practicable for reporting these advisers, while also achieving our goal to identify extraordinary investment losses that may have systemic risk implications or result in investor harm? For example, should we require large hedge fund advisers to measure extraordinary losses based on a daily mark to market calculation (estimated or actual) for the portion of a qualifying hedge fund's portfolio invested in marketable securities (a ''daily mark to market calculation'')? If losses are measured using a daily mark to market calculation for a portfolio of marketable securities, should we limit the application of this reporting event to qualifying hedge funds that hold at least a threshold value of their portfolios in marketable securities, *e.g.,* the lesser of $150 million or 50 percent of net asset value or another threshold? How would large hedge fund advisers calculate losses for purposes of this reporting event? Does the ability to add explanatory notes in Item K help mitigate concerns of using the most recent net asset value reported on Form PF?

11. Is a 20 percent loss measured against the fund's most recently reported net asset value an amount that could raise investor protection or systemic risk concerns such that the Commission and FSOC should be notified within one business day? Should the threshold amount be higher (*e.g.,* 50 percent threshold) or lower (*e.g.,* 10 percent threshold)? If this reporting event were to measure losses using a daily mark to market calculation for a portfolio of marketable securities,

[23] *See* proposed Form PF Glossary.

[24] If the fund experiences a 20 percent loss the adviser would not report a second time until the fund had experienced a second loss of an additional 20 percent of the fund's most recent net asset value over a second rolling 10-day period to begin on or after the end date stated in the adviser's initial Item B current report.

should extraordinary losses instead be measured against a percent of the value of the portfolio's marketable securities?

12. Would the use of rolling periods increase the likelihood that we capture the types of extraordinary losses that could cause investor harm or systemic risk? Is a ten-business day period appropriate? Should it be longer or shorter? Should we use trading days or calendar days instead of business days? If so, how should we define ''trading days'' and should our definition allow large hedge fund advisers to determine what is a trading day by reference to the exchanges and markets on which the fund's portfolio holdings are trading? Would monitoring losses over the rolling periods be overly burdensome?

13. Should we require funds to file multiple Item B current reports if they suffer 20 percent losses over multiple 10 business day periods during a quarterly update period? Is it likely that funds would report losses of this type multiple times a quarter? Would additional reports be duplicative? Alternatively, should we require advisers to file only one Item B current report per quarterly period?

14. Should we require a reporting event that measures investment losses over a period (*e.g.,* a 10-day or 20-day rolling period) against the volatility of the fund's returns? We understand that losses that are large compared to a hedge fund's historic volatility of returns may signal significant stress. Could this type of reporting event be a useful signal of extraordinary losses that may have systemic risk implications? If so, how should we require hedge funds to measure volatility of returns? Should we require funds to calculate the monthly volatility of a daily mark to market calculation for this purpose? Would doing so be burdensome to operationalize? Should we limit the application of a reporting event that measures investment losses against volatility of returns to qualifying hedge funds that hold at least a threshold value of their portfolios in marketable securities, *e.g.,* the lesser of $150 million or 50 percent of net asset value, or another threshold?

15. Are there other reporting events that would be indicative of the types of extraordinary losses that could cause investor harm or systemic risk that we should include in addition to or instead of the proposed Item B current report?

16. Should we require additional or different information in response to this item? In other current reporting items outlined below, we provide checkboxes for advisers to provide additional context to the reporting event. Should we provide checkboxes for advisers to describe the circumstances of the loss, or are the reasons for an extraordinary loss so variable as to avoid easy categorization? If we were to provide checkboxes what should they be?

b. Significant Margin and Default Events

Proposed Section 5 Items C through E would require current reporting of significant margin and default events that occur at qualifying hedge funds advised by large hedge fund advisers or at their counterparties. In our experience, significant increases in margin, inability to meet a margin call, margin default, and default of a counterparty are strong indicators of fund and potential market stress. Each of the triggers and underlying thresholds is calibrated to identify stress at a fund that may signal the potential for precipitous liquidations or broader market instability that may affect similarly situated funds, or markets in which the fund invests.

Proposed current reporting Item C would require advisers to report significant increases in the reporting fund's requirements for margin, collateral, or an equivalent (collectively referred to as ''margin'').[25] If the reporting fund has experienced a cumulative increase in margin of more than 20 percent of the reporting fund's most recent net asset value over a rolling 10 business day period, Item C would require the adviser to file certain information within one business day.[26] We believe that a 20 percent increase to a fund's margin requirements over a 10 business day period is large enough and precipitous enough to signal potential significant stress at the fund, at its counterparties, or in the broader market while limiting the potential for reporting in the case of routine margin increases. Sudden and significant margin increases can have critical effects on funds that may be operating with large amounts of leverage and could serve as precursors to defaults at fund counterparties and eventual liquidation. Large, sustained margin increases also may effectively signal that counterparties are concerned about a fund's portfolio positions and may signal the potential for future margin increases from the fund's other counterparties. A large margin increase of this type may also serve as a potential early indicator for broader market stress for similarly situated funds that may help inform the Commission or FSOC of potential implications for investor harm or systemic risk and allow them to respond quickly to developing market events.

The adviser would report (a) the dates of the 10 business day period over which the increase occurred; (b) the cumulative dollar amount of the increase; and (c) the identity of the counterparty or counterparties requiring the increase(s). If the increases in margin were to continue past the initial 10 day period, advisers would not file another current report until on or after the next 10 business day period beginning on or after the end date stated in the adviser's initial Item C current report.[27] In circumstances where multiple counterparties are involved, advisers would list the all the counterparties who increased margin requirements. In addition, the adviser would use check boxes to describe the circumstances of the margin increase.[28] These include: (1) Exchange requirements or known regulatory action affecting one or more counterparties; (2) one or more counterparties independently increasing the reporting fund's margin requirements; (3) the reporting fund establishing a new relationship or new business with one or more counterparties; (4) new investment positions, investment approach or strategy and/or portfolio turnover of the reporting fund; (5) a deteriorating position or positions in the reporting fund's portfolio or other credit trigger under applicable counterparty agreements; and/or (6) a reason ''other'' than those outlined. We believe that this proposed information would provide useful context regarding the margin increase and allow for an assessment of the scale of the potential issue and related risks. We believe this information would both better enable the Commission and FSOC to screen false positives for margin increases (*i.e.,* incidents that trigger the proposed

[25] An equivalent is any other type of payment or value understood to serve the same purposes as margin or collateral.

[26] As noted above, measures derived from ''most recent net asset value'' are backward-looking to the most recently filed routine quarterly or annual filing and could result in a lag between the net asset value date and a calculation date for purposes of this reporting event, during which market movements could significantly affect values. This could result in over-reporting and under-reporting, but we believe that this approach would simplify monitoring and reporting by advisers. In addition, the option for an adviser to add explanatory notes to its current report to explain the circumstances of the loss mitigate these concerns.

[27] If the fund experiences a 20 percent increase to a fund's margin requirements that continues past the initial 10 day period, the adviser would not report a second time until the fund had experienced a second margin increase of an additional 20 percent of the fund's most recent net asset value over a second rolling 10 day period beginning at or after the end date stated in the adviser's initial Item C current report.

[28] Proposed Form PF section 5, Item C, Question 11.

current reporting requirement but do not actually raise significant risks) and assess significant margin events.

Proposed current reporting Item D would require advisers to report a fund's margin default or inability to meet a call for margin, collateral, or an equivalent (taking into account any contractually agreed cure period).[29] We believe a current report is necessary to capture these events because funds that are in margin default or that are unable to meet a call for margin are at risk of potentially triggering the liquidation of their positions at their counterparties. This presents serious risks to the fund's investors, its counterparties, and potentially the broader financial system. The proposed amendments would require advisers to file a current report in these circumstances, including in situations where there is a dispute with regard to the margin call to avoid delays in reporting. However, advisers would not be required to file a current report in situations where there is a dispute in the amount and appropriateness of a margin call, provided the reporting fund has sufficient assets to meet the greatest of the disputed amount. We believe that according this flexibility allows funds and advisers that are capable of meeting a margin call time to respond to and resolve a margin dispute with their counterparties.

Under the proposal, the adviser would report for each separate counterparty for which this occurred: (a) The date the adviser determines or is notified that a reporting fund is in margin default or will be unable to meet a margin call with respect to a counterparty; (b) the dollar amount of the margin, collateral or equivalent involved; and (c) the legal name and LEI (if any) of the counterparty. In addition, the adviser would check any applicable check boxes that would describe the adviser's current understanding of the circumstances of the adviser's default or its determination that the fund will be unable to meet a call for increased margin.[30] These include: (1) An increase in margin requirements by the counterparty; (2) losses in the value of the reporting fund's portfolio or other credit trigger under the applicable counterparty agreement; (3) a default or settlement failure of a counterparty; or (4) a reason ''other'' than those outlined. We believe that these check boxes would enable the Commission's staff and FSOC to identify and evaluate the circumstances underlying the inability to meet a call for margin and formulate any necessary response in a timely manner. If the fund was unable to meet margin or defaulted with multiple counterparties on the same day, the adviser would file one current report on Item D broken out with details for each counterparty.

Proposed current reporting Item E, ''Counterparty Default,'' would require an adviser to report a margin default by a counterparty. Defaults by counterparties can have serious implications for the funds with which they transact, the fund's investors, and the broader market. A current report of a counterparty default would help the Commission and FSOC identify funds or market participants that may be affected by a counterparty's default and analyze whether there are broader implications for systemic risk. A current report would be triggered if a counterparty to the reporting fund (1) does not meet a call for margin or has failed to make any other payment, in the time and form contractually required (taking into account any contractually agreed cure period); and (2) the amount involved is greater than 5 percent of the most recent net asset value of the reporting fund.[31] While we are not proposing a minimum threshold for reporting on a qualifying hedge fund's margin default given the potential implications of such a default, we believe it is appropriate to set a threshold for counterparty defaults that could affect a sizeable percentage of the fund's net asset value. We believe that 5 percent of the most recent net asset value of the reporting fund is an appropriate threshold in this regard because counterparty defaults of this size could have systemic waterfall effects, triggering forced-selling by the fund and raising potential risks for other hedge funds that may transact with the same counterparty.[32] Moreover, the 5 percent threshold is a figure we have used in Form PF to measure and collect information regarding sizable exposures to creditors or counterparties.[33] In addition, we believe setting the threshold for counterparty defaults at 5 percent of the most recent net asset value would limit the reports for *de minimis* or superficial defaults that may be the result of a short-lived operational error.

Item E would require the adviser to report: (a) The date of the default; (b) the dollar amount of the default; and (c) the legal name and LEI (if any) of the counterparty. In the event that multiple counterparties to the fund default on the same day, Item E would allow an adviser to file a single current report broken out with details for each counterparty default. In the event that counterparties to the fund default on different days, the adviser would file a separate Item E current report for each counterparty default that occurred. We did not provide checkboxes for Item E because we believe that advisers to the funds are unlikely to have complete information regarding their counterparty's default and the responses would likely be speculative.

We request comment on the proposed current reports for margin and default events:

17. As currently formulated, is the trigger for reporting margin increases likely to provide an indicator of hedge fund or industry stress and systemic risk? Would proposed Item C capture margin increases that are not indicative of fund or market stress? Would reporting on Item C be burdensome to operationalize, particularly its use of a measure of the reporting fund's increase in margin over a rolling 10 business day period? Should we ask advisers to report the dollar value of margin, collateral or an equivalent on the first and last day of the 10 day period in Item C? Would this information be more or less burdensome than reporting the amount of increase as currently proposed?

18. Should the margin increase be compared to the reporting fund's most recent net asset value as proposed? Or, as with extraordinary losses, are there other measurements, such as a daily mark to market value, we could use to

[29] In situations where there is a contractually agreed upon cure period an adviser would not be required to file an Item D current report until the expiration of the cure period, unless the fund would not expect to be able to meet the margin call during such cure period.

[30] Proposed Form PF section 5, Item D, Question 15.

[31] As noted above, measures derived from ''most recent net asset value'' are backward-looking to the most recently filed routine quarterly, or annual filing and could result in a lag between the net asset value date and a calculation date for purposes of this reporting event, during which market movements could significantly affect values. This could result in over-reporting and under-reporting, but we believe that this approach would simplify monitoring and reporting by advisers. In addition, the option to add explanatory notes to its current report to explain the circumstances of the loss mitigate these concerns.

[32] *See* Financial Stability Oversight Council, ''Update on Review of Asset Management Products and Activities,'' p. 15–18, April 2016, *available at https://www.treasury.gov/initiatives/fsoc/news/Documents/FSOC%20Update%20on%20Review%20of%20Asset%20Management%20Products%20and%20Activities.pdf* (noting that large highly interconnected counterparties play a role in whether hedge fund activities have financial stability implications).

[33] *See* current question 47 of Form PF: Identify each creditor, if any, to which the reporting fund owed an amount in respect of borrowings equal to or greater than 5 percent of the reporting fund's net asset value as of the data reporting date. For each such creditor, provide the amount owed to that creditor.

identify the types of margin increases that could cause investor harm or systemic risk?

19. Should we tie reporting on margin increases to an amount reported on Form PF as of the end of the last reporting period (*e.g.,* total margin, collateral or other equivalent reported in Q43(a) and (b))?

20. Is a 20 percent margin increase measured against the fund's most recently reported net asset value an amount that could raise investor protection or systemic risk concerns such that the Commission and FSOC should be notified within one business day? Should the threshold amount be higher (*e.g.,* 50 percent threshold) or lower (*e.g.,* 10 percent threshold)?

21. Do the proposed check boxes provide proper context to events captured by Item C? Should we remove any of the check boxes, or add additional check boxes to improve our understanding of potential responses to Item C? For example, should we also add a check box for an operational issue (including the potential failure of a service provider) that could lead to an inability to meet a margin call?

22. Should we ask advisers to identify the amount of margin increase for each counterparty in Item C? Would reporting of this dollar amount better inform our understanding of fund stress? Would determining and reporting this figure be burdensome to advisers? Would knowing the amount of margin increase provide appreciable insight into risks to the fund's counterparties?

23. In circumstances where multiple counterparties are involved in the margin increase, should advisers list the top three (or different number of) counterparties, based on the dollar amount of the cumulative increase required by each counterparty instead of all the counterparties that increased margin as we propose? Would listing all the counterparties that may have raised margin in such an event be burdensome?

24. We understand that increases in margin may be subject to extensive negotiation and/or dispute among counterparties so it may be difficult for the adviser to determine the point at which the fund is unable to meet a margin call and required to file in accordance with Item D. Does Item D as currently written provide sufficiently objective criteria for when advisers must file a current report? Are there more objective criteria that we could provide that would be equally useful?

25. Item D would be triggered if the adviser determines that the reporting fund is in default or will be unable to meet a call for increased margin, collateral, or an equivalent, including in situations where there is a dispute with regard to the margin call. Is that appropriate or should we include a carve-out or checkbox for situations where the margin call, collateral, or equivalent is in dispute? Should Item D be triggered without taking into account any contractually agreed cure period to provide more timely information regarding potential systemic risk or would this approach create too many false positives?

26. Is notice of default an easily ascertainable event for advisers to identify or are there nuances to default provisions or certain industry practices that may make this reporting event difficult to implement in practice?

27. Do the proposed check boxes provide proper context to events captured by Item D? Should we remove any of the check boxes, or add additional check boxes to improve our understanding of potential responses to Item D?

28. Items C and D involve events that could be triggered by a fund experiencing stress with the potential to be triggered at the same time or in rapid succession. Are there concerns about the timing of filing reports for these related items? We believe Item C could serve as indicator of the potential for events outlined in Item D. Are we correct in this belief? Should we ask these related questions in a different way so as to receive notice of a potential upcoming default? Would a default event be likely to trigger both of these current reports, and if so, would it be burdensome to file current reports for each of these items in such a situation?

29. Are the triggers for reporting on Item E, including the 5 percent net asset value threshold, indicative of potential systemic risk or investor protection concerns? Should that threshold be higher or lower? Would a threshold for reporting on an adviser's default in Item D be appropriate? If so, should that threshold also be 5 percent of the reporting fund's net asset value? Or should that threshold be higher or lower?

30. We did not provide checkboxes for Item E because we believe that advisers to the funds are unlikely to have complete information regarding their counterparty's default and the responses would likely be speculative. Are we correct in this belief? If not, what checkboxes should we include to improve our understanding of potential responses to Item E?

31. For each of the current reports in Items in C, D, and E, should we request the principal place of business address and the country where we request to identify the counterparty? Or, should the legal name and LEI be sufficient to identify counterparties?

c. Material Change in Relationship With Prime Broker

Proposed section 5, Item F would require the adviser to report a material change in the relationship between the reporting fund and a prime broker. We believe that material changes in a reporting fund's prime brokerage relationships may signal that the fund or the brokers with whom the fund transacts are experiencing stress and may be subject to an increased risk of default or in the case of the reporting fund, potential liquidation. Such events would include material changes to the fund's ability to trade or an outright termination of the prime brokerage relationship for default or breach of the prime brokerage agreement. A prime broker that is no longer willing to provide services to a fund client may be apprehensive of a fund's investment positions or trading practices and may consider the fund to be an unacceptable risk as a counterparty. Therefore, material changes to such relationships may indicate potential stress at the fund that may have implications for investor harm and broader systemic risk concerns.

Proposed Item F would require the adviser to provide the date of the material change and the legal name and LEI (if any) of the prime broker involved. An adviser also would check any applicable boxes that describe the circumstances relating to the material change, including whether the change involved: (1) Material trading limits or investment restrictions on the reporting fund, including requests to reduce positions, or unwind positions completely; and (2) whether the prime brokerage relationship was terminated and by which party.[34] We request comment on the proposed current report in section 5, Item F:

32. Are material changes to a prime brokerage relationship indicative of fund stress or potential systemic risk? Are the circumstances described in the checkboxes sufficient to provide us with detail on the change in the relationship? Should we add an ''other'' check box? Should we add or delete check boxes? Should we request the principal place of business address of the prime broker? Or, should the legal name and LEI be sufficient to identify the prime broker?

33. We would require reporting of only material changes in a reporting

[34] Proposed Form PF section 5, Item F, Question 21.

fund's relationship with a prime broker. Will it be challenging to determine whether a change is material? Should we provide additional guidance? Should we require funds that add a new prime broker to report the new relationship, or is the addition of a new prime broker not useful from a risk evaluation perspective? Should we require that all changes in a reporting fund's relationship with a prime broker reported?

34. We understand that many large funds have prime brokerage agreements that include termination events that have net asset value triggers. Are we correct in this understanding? Should we tie current reporting in proposed Item F to the net asset value trigger provision in a fund's prime brokerage agreement? If so, how? Should we provide a checkbox asking whether a net asset value trigger has been breached?

35. Should we expand the proposed Item F reporting event to include broker-dealer counterparties and not just prime brokers? Would this provide us with a more complete picture of the fund's relationship with broker-dealer counterparties? Would such a current report be burdensome to track across multiple counterparties?

d. Changes in Unencumbered Cash

Proposed section 5, Item G would require the adviser to report a significant decline in holdings of unencumbered cash. A current report for changes in unencumbered cash would be triggered if the value of the reporting fund's unencumbered cash declines by more than 20 percent of the reporting fund's most recent net asset value over a rolling 10 business day period.[35] In order to report significant changes in unencumbered cash, advisers would need to calculate a daily unencumbered cash figure using the same methodology they use to calculate question 33 on the current Form PF.[36] We believe that a precipitous decline in unencumbered cash within a short time window may indicate potential stress on the fund and its ability to access cash affecting the fund's financing and its relationships with counterparties, which may raise concerns of investor harm and systemic risk. In our experience, funds and fund counterparties use unencumbered cash figures as an indicator of a fund's overall health as it has implications, among other things, for the fund's ability to allocate investments, satisfy redemptions, and meet margin calls.

If this trigger is met, the adviser would report the last day of the rolling 10 business day period during which the unencumbered cash declined and the dollar amount of the unencumbered cash on the last day of the period. If the decrease in unencumbered cash were to continue past the initial 10 day period, advisers would not file another current report until the next 10 business day period beginning on or after the end date stated in the adviser's initial Item G report.[37] Item G would also include explanatory checkboxes for the adviser to provide additional information concerning its current understanding of the facts and circumstances around the change in unencumbered cash. These checkboxes include whether (1) the change is attributable to redemption activity for the fund; (2) the change is attributable to new investment positions, strategy and/or portfolio turnover; (3) the change is a related to losses in the value of the fund's portfolio; (4) the change is related to a margin call; or (5) the change was caused by a reason ''other'' than those outlined.[38] These checkboxes would provide relevant information regarding the changes in the fund's unencumbered cash allowing Commission and FSOC to begin to evaluate the event.

We request comment on the proposed current report in section 5, Item G:

36. Is a current report for a decline in unencumbered cash likely to capture changes in unencumbered cash that are indicative of fund or market stress? Is the trigger, including the daily calculation of unencumbered cash, burdensome to operationalize? Is it common for advisers to track an unencumbered cash figure on a daily basis?

37. Should we require reporting when the value of the reporting fund's unencumbered cash declines by more than 20 percent of the fund's most recent net asset value over a rolling 10 day business period as proposed? Is 20 percent too high or too low? Is a rolling 10 business day period appropriate or should we change the length of the period? As with other reporting events that use the reporting fund's most recent net asset value, are there other metrics we should use for purposes of a reporting trigger for a decline in unencumbered cash?

38. Do the proposed check boxes provide proper context to events captured by Item G? Should we remove any of the check boxes, or add additional check boxes to improve our understanding of potential responses to Item G? Why or why not?

39. Are there other similar types of triggers that may signal stress that could be incorporated into Item G? For example, should we include a significant increase or decrease in borrowing by the reporting fund as a reporting event? For this purpose, would a 20 percent increase or decrease in borrowing measured against the most recently reported net asset value be an appropriate measure? What other approach could we use to identify a change in the amount of borrowing that might signal potential stress occurring at a fund?

e. Operations Events

Proposed section 5, Item H would require the adviser to report when the adviser or reporting fund experiences a ''significant disruption or degradation'' of the reporting fund's ''key operations,'' whether as a result of an event at the reporting fund, the adviser, or other service provider to the reporting fund. Key operations means, for this purpose, operations necessary for (1) the investment, trading, valuation, reporting, and risk management of the reporting fund; as well as (2) the operation of the reporting fund in accordance with the Federal securities laws and regulations.[39] When evaluating a reporting fund's key operations that are reasonably measurable, a ''significant disruption or degradation'' means a 20 percent disruption or degradation of normal volume or capacity. For example, Item H would require reporting of cybersecurity event that disrupted the trading volume of a reporting fund by 20 percent of its normal capacity. It also would require reporting in cases where an adviser's ability to value the fund's assets is significantly disrupted or

[35] As noted above, measures derived from ''most recent net asset value'' are backward-looking to the most recently filed routine Form PF quarterly or annual filing and could result in a lag between the net asset value date and a calculation date for purposes of this reporting event, during which market movements could significantly affect values. This could result in over-reporting or under-reporting, but we believe that this approach would simplify monitoring and reporting by advisers. In addition, the option for an adviser to add explanatory notes to its current report to explain the circumstances of the loss mitigate these concerns.

[36] *See* question 33 of current Form PF requiring the value of the reporting fund's unencumbered cash.

[37] If the fund experiences a 20 percent decline in unencumbered cash that continues past the initial 10-day period, the adviser would not report a second time until the fund had experienced a second decline in unencumbered cash of an additional 20 percent of the fund's most recent net asset value over a second rolling 10-day period beginning at or after the end date stated in the adviser's initial Item G current report.

[38] Proposed Form PF section 5, Item G, Question 23.

[39] *See* Form PF Glossary (proposed definitions of ''significant disruption and degradation'' and ''key operations'').

degraded, for example, in connection with operational issues at a service provider. As another example, events such as a severe weather event causing wide-spread power outages that significantly disrupt or degrade key operations also would require reporting. We understand that many large hedge fund advisers have sophisticated back office operations or already engage service providers that would be reasonably able to measure whether an event has impaired their key operation beyond a 20 percent threshold. We believe that an operations event involving a qualifying hedge fund could have systemic risk implications if the fund is not able to trade as a result of such an event.[40] In addition, notice of operations events from multiple advisers could provide an early indicator of market-wide operations events to both the Commission and FSOC. Such events could include a service provider outage that may affect the ability of multiple funds to trade, leading to negative implications for those funds' investors and broader systemic risks.

Item H would require the date of the operations event (or an estimate of when it occurred), and the date the operations event was discovered. Proposed Item H would also require the adviser to provide additional information concerning its current understanding of the circumstances relating to the operations event and its impact on the normal operations of the reporting fund using checkboxes.[41] These include whether: (1) The event occurred at a service provider,[42] (2) the event occurred at a reporting fund or reporting fund adviser or a related person; (3) the event is related to a natural disaster or other force majeure event, or (4) an unlisted ''other'' event occurred. In addition, proposed Item H would require an adviser to indicate whether it has initiated a business continuity plan relating to the operations of the adviser or reporting fund as we believe this may provide additional appropriate context to the operations event.

Proposed Item H also requires the adviser to check a box to describe its current understanding of the impact of the operations event on the normal operations of the reporting fund, including whether the event resulted in the disruption or degradation of: (1) Trading of portfolio assets; (2) the valuation of portfolio assets; (3) the management of the reporting fund's investment risk; (4) the ability to comply with applicable laws, rules, and regulations; or (5) any ''other'' type of operational impact than those outlined and may be further explained in Item K Explanatory Notes. We believe that these explanatory checkboxes would provide appropriate context to current reports filed for operations events allowing the Commission and FSOC to evaluate quickly the potential level of risk to funds, advisers, and their service providers.

We request comment on the proposed current report in section 5, Item H:

40. Will this proposed reporting requirement provide us with notice of operations events that may have serious implications for the fund, its investors, and financial stability?

41. Does the definition of ''operations event'' provide a clear, objective trigger for reporting? Would advisers be able to assess this during an operations event? We proposed a principles-based approach for reporting of an operations event that is a ''significant'' disruption or degradation of the adviser's operations and for operations that are reasonably measurable, we would view a 20 percent disruption of degradation of normal volume or capacity as ''significant.'' Are we correct that certain disruptions may not be quantifiable? Do commenters agree that a 20 percent disruption or degradation of normal volume or capacity indicates that an event is ''significant?'' Should the reporting event include a time frame to measure a 20 percent disruption or degradation? If so, what time frame? Should it be over one business day or over one month? Do advisers' compliance programs typically include benchmarks that could be used to measure a 20 percent disruption or degradation? Are there other potential approaches for an operational events trigger?

42. Are we correct in our understanding that many large hedge fund advisers maintain sophisticated back office operations or already engage service providers that would be reasonably able to measure whether an event has impaired their key operation beyond a 20 percent threshold? Are there any other objective measures gathered by advisers or their service providers that could be utilized as a trigger for this reporting event?

43. Will the checkboxes provided to describe the circumstances of the ''operations event'' provide us with sufficient detail regarding the operational issue and its potential severity? Should we amend, add, or remove any of the check boxes? Is the check box for force majeure events appropriate, or does it have the potential to cause numerous notifications during certain widely applicable disaster events like a pandemic or large hurricane?

44. Should we require an adviser to indicate whether the operations event is caused by a service provider and require the adviser to provide information regarding the service provider, as proposed? Should we define the term ''service provider'' for these purposes? Should we require reporting only for those service providers listed in Form ADV, Schedule D for the private fund? Are there some operations events that could be caused by a third party that is not a service provider to the reporting fund or adviser? If so, should we require an adviser to provide information regarding such a third party?

45. Should we define ''key operations'' as proposed? Are there any activities that we should add or delete from the definition? For example, should key operations also include the operation of the reporting fund in accordance with major contractual commitments to the reporting fund's investors and/or counterparties? For example, should it be considered a significant disruption or degradation of key operations if an issue at a service provider degrades the fund's ability to measure its positions or communicate certain information to counterparties pursuant to contractual notice terms?

46. As an alternative to defining ''operations event'', should we require current reporting by advisers whenever they initiate a business continuity plan? Would the initiation of a business continuity plan be a simpler trigger to apply? Would the initiation of a business continuity plan as a reporting event result in too many current reports about events that could not lead to investor harm or systemic risk? Would it miss important operations events that could lead to investor harm or systemic risk? Should we be concerned that advisers might delay initiating a business continuity plan so as to avoid reporting?

47. Should we require an adviser to indicate whether it has initiated a business continuity plan relating to the

[40] We recognize that the SEC currently does not require registered investment advisers and registered investment companies to report operational events. We are also considering recommending that the Commission propose rules to enhance fund and investment adviser disclosures and governance relating to cybersecurity risks. *See* Securities and Exchange Commission, Agency Rule List (Fall 2021), *available at* Agency Rule List—Fall 2021 (*reginfo.gov*).

[41] Proposed Form PF section 5, Item H, Questions 26 through 28.

[42] If the event occurred at a service provider, an adviser also must report the legal name of the service provider; the service provider's LEI, if any; and the types of services provided by the service provider.

operations of the adviser or reporting fund, as proposed? Does the initiation of such a plan provide the Commission with indications of potential stress at the fund or its adviser?

f. Withdrawals and Redemptions

We believe large redemption requests, suspensions of withdrawals/redemptions, material restrictions on withdrawals/redemptions, and an inability to satisfy redemptions are significant signals of potential stress at a qualifying hedge fund.[43] Qualifying hedge funds under stress or in periods of volatility may have difficulty selling certain assets in an orderly manner to meet large redemption requests. In such a situation, hedge funds could fall back on more extraordinary liquidity management measures to mitigate redemption difficulties and the potential for forced asset sales.[44] While advisers currently are required to provide certain reporting regarding redemptions for qualifying hedge funds on a quarterly basis, we are proposing current reporting Items I and J to provide more detailed and timely information to the Commission and FSOC indicating the potential for investor harm, forced selling in liquidations, or broader systemic risk.[45]

Proposed section 5, Item I would require an adviser to report if the adviser receives cumulative requests for redemption exceeding 50 percent of the most recent net asset value (after netting against subscriptions and other contributions from investors received and contractually committed).[46] We believe that the obligation to redeem sizable redemption requests of 50 percent or more of a reporting fund's most recent net asset value, despite pre-existing gates or limitations, may present significant risks to the fund and increases the risk that it may be forced to liquidate assets (potentially at lower prices), disproportionately penalizing non-redeeming investors, and potentially impacting markets more broadly. In the staff's experience, funds that receive withdrawal requests for half or more of their assets in the period between routine quarterly reports on Form PF may be subject to increased selling and liquidity pressures that could be particularly harmful to investors with potential broader market implications, especially if the fund is invested in more illiquid assets. Timely notice of such events would allow the Commission and FSOC to analyze the potential implications for the fund's investors and systemic risk.

Under proposed Item I, an adviser would report: (a) The date on which the net redemption requests exceeded 50 percent of the most recent net asset value; (b) the net value of redemptions paid from the reporting fund between the last data reporting date (the end of the most recently reported fiscal quarter on Form PF) and the date of the current report; (c) the percentage of the fund's net asset value the redemption requests represent; and (d) whether the adviser has notified the investors that the reporting fund will liquidate.

Proposed section 5, Item J would require an adviser to report if a qualifying hedge fund is unable to satisfy redemptions or suspends redemptions for more than 5 consecutive business days. We believe that this report would help the Commission and FSOC to identify stress at a reporting fund and evaluate the effects of these circumstances on fund investors and the markets more broadly. We also believe that this reporting could provide a potential early warning of the fund's liquidation and potentially allow the Commission or FSOC to analyze or respond to any perceived harm to investors or systemic risks on an expedited basis before they worsen. The 5 consecutive day period is designed to limit reporting of temporary redemption suspensions that we believe have less of an impact on investors or the broader market. Under proposed Item J, the adviser would report: (a) The date the reporting fund was unable to pay redemption requests or suspended redemptions; (b) the percentage of redemptions requested and not yet paid; and (c) whether the adviser has notified the investors that the reporting fund will liquidate.

We request comment on the proposed current report in section 5, Items I and J:

48. For proposed Item I, our goal is to be notified when the adviser receives requests for substantial redemptions because they may result in significant transaction costs and forced selling by a fund, all of which can cause harm to investors and contribute to systemic risk. Does Item I, as currently formulated, capture such events?

49. Should we ask different, additional questions, or provide checkboxes to gather additional context and timely information on large redemptions? What should such checkboxes describe?

50. Is the 50 percent of most recent net asset value threshold trigger for substantial redemptions proposed in Item I appropriately tailored to capture large scale liquidations? Should it be higher or lower or over a different time period? We understand that some investors may submit a redemption request each quarter to preserve their flexibility as a matter of course. For example, a fund of funds may submit a redemption request to its underlying funds so that it can match any redemptions it receives from its investors. The fund of funds then may rescind the redemption requests that they do not need so that their initial redemption requests appear overstated. How should the reporting event take these types of redemption requests into account? Should we allow reporting funds to exclude certain redemption requests? If so, how should we cabin such an exclusion?

51. Would proposed Item J provide the information we seek regarding a reporting fund's inability to pay redemptions or its suspension of redemptions? The 5 consecutive day period is designed to limit reporting of temporary redemption suspensions that we believe have less of an impact on investors or the broader market. Is the 5 consecutive business day period for inability to satisfy or the suspension of redemptions appropriate for capturing significant constraints on investor liquidity or stress at the fund? Should the period be longer or shorter?

52. Should we ask different, additional questions, or provide checkboxes about why an adviser was unable to pay redemptions or why redemptions were suspended? If so, what should they be?

g. Explanatory Notes

Proposed Item K would allow an adviser to provide a narrative response if it believes that additional information would be helpful in current report(s). We believe that current reports can sometimes benefit from additional context so that the Commission and FSOC can effectively evaluate them for both our investor protection mission and FSOC's monitoring of systemic risk. This approach is consistent with other

[43] We understand that many funds place quarterly restrictions on the timing and size of investor's redemptions.

[44] *See* Financial Stability Oversight Council, Update on Review of Asset Management Products and Activities (Apr. 2016), *available at https://www.treasury.gov/initiatives/fsoc/news/Documents/FSOC%20Update%20on%20Review%20of%20Asset%20Management%20Products%20and%20Activities.pdf.*

[45] *See* Form PF question 61 regarding restrictions on withdrawals and redemptions by investors in the reporting fund.

[46] As with the proposed use of ''most recent net asset value'' in other circumstances described above, this measure could result in over-reporting or under-reporting, but we believe that a simple to determine measure would ease the monitoring and reporting burden for advisers. In addition, the option for an adviser to add explanatory notes to its current report to explain the circumstances surrounding the redemptions mitigates these concerns.

current reports filed with the Commission, where registrants have requested the flexibility to provide additional narrative information relating to circumstances surrounding the current report.[47]

We request comment on the proposed current report in section 5, Item K:

53. Should we provide the option for a narrative response? Are advisers likely to use the space to provide additional context to a filed current event?

54. Should we require advisers to provide a narrative response in Item K when they check ''other'' in describing a key event?

55. Other current reporting forms require follow up reports for certain events.[48] Should we require follow up reports for any of the current reporting events in section 5? For example, should we require an adviser to file a follow up report if it learns additional material information regarding the reported event that is responsive to a proposed question? Should we require advisers to periodically file follow-up reports (*e.g.,* every 5 business days, every 30 business days) until the event has been resolved? Should we instead permit advisers to voluntarily file follow-up current reports? As another alternative, should we require advisers to report information regarding the resolution of the event as part of its next regular report on Form PF?

56. Should advisers to funds that are not qualifying hedge funds have to respond to any or all of the current reporting items? For example, should we require all advisers that file Form PF to file a current report in connection with an operations event? Should certain current reporting events only be required of the largest hedge funds? If so, what asset thresholds would be appropriate and for which items?

2. Private Fund Adviser Current Reporting on Private Equity Funds

Similar to the current reporting in proposed section 5 for large hedge fund advisers, we are also proposing to require all advisers to private equity funds to file a current report within one business day of a reporting event. The reporting events include: (1) Execution of an adviser-led secondary transaction, (2) implementation of a general partner or limited partner clawback, and (3) removal of a fund's general partner, termination of a fund's investment period, or termination of a fund. As noted above, private equity fund advisers file their annual updates within 120 calendar days after their fiscal year ends, which leads to significant delays in reporting and staleness of certain information. We believe that more current reporting of the proposed information would improve the Commission's and FSOC's ability to monitor systemic risk by providing information on certain events (including potential trends affecting multiple private equity funds) that could significantly affect both investors and markets more broadly, and also enhance our investor protection efforts. Because reporting of these events is designed to enhance our timely oversight of these advisers, we propose to require current reporting on a limited number of events by all advisers to private equity funds that file Form PF. Furthermore, we believe that growth in the private equity industry since the adoption of Form PF further supports the proposed current reporting requirements, given that both the number of investors invested in private equity funds has increased and the industry's impact on markets generally has become more pronounced.[49] We believe that both of these developments merit more timely risk-based monitoring and oversight by the Commission and FSOC given the potential consequences for an ever increasing pool of private equity investors as well as financial markets broadly.

Proposed section 6 would contain Items A through E. Item A would require advisers to identify themselves and the reporting fund, including providing the reporting fund's name, private fund identification number, NFA identification number (if any), and LEI (if any).[50] Items B through D would set forth the three reporting events and the applicable reporting requirements. Item E would serve as an optional item for advisers to provide any explanatory notes they believe would be helpful to the Commission's and FSOC's understanding of information reported in section 6. The following sections discuss each reporting event in turn.

a. Adviser-Led Secondary Transactions

Proposed section 6 Item B would require reporting upon the completion of an adviser-led secondary transaction. This proposed reporting would include the transaction completion date and a brief description of the transaction. We propose to define ''adviser-led secondary transaction'' as any transaction initiated by the adviser or any of its related persons[51] that offers private fund investors the choice to: (1) Sell all or a portion of their interests in the private fund; or (2) convert or exchange all or a portion of their interests in the private fund for interests in another vehicle advised by the adviser or any of its related persons.[52] Under the proposal, transactions would only be subject to reporting if they are initiated by a private equity fund's adviser or a related person of the adviser.[53] We understand that these transactions have become increasingly common in the private equity space and may present conflicts of interest that merit timely reporting and monitoring given that these conflicts, particularly those that arise because the adviser (or its related person) is on both sides of the transaction in an adviser-led secondary transaction with potentially different economic incentives, have the potential to negatively impact investors. To the extent that an increase in adviser-led secondary transactions also indicates an inability to sell portfolio companies (or to sell those companies at existing valuations) through more traditional exit avenues, transactions of this nature could be a leading indicator of a declining market, a situation that also merits timely monitoring to identify potential consequences for both investors as well as markets more broadly from a systemic risk perspective. This proposed requirement would provide the Commission and FSOC with data regarding the frequency and circumstances surrounding these transactions allowing the Commission and FSOC to assess market trends better and assess both potential market impacts as well as potential conflicts of interest associated with these transactions.

[47] *See* Part H of Form N–RN.

[48] 17 CFR 274.223 (Form N-Liquid or Form N–RN) and 17 CFR 274.222 (Form N–CR).

[49] Since 2013, the number of private equity funds has more than doubled from under 7,000 to nearly 16,000, private equity fund gross assets have tripled from $1.6 trillion to $4.7 trillion, and private equity fund net assets have also nearly tripled, increasing from $1.5 trillion to $4.2 trillion. *See* Private Funds Statistics, *supra* footnote 4.

[50] Section 6, Item A would also require identifying information on the reporting fund's adviser, including the adviser's full legal name, SEC 801-Number, NFA ID Number (if any), large trader ID (if any), and large trader ID suffix (if any), as well as the name and contact information of the authorized representative of the adviser and any related person who is signing the current report. *See* Section 6, Item A.

[51] *See* Form PF Glossary (definition of ''related person'').

[52] *See* Form PF Glossary (proposed definition of ''adviser-led secondary transaction'').

[53] Whether a transaction is initiated by the adviser or its related persons requires a facts and circumstances analysis. However, we would generally not view a transaction to be initiated by the adviser or one of its related persons to the extent the adviser or one of its related persons, at the unsolicited request of an investor, participates in the secondary sale of such investor's fund interest.

We request comment on the proposed current report in section 6, Item B:

57. The purpose of this proposed reporting event is to identify an adviser-led secondary transaction that merits monitoring on a timelier basis than possible with an annual report on Form PF. Does the reporting event accomplish this purpose? Why or why not? If not, how should we modify the language? Should the rule use an alternative trigger? Alternatively, do these types of transactions not merit such monitoring?

58. Is the proposed definition of ''adviser-led secondary transaction'' appropriate and clear? If not, how could the definition be clarified? Should it be modified or eliminated? Is the proposed definition too broad or too narrow? Should we provide additional guidance?

59. Should we define or provide guidance on the term ''transaction'' in the definition of ''adviser-led secondary transaction''? If so, how should ''transaction'' be defined? Should we reference the various types of adviser-led secondary transactions in the definition? Why or why not? The proposed definition of ''adviser-led secondary transaction'' includes transactions initiated by the adviser's related persons. Should we exclude transactions initiated by some or all of the adviser's related persons from the proposed definition?

b. General Partner or Limited Partner Clawback

Proposed section 6 Item C would require reporting upon the implementation of a general partner clawback. This proposed reporting would include the effective date of the clawback and the reason for the clawback.[54] We would define ''general partner clawback'' as any obligation of the general partner, its related persons, or their respective owners or interest holders to restore or otherwise return performance-based compensation to the fund pursuant to the fund's governing agreements.[55]

For example, if the general partner of a fund is entitled to performance-based compensation equaling 20 percent of the fund's profits over the life of the fund and the fund distributes such compensation to the general partner periodically based on the profitability of the fund at the time of distribution, the general partner may have received distributions of performance-based compensation over the life of the fund *in excess* of 20 percent of the fund's aggregate profits. In this situation, under the fund's governing documents, the fund's general partner would be required to return the excess performance-based compensation it received to the fund. Specifically, reporting would be required when the general partner is required to return to the fund performance-based compensation in excess of the amount it was ultimately entitled to receive under the fund's governing documents.

The widespread implementation of general partner clawbacks may be a sign of a deteriorating market environment, which may have systemic risk implications. For example, given that the implementation of general partner clawbacks by private equity funds is typically rare, if many funds are implementing general partner clawbacks at the same time, this could be indicative of the early stages of a distressed credit environment or cycle, and timely reporting received could help the Commission and FSOC identify particular markets, sectors or funds on which such a declining market environment could have an outsized impact, and which may merit additional monitoring given the potential consequence for both investors and financial market stability.

In addition, we propose to require reporting when an adviser implements a limited partner clawback (or clawbacks) in excess of an aggregate amount equal to 10 percent of a fund's aggregate capital commitments. We would define ''limited partner clawback,'' sometimes referred to as a limited partner ''giveback,'' as an obligation of a fund's investors to return all or any portion of a distribution made by the fund to satisfy a liability, obligation, or expense of the fund pursuant to the fund's governing agreements.[56] We believe requiring the proposed minimum threshold is appropriate because we believe a clawback of this magnitude would be associated with an event that could have a significant negative impact on a fund's investors and, if a pattern emerges among multiple private equity advisers, could indicate financial stability concerns.

Limited partner clawbacks of this magnitude also could signal that a fund is under stress or is anticipating being under stress. For example, a limited partner clawback (or clawbacks) in an aggregate amount of more than 10 percent of a private equity fund's aggregate capital commitments might suggest that the fund is planning for a material event (*e.g.,* substantial litigation or legal judgment) that could negatively impact investors and we believe that such potential impact merits prompt reporting to allow for more timely risked-based monitoring.

We request comment on the proposed current report in section 6, Item C:

60. Do the proposed reporting events based on implementation of a general partner and/or limited partner clawback capture events that could signal that a fund or the market more generally is under stress or subject to an event that merits prompt reporting? Why or why not? If not, how should we modify this reporting event or what alternative reporting event would you suggest?

61. Are the proposed definitions of ''general partner clawback,'' ''performance-based compensation,'' and ''limited partner clawback'' appropriate and clear? If not, how should the definitions be clarified? Should they be modified or eliminated? Are the proposed definitions too broad or too narrow? Should we provide additional guidance?

62. With respect to the limited partner clawback reporting event, is the proposed minimum reporting threshold, *i.e.,* a clawback (or clawbacks) in excess of an aggregate amount equal to 10 percent of a fund's aggregate capital commitments, appropriate? Why or why not? If not, should the threshold be higher or lower and why? Would the proposed limited partner clawback reporting event cause advisers to hold more investment proceeds as reserves and delay distributions to investors, rather than distributing proceeds to investors more quickly? Why or why not?

63. We recognize that certain fund agreements require the adviser to perform interim clawback calculations during the life of the fund. For example, the adviser may be required to determine whether the general partner would be subject to a clawback on the first anniversary of the termination of the investment period. Should such ''interim'' clawbacks be subject to the current reporting requirement, as proposed? Do they present the same monitoring needs as end-of-life clawbacks?

[54] As proposed section 6, Item C pertains to both general partner clawbacks and limited partner clawbacks, the item also requires filers to specify the type of clawback implemented (*i.e.,* whether it is a general partner clawback or limited partner clawback). *See* Section 6, Item C.

[55] *See* Form PF Glossary (proposed definition of ''general partner clawback''). Under the proposal we would define ''performance-based compensation'' as any allocation, payment, or distribution of capital based on the fund's (or its portfolio investments') capital gains and/or capital appreciation. This definition would include cash or non-cash compensation, including in-kind allocations, payments, or distributions of performance-based compensation. *See also* Form PF Glossary (proposed definitions of ''performance-based compensation'' and ''portfolio investments'').

[56] *See* Form PF Glossary (proposed definition of ''limited partner clawback'').

c. Removal of General Partner, Termination of the Investment Period or Termination of a Fund

Proposed section 6 Item D would require an adviser to report when a fund receives notification that fund investors have: (1) Removed the adviser or an affiliate as the general partner or similar control person of a fund, (2) elected to terminate the fund's investment period, or (3) elected to terminate the fund, in each case as contemplated by the fund documents. Proposed Item D would require reporting on the effective date of the applicable removal event and a description of such removal event.

We believe that events of this nature are rare, and accordingly, current reporting would also be rare. However, we believe these events could provide an indication of market deterioration and also raise investor protection issues, including potential conflicts of interest, and merit the Commission's and FSOC's timely monitoring. For example, each of these triggers could lead to the liquidation of the fund earlier than anticipated, which could present risks to investors and potentially certain markets in which the fund assets were invested. This proposed current reporting event would provide the Commission and FSOC with timely notification of this event (of which we might otherwise be unaware at the time it is initiated), and allow for evaluation given the potential consequences of the event.

We request comment on the proposed current report in section 6, Item D:

64. Does the proposed reporting event based on the removal of a fund's general partner, termination of a fund's investment period, or termination of a fund raise investor protection and systemic risk concerns that merit timely monitoring? Why or why not? If not, how should we modify this reporting event or what alternative reporting event would you suggest? Is the use of the term ''termination'' in the reporting event clear on its face or should it be defined? Why or why not?

65. Are there other reporting events, in addition to the ones that we have proposed in section 6, that you believe would provide the Commission and FSOC with information that would enhance our ability to protect private equity fund investors and monitor the private equity industry? If so, what are they? For example, should we have a reporting event in connection with the departure of a senior member (*e.g.,* partner, executive officer, etc.) of a fund's general partner, *e.g.,* a key person event?

66. Should we add a ''for cause'' requirement to this reporting event (*i.e.,* typically defined in a fund's governing documents as the general partner or its principals engaging in gross negligence, willful misconduct, fraud, or violations of applicable law)? Should we narrow the reporting event to only cover ''for cause'' events?

d. Explanatory Notes

Similar to proposed section 5 Item K and for the same reasons, proposed section 6 Item E would allow an adviser to provide a narrative response if it believes that additional information would be helpful in explaining the circumstances of their current report(s).

We request comment on the proposed current report in section 6, Item E:

67. Should we provide the option for a narrative response? Are advisers likely to use the space to provide additional context to a filed current event?

68. As noted above, other current reporting forms require follow up reports for certain events. Should we require follow up reports for any of the reporting events in section 6? For example, should we require an adviser to file a follow up report if it learns additional material information regarding the reported event that is responsive to a proposed question?

3. Filing Fees and Format for Reporting

We propose to require advisers to file current reports through the same non-public filing system they use to file the rest of Form PF, the Private Fund Reporting Depository (''PFRD'').[57] Large hedge fund advisers and all private equity advisers would file current reports on section 5 and section 6 of Form PF, respectively, and would not file any other sections of Form PF at the time a current report is filed. This requirement is designed to facilitate reporting of clear and timely information in an efficient manner. Under the proposed rule, advisers filing current reports on either section 5 or 6 would be required to pay to the operator of the Form PF filing system fees that have been approved by the SEC. The SEC in a separate action would approve filing fees that reflect the reasonable costs associated with the filings and the establishment and maintenance of the filing system.[58] Advisers also would be able to amend their current report if they discover that information they filed was not accurate at the time of filing.[59]

69. Should advisers file current reports through PFRD as proposed? Alternatively, is there another filing system (*e.g.,* IARD, EDGAR) that would be more appropriate? Should we instead allow advisers to file current reports via secure email? Would that be less burdensome for advisers experiencing an operations event?

70. Should there be filing fees associated with filing a current report on Form PF? Considering the expeditious reporting deadlines and the nature of the current reporting events, would filing fees prevent a timely filing of a current report?

71. Under the proposal, filers may request a temporary hardship exemption pursuant to rule 204(b)–1(f) for a current report. Should we instead require advisers to notify the Commission via email or phone call if they are experiencing a temporary hardship and as a result cannot file their current report? Alternatively, should we instead prohibit advisers from requesting a temporary hardship exemption pursuant to rule 204(b)–1(f) for a current report given the importance of timely reporting?

B. Large Private Equity Adviser Reporting

We also propose to amend section 4 of Form PF, which requires reporting by large private equity advisers to: (1) Lower the reporting threshold from $2 billion to $1.5 billion in private equity fund assets under management, and (2) add new questions designed to enhance our understanding of certain practices of private equity advisers and amend certain existing questions to improve data collection.[60]

1. Reduction in Large Private Equity Adviser Reporting Threshold

Currently, a private fund adviser must complete section 4 of Form PF if it had at least $2 billion in private equity fund assets under management as of the end of its most recently completed fiscal year (''large private equity adviser'').[61]

[57] *See* proposed Instruction 12. *See also* rule 17 CFR 275.204(b)–1.

[58] *See* section 204(c) of the Advisers Act.

[59] Consistent with the current instructions for other types of Form PF filings, large hedge fund advisers and private equity advisers would not be required to update information that they believe in good faith properly responded to Form PF on the date of filing even if that information is subsequently revised for purposes of recordkeeping, risk management or investor reporting (such as estimates that are refined after completion of a subsequent audit). This proposed requirement is designed to provide advisers with a way to correct current reports, just as all advisers can correct other types of Form PF filings. *See* Instruction 16.

[60] Under the proposal, Item B would also be split into three new items to be designated new Item B ''Certain information regarding the reporting fund,'' new Item C ''Reporting fund and controlled portfolio company financing,'' and new Item D ''Portfolio company investment exposures.''

[61] *See* Instruction 3 to Form PF.

Section 4 of the Form requires additional information regarding the private equity funds these advisers manage, which are tailored to focus on relevant areas of financial activity that have the potential to raise systemic concerns. When Form PF was originally adopted in 2011, the $2 billion reporting threshold captured 75 percent of the U.S. private equity industry based on committed capital.[62] Today, this threshold only captures about 67 percent of the U.S. private equity industry.[63] We therefore propose to lower this threshold to $1.5 billion in order to continue to capture about 75 percent of the U.S. private equity industry based on committed capital.[64] We believe the proposed reduction is important so that Form PF continues to capture and provide robust data on a sizable portion of the private equity industry. The proposed threshold reduction is designed so that the group of advisers filing Form PF as large private equity advisers would continue to represent a substantial portion of private equity industry assets. Having a robust data set for analysis is important for both identifying potential investor protection issues as well as for monitoring systemic risk. We think that the proposed new threshold strikes an appropriate balance between obtaining information regarding a significant portion of the private equity industry for analysis while continuing to minimize the burden imposed on smaller advisers.

We request comment on the proposed change to the reporting threshold:

72. Should the Commission reduce the reporting threshold for large private equity advisers as proposed? Why or why not? If not, should the reporting threshold be kept constant, increased, or decreased further? If the threshold should be changed, what do you believe is the appropriate threshold and why?

73. Would the proposed reduction in the large private equity adviser reporting threshold create an undue burden on advisers that will newly be required to complete section 4 (*i.e.,* those with between $1.5 billion and $2 billion in private equity fund assets under management)? If so, why?

74. Does the change in reporting threshold for filing as a large private equity adviser accurately capture the information needed to monitor for systemic risk? Why or why not?

2. Large Private Equity Adviser Reporting

Private Equity Fund Investment Strategies. We propose to add Question 68 to Section 4 to collect information about private equity fund investment strategies.[65] Form PF does not currently collect data on private equity fund strategies. Given the growth in the industry since adoption of Form PF and the current diversity of strategies employed by private equity funds, we believe that it is important that we begin collecting this information. Different strategies carry different types and levels of risk for the markets and financial stability. We believe that reporting on investment strategies would allow the Commission and FSOC to understand and monitor better the potential market and systemic risks presented by the different strategies to both markets and investors. For example, a shift in private equity assets towards riskier strategies could provide valuable information about emerging systemic risks. Similarly, as noted above, this information would also allow the Commission and FSOC to assess better private equity funds' increasing role in providing credit to companies.

The proposed question would be structured similar to Question 20, which collects information about hedge fund strategies, but tailored to private equity funds (*i.e.,* the strategies would represent common strategies employed by private equity funds). The proposal would require advisers to choose from a mutually exclusive list of strategies by percent of deployed capital even if the categories do not precisely match the characterization of the reporting fund's strategies. If a reporting fund engages in multiple strategies, the adviser would provide a good faith estimate of the percentage the reporting fund's deployed capital represented by each strategy.

Proposed Question 68 also would include an ''other'' category for advisers to select in cases where a reporting fund's strategy is not listed, but an adviser selecting ''other'' in response to this question must explain why. This proposed requirement is designed to improve data quality by providing context to an adviser's selection of the ''other'' category. It also is designed to help ensure that advisers are not selecting the ''other'' category when they should be reporting information in a different strategy category. Proposed Question 68 is designed to allow FSOC to filter data for targeted analysis, monitor trends in the private equity industry, analyze potential system risk, and to support the Commission's oversight of the private equity industry and investor protection efforts.

We request comment on proposed Question 68:

75. Should Form PF require large private equity advisers to report investment strategies for the private equity funds they advise as proposed?

76. Should we collect strategy information for all advisers to private equity funds and not just large private equity advisers? Why or why not? Would collecting this data be overly burdensome for smaller private equity advisers? If so, what should be the threshold cutoff for such reporting (*e.g.,* $500 million in private equity assets under management)?

77. Should Question 68, as proposed, provide that the strategy options are mutually exclusive and direct advisers to not report the same assets under multiple strategies? Why or why not? Alternatively, should Form PF allow advisers to report the same assets under multiple strategies? Would this approach better identify the reporting fund's strategies?

78. Should Form PF require more granular strategy information than proposed? Why or why not? If so, please provide examples of more granular categories or sub-categories that should be included.

79. Should Question 68 require more, fewer, or different categories? Are there other strategies that are important for tracking and assessing systemic risk or for the protection of investors? If so, please provide examples of desired changes in the strategy categories.

80. With respect to private credit strategies, should we consolidate some of the private credit categories? For example, are ''Private Credit—Junior/Subordinated Debt,'' ''Private Credit—Mezzanine Financing,'' ''Private Credit—Senior Debt,'' and Private Credit—Senior Subordinated Debt'' each considered a subset of the category ''Private Credit—Direct Lending/Mid Market Lending''? If so, should we only have a ''Private Credit—Direct Lending/Mid Market Lending'' category and

[62] *See* 2011 Form PF Adopting Release, *supra* footnote 2, at 32.

[63] Based on data reported on Form PF and Form ADV.

[64] As under the current instructions to Form PF, an adviser would determine whether it meets the threshold and qualifies as a large private equity adviser based solely on the assets under management attributable to private equity funds.

[65] For purposes of this proposed question, private equity fund investment strategies would include private credit (and associated sub-strategies such as distressed debt, senior debt, special situations, etc.), private equity (and associated sub-strategies such as early stage, buyout, growth, etc.), real estate, annuity and life insurance policies, litigation finance, digital assets, general partner stakes investing, and other. In connection with this proposed question, we also propose to add two new terms to the Form PF Glossary of Terms for ''digital assets'' and ''general partner stakes investing.'' *See* Form PF Glossary of Terms.

remove the other four sub-categories? Why or why not? Furthermore, should ''Private Credit—Direct Lending/Mid Market Lending'' be changed to ''Private Credit—Direct Lending'' to capture direct lending to large corporations? Why or why not?

81. Should Question 68 include an ''other'' category, as proposed? If advisers select the ''other'' category, should Form PF require them to explain the selection, as proposed? Should Form PF require the adviser to include more, less, or different information in the explanation? Would this proposed change improve data quality by providing context to the adviser's selection of the ''other'' category? Would this proposed change help us ensure that advisers are not misreporting information in the ''other'' category when they should be reporting information in a different category? Is there a better way to meet these objectives? Should Form PF require advisers to provide explanations for any other categories besides the ''other'' category, as proposed?

82. Should we define ''digital assets'' and ''general partner stakes investing'' as proposed or are other alternative definitions more suitable?

Restructuring/recapitalization of a portfolio company. We propose to add Question 70 to Section 4 to obtain additional information regarding restructurings or recapitalizations of the reporting fund's portfolio companies. Specifically, we propose to require an adviser to indicate whether a portfolio company was restructured or recapitalized following the reporting fund's investment period, and if so, to provide the name of the portfolio company and the effective date of the restructuring.[66] For example, a fund that holds portfolio company equity that has become worthless might restructure its equity interest into a note or loan with a different valuation. While we understand that private equity funds routinely engage in these practices during the investment period, we believe that when these activities happen post-investment period, it would tell the Commission and FSOC more about the current market environment and would allow FSOC to monitor these activities for systemic risk analysis and assist us with our risk-based exam program.

We request comment on proposed Question 70:

83. Should Form PF require advisers to report on restructuring or recapitalizations of a portfolio company as proposed? Why or why not?

84. Would the proposed reporting tell us more about the current market environment or potential systemic risk?

85. Would it be overly burdensome for advisers to report this information? Why or why not? If so, are there alternative ways for us to collect this data that would be less burdensome? Please provide examples.

86. As drafted, is this question appropriate in scope? Should we carve out certain types of recapitalizations or restructurings? Should certain types of funds not be required to report this information based on their investment strategy or underlying holdings?

Investments in different levels of a single portfolio company's capital structure by related funds. We propose to add Question 71 to require reporting on investments in different levels of a single portfolio company's capital structure by funds advised by an adviser or a related person. Specifically, the adviser would indicate whether the reporting fund held an investment in one class, series or type of securities (*e.g.,* debt, equity, etc.) of a portfolio company while another fund advised by the adviser or its related persons concurrently held an investment in a different class, series or type of securities (*e.g.,* debt, equity, etc.) of the same portfolio company, and if so, to provide the name of the portfolio company and a description of the class, series or type of securities held.[67] This can create a conflict of interest for the adviser that could be important for the Commission to monitor. For example, if a portfolio company suffers financial distress, there may be a conflict between the funds' interests given that the company may not be able to satisfy the claims all of classes of creditors. In such a circumstance, the adviser's decisions may have the effect of benefiting one fund over another fund. The purpose of this question would be to identify circumstances where multiple reported funds advised by the same adviser have exposure to the same portfolio company, which would allow us to better understand and monitor market trends regarding this practice and enhance our investor protection efforts.[68]

We request comment on proposed Question 71:

87. Should Form PF require advisers to report on investments in a different class, series or type of securities (*e.g.,* debt, equity, etc.) of a single portfolio company's capital structure? Why or why not? Do you believe that this information would be useful in monitoring exposures that present risks to investors, the markets, and financial stability? Why or why not? If not, how would you modify this question or what alternatives would you suggest to identify potential conflicts of this nature?

88. Should we expand the proposed question to capture all funds of the same adviser or related persons (including those not reported on Form PF) or separately managed accounts or other clients that hold investments in different levels of a single portfolio company's capital structure? Why or why not?

89. Current Question 79 of Form PF[69] requires an adviser to report on whether it or any of its related persons (other than the reporting fund) invest in any companies that are portfolio companies of the reporting fund. Would proposed Question 71 provide additional insight into these investments? In connection with this change, should we add a threshold for responding to current Question 79 (*e.g.,* greater than 10 percent of gross asset value) to reduce the burden on advisers in responding to this question? Alternatively, should we amend current Question 79 to require the adviser to report additional information regarding the related persons' investments?

Fund-level borrowings. The proposal would add Question 72 to require advisers to report whether a reporting private equity fund borrows or has the ability to borrow at the fund-level as an alternative or complement to the financing of portfolio companies. We understand that many funds use fund-level financing for this alternative or complementary financing purpose. If a fund engages in fund-level borrowing, the proposal would require the adviser to provide (1) information on each borrowing or other cash financing available to the fund, (2) the total dollar amount available, and (3) the average amount borrowed over the reporting period.[70] This new question is designed to collect data that the Commission believes would provide valuable insight into how private equity funds obtain leverage, thereby giving the Commission and FSOC a better understanding of a reporting fund's risk profile.

Fund-level leverage generally causes a fund to make larger, less frequent capital calls. Such practice has the

[66] Proposed Question 70.

[67] Proposed Question 71.

[68] For example, an adviser may have two advised funds invested in different classes of a portfolio company's capital structure, with one fund managing outside capital while the other manages primarily internal capital of the adviser's owners/employees.

[69] We would redesignate Question 79 as Question 87.

[70] Proposed Question 72.

potential to cause liquidity concerns for investors that may not have occurred had the adviser made smaller, more frequent capital calls. This concern is exacerbated for investors with commitments to multiple private equity funds because advisers may call capital simultaneously—particularly when liquidity is generally constrained across the market—resulting in investors receiving large, concurrent capital calls. This may increase the likelihood of potential defaults by investors. We believe that this information would enhance the Commission's and FSOC's ability to monitor systemic risk posed by such potential defaults.

We request comment on proposed Question 72:

90. Should Form PF require advisers to report on private equity fund borrowings as proposed? Why or why not? Do you believe that this question as proposed would be useful in identifying and monitoring potential systemic risk associated with private equity fund leverage? Why or why not? If not, how would you modify this question or what alternatives would you suggest?

91. Should we collect additional data beyond the type of borrowing or financing, dollar amount available, and average amount borrowed as proposed? If so, what additional data should we collect and why?

92. Are the categories for ''type of financing'' in proposed Question 72 appropriate or should there be more, fewer or different categories? If there should be more or different categories, what additional or different categories do you suggest?

Financing of portfolio companies. We propose to add Question 74 to require an adviser to report whether it or any of its related persons provide financing or otherwise extend credit to any portfolio company in which the reporting fund invests and to quantify the value of such financing or other extension of credit.[71] This proposed question would provide additional information on these financing arrangements and identify possible conflicts of interest that may arise that would help us focus our risk-based exam program, and could also alert us to industry financing trends that could affect systemic risk concerns. For example, if a reporting fund's portfolio companies are unable to obtain credit from traditional sources, advisers (and their related persons) may be more likely to lend to these companies, especially if a portfolio company is in distress. We believe these types of financing could be an early indicator of a market downturn.

We request comment on proposed Question 74:

93. Should Form PF require advisers to report on whether a reporting private equity fund or any of its related persons provide financing to a reporting fund's portfolio companies? Why or why not? Do you believe that this question as proposed would be useful for the purpose stated above? Why or why not? If not, how would you modify this question or what alternatives would you suggest? Please be specific.

Floating rate borrowings of controlled portfolio companies (CPCs). The proposal would add Question 82 to require advisers to report what percentage of the aggregate borrowings of a reporting private equity fund's CPCs is at a floating rate rather than a fixed rate.[72] This proposed requirement would provide additional information on the risk profiles of CPCs, and help the Commission and FSOC better monitor fund level and portfolio level risk profiles for systemic risk purposes, as elevated CPC leverage could signal default risk, particularly if financings are at a floating versus fixed rate. More specifically, we believe that floating rate borrowings carry different and potentially greater risks than fixed rate borrowings, given that companies that issue floating rate debt take on the added risk that rates will move higher, which would increase the amount they must pay to creditors, a situation that can put added stress on a company.

We request comment on proposed Question 82:

94. Should Form PF require advisers to report on floating rate borrowings of CPCs as proposed? Why or why not? Do you believe limiting reporting to floating rate (versus fixed rate) borrowings is appropriate given the purpose of the proposed question? Why or why not? If not, how would you modify this question (*e.g.,* should we also require reporting on fixed rate borrowings)?

CPCs owned by private equity funds. The proposal would add Question 67 to require an adviser to report how many CPCs a reporting private equity fund owns.[73] We believe collecting this information would help to provide insight into a fund's concentration risk and strategy, as it pertains to the interconnectedness of private equity funds and their portfolio companies, which is important for assessing systemic risk in the industry generally.

We request comment on proposed Question 67:

95. Would collecting the number of a fund's CPCs help to provide insight into a fund's concentration risk and strategy? Why or why not? If not, what alternatives or information would provide better insight?

Events of default, bridge financing to controlled portfolio companies, and geographic breakdown of investments. We propose to amend three existing questions in section 4. First, we propose to amend current Question 74 to require advisers to provide more granular information about the nature of reported events of default, such as whether it is a payment default of the private equity fund, a payment default of a CPC, or a default relating to a failure to uphold terms under the applicable borrowing agreement (other than a failure to make regularly scheduled payments).[74] We believe this more detailed information would help the Commission and FSOC better assess the impact of default events to both investors and markets more generally and may indicate emerging potential systemic risks.

Second, we propose to amend current Question 75, which requires reporting on the identity of the institutions providing bridge financing to the adviser's CPCs and the amount of such financing, to add additional counterparty identifying information (*i.e.,* LEI (if any) and if the counterparty is affiliated with a major financial institution, the name of the financial institution).[75] We believe that the proposed changes would not be burdensome for advisers given that this information is readily available to advisers, and would provide globally standardized identification information about counterparty entities reported in this question that would enhance the Commission's and FSOC's ability to analyze exposure data for purposes of assessing systemic risk.

Third, we propose to amend current Question 78, which requires reporting on the geographical breakdown of investments by private equity funds, by moving away from reporting based on a static group of regions and countries and towards identifying a private equity fund's greatest country exposures based a percent of net asset value.[76] The proposed changes to Question 78 would improve the usefulness of data collected, as reporting is currently limited to exposure by region with additional reporting on a limited number of countries of interest. For

[71] Proposed Question 74.

[72] Proposed Question 82.

[73] Proposed Question 67.

[74] We would redesignate Question 74 as Question 83.

[75] We would redesignate Question 75 as Question 84.

[76] We would redesignate Question 78 as Question 69.

example, information obtained from Question 78 could provide insight into whether a critical mass of private equity funds have investments concentrated in a country that is experiencing significant political instability or a natural disaster, which could be important for systemic risk assessments. We have found the current reporting approach lacks precision because the regions are not uniformly defined and although countries of interest change over time, the form is not dynamic in this regard. The proposal would require advisers to report all countries (by ISO country code [77]) to which a reporting fund has exposure of 10 percent or more of its net asset value. We believe the proposed exposure threshold represents significant county exposure, while balancing the burden that the question would create for advisers. Advisers would have to follow Instruction 15 for purposes of calculating the information in the proposal, including reporting the exposure in U.S. dollars which would improve data comparability across funds. Advisers also would categorize investments based on concentrations of risk and economic exposure. We would also remove regional level reporting because we would now be able to analyze regional exposure using the country level information.

We request comment on the proposed amendments to current Questions 74, 75 and 78:

96. Should current Questions 74, 75 and 78 be amended as proposed? Why or why not?

97. Are the more granular default questions that we are proposing to include in amended current Question 74 appropriate? Why or why not? Alternatively, should there be more, fewer or different questions? If there should be more or different questions, what additional or different questions do you suggest?

98. Do you agree that the additional information that we propose to require in amended current Question 75 would not be overly burdensome for advisers to report? Why or why not? Do you believe that requiring advisers to report a counterparty's LEI in this question would serve our purpose of better identifying counterparties for purposes of analysis? Why or why not? Are there alternative identifiers that you suggest we include? If so, what are they?

99. Do you agree with the proposed reporting threshold in amended current Question 78 (*i.e.,* country exposure of 10 percent or more of net asset value) for reporting on the geographical breakdown of investments? Should the threshold be higher or lower?

C. Large Liquidity Fund Adviser Reporting

Section 3 requires large liquidity fund advisers to disclose information about the liquidity funds they advise. The proposal would revise how large liquidity fund advisers report operational information and assets, as well as portfolio, financing, and investor information. The proposal also would add a new item concerning the disposition of portfolio securities. The proposed changes are designed to help us see a more complete picture of the short-term financing markets in which liquidity funds invest, and in turn, enhance the Commission's and FSOC's ability to assess short-term financing markets and facilitate our oversight of those markets and their participants.[78] The proposed changes also are designed to improve data quality and comparability and make certain categories in section 3 more consistent with the categories the Board of Governors of the Federal Reserve System (''Federal Reserve Board'') uses in its reports and analysis. Together, the proposed amendments are designed to enhance investor protection efforts and systemic risk assessment.

Operational information. We propose to revise how advisers report operational information about their liquidity funds.[79] Liquidity funds that seek to maintain a stable price per share may be susceptible to runs, which could cause systemic risk. Currently, Questions 52 and 53 require advisers to report whether the liquidity fund uses certain methodologies to compute its net asset value. These questions were designed to help determine how the fund might try to maintain a stable net asset value.[80] We propose to replace current Questions 52 and 53 with a requirement for advisers to report the information more directly, by requiring advisers to report whether the liquidity fund seeks to maintain a stable price per share and, if so, to provide the price it seeks to maintain.[81] This proposed approach is designed to help the Commission and FSOC identify liquidity funds that seek to maintain a stable price per share, and therefore, may be susceptible to runs, which could cause systemic risk.

We also propose to remove current Question 54, which requires advisers to report whether the liquidity fund has a policy of complying with certain provisions of rule 2a–7. We can use portfolio information we collect in section 3, Item E, to determine whether the liquidity fund is complying with rule 2a–7, regardless of whether it has a policy or not.

Assets and portfolio information. We propose to require advisers to report cash separately from other categories when reporting assets and portfolio information concerning repo collateral.[82] Section 3 already requires advisers to report all liquidity fund assets and repo collateral, including cash. However, because there is no distinct category for cash, it is unclear what category advisers should use to report it. Therefore, this proposed change is designed to improve data quality and comparability, and help ensure data is reported in the correct category.

We are proposing to revise further how advisers report liquidity fund assets. We propose to require advisers to provide the total gross subscriptions (including dividend reinvestments) and total gross redemptions for each month of the reporting period.[83] This proposed requirement is designed to help explain changes in net asset value during the reporting period, such as whether net asset value changes are due to subscriptions, redemptions, or changes in the value of the reporting fund's holdings. This level of detail is designed to help ensure accurate reporting and inform the Commission and FSOC of trends across large liquidity funds and short-term financing markets, generally. We also propose to clarify that the term ''weekly liquid assets'' includes ''daily liquid assets.'' [84] This clarification is designed to improve data quality and comparability, based on our experience with Form PF.

We are proposing to revise further how advisers would report liquidity

[77] This is similar to reporting on Form N–PORT and will improve the comparability of data between Form PF and Form N–PORT.

[78] We have proposed similar amendments to Form N–MFP. *See* Money Market Fund Proposing Release, *supra* footnote 15. The proposed amendments to Form N–MFP would provide new information about money market fund shareholders and the disposition of non-maturing portfolio investments, as well as enhance reporting accuracy and consistency, increase the frequency of certain data points, and improve identifying information.

[79] Form PF, section 3, Item A.

[80] *See* Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF, Release No. 3145 (Jan. 26, 2011) [76 FR 8068 (Feb. 11, 2011)], at n.133 and accompanying text (discussing proposed Questions 43 and 44, which currently are Questions 52 and 53).

[81] Proposed Question 52.

[82] *See* current Questions 55 and 63(g), which we would redesignate as Questions 53 and 63(h), respectively.

[83] Proposed Question 54. As discussed, we would remove current Question 54, concerning the liquidity fund's policy of complying with certain provisions of rule 2a–7.

[84] *See* Form PF Glossary of Terms.

fund portfolio information.[85] As a general matter, the proposed more granular requirements are designed to enhance reporting accuracy and data comparability, as well as enhance our and FSOC's data analysis, as described below. We propose to add instructions directing advisers to provide information separately for the initial acquisition of each security the liquidity fund holds and any subsequent acquisitions. This instruction is designed to facilitate the Commission and FSOC's ability to analyze other information we propose to require about each security, including acquisition information: The trade date and the yield, as of the trade date. These proposed requirements also would facilitate understanding regarding how long a liquidity fund has held a position and the maturity of the position when the liquidity fund first acquired it. Accordingly, this level of detail is designed to help us understand the liquidity fund's portfolio turnover during normal and stressed markets, which is designed to enhance systemic risk assessment. In connection with these proposed amendments, we would remove the requirement for advisers to report the coupon when reporting the title of the issue, because the yield would provide us with that information.

We also propose to require advisers to report additional identifying information about each portfolio security, including the name of the counterparty of a repo.[86] Currently, section 3 requires advisers to name the issuer. However, for repos, it is not clear whether advisers should report the name of the counterparty of the repo, the name of the clearing agency (in the case of centrally cleared repos), or both. Therefore, this proposed amendment is designed to improve data quality and comparability, based on our experience with Form PF. If an adviser reports an ''other unique identifier,'' the proposal would require the advisers to describe the identifier. These proposed changes are designed to help the Commission and FSOC identify the security and compare Form PF data with other data sets that use these identifiers. When advisers select the category of investments that most closely identifies the security, we propose to revise the categories so advisers would distinguish between U.S. Government agency debt categorized as (1) a coupon-paying note and (2) a no-coupon paying note.[87] This proposed amendment is designed to provide more granular information about U.S. Government agency debt, so the Commission and FSOC can filter data for more robust analysis.

For reporting portfolio information about repos, the proposal would no longer allow advisers to aggregate certain information if multiple securities of an issuer are subject to a repo.[88] This proposed amendment is designed to provide us with more complete information about the repo market. We also propose to require advisers to provide clearing information for repos to inform the Commission and FSOC about liquidity fund activity in various segments of the market.[89] Together, the proposed amendments are designed to improve the Commission's and FSOC's understanding of the role of liquidity funds in providing liquidity to the repo markets and enhance the Commission's and FSOC's ability to conduct analysis of stress events in the funding markets.

Financing information. We propose to revise how advisers report financing information by requiring advisers to indicate whether a creditor is based in the United States and whether it is a ''U.S. depository institution,'' rather than a ''U.S. financial institution,'' as section 3 currently provides.[90] This proposed amendment is designed to make the categories in section 3 more consistent with the categories the Federal Reserve Board uses in its reports and analysis, to enhance systemic risk assessment.[91] The proposal would not require advisers to distinguish between non-U.S. creditors that are depository institutions and those that are not. We understand that it would be difficult for filers to make this distinction, which could result in inconsistent data and less robust analysis.

Investor information. We propose to revise how advisers report investor information.[92] We propose to add a new question requiring advisers to report whether the liquidity fund is established as a cash management vehicle for other funds or accounts that the adviser or the adviser's affiliates manage that are not cash management vehicles.[93] This proposed amendment is designed to distinguish between liquidity funds that are offered as a separate investment strategy versus those that are maintained to support other investment strategies, which would help us assess whether assets are shifting from registered money market funds to unregistered products, such as liquidity funds, and better understand the risks associated with assets shifting to unregistered products.

We also propose to revise how advisers report beneficial ownership information.[94] Instead of requiring advisers to simply report how many investors beneficially own five percent or more of the liquidity fund's equity, section 3 would require advisers to provide the following information for each investor that beneficially owns five percent or more of the reporting fund's equity: (1) The type of investor and (2) the percent of the reporting fund's equity owned by the investor.[95] This information is designed to help inform the Commission and FSOC of the liquidity and redemption risks of liquidity funds, because different types of investors may pose different types of redemption risks. For example, if a market event results in a certain type of investor exercising redemption rights, liquidity funds with a homogenous investor base composed of that type of investor could face greater redemption risks, which could raise systemic risk implications, as compared to liquidity funds with a more diversified investor base.

Disposition of portfolio securities. We propose to require advisers to report information about the disposition of portfolio securities for each of the three

[85] Question 63.

[86] Question 63(a) through (f).

[87] Question 63(g).

[88] Question 63(h).

[89] Question 63(h).

[90] *See* current Question 56, which we would redesignate as Question 55. Form PF would define ''U.S. depository institution'' as any U.S. domiciled depository institution, including any of the following: (1) A depository institution chartered in the United States, including any federally-chartered or state-chartered bank, savings bank, cooperative bank, savings and loan association, or an international banking facility established by a depositary institution chartered in the United States; (2) banking offices established in the United States by a financial institution that is not organized or chartered in the United States, including a branch or agency located in the United States and engaged in banking not incorporated separately from its financial institution parent, United States subsidiaries established to engage in international business, and international banking facilities; (3) any bank chartered in any of the following United States affiliated areas: U.S. territories of American Samoa, Guam, and the U.S. Virgin Islands; the Commonwealth of the Northern Mariana Islands; the Commonwealth of Puerto Rico; the Republic of the Marshall Islands; the Federated States of Micronesia; and the Trust Territory of the Pacific Islands (Palau); or (4) a credit union (including a natural person or corporate credit union). Form PF defines ''U.S. financial institution'' as any of the following: (1) A financial institution chartered in the United States (whether federally-chartered or state-chartered); (2) a financial institution that is separately incorporated or otherwise organized in the United States but has a parent that is a financial institution chartered outside the United States; or (3) a branch or agency that resides outside the United States but has a parent that is a financial institution chartered in the United States.

[91] The Chairman of the Federal Reserve Board is a member of FSOC.

[92] Form PF, section 3, Item D.

[93] Proposed Question 58. We would redesignate current Question 58 to Question 57.

[94] Question 59(b).

[95] Question 59.

months in the quarter. To effectuate this, the proposal would add new Item F (Disposition of Portfolio Securities) to section 3.[96] Under the proposal, advisers would report information about the portfolio securities that the liquidity fund sold or disposed of during the reporting period (not including portfolio securities that the fund held until maturity). Advisers would report the amount as well as the category of investment.[97] This proposed amendment is designed to inform the Commission and FSOC of liquidity funds' liquidity management, as well as their secondary market activities in normal and stress periods, to enhance systemic risk assessment. It also is designed to help provide data about how liquidity funds' selling activity relates to broader trends in short-term funding markets to aid the Commission's investor protection efforts and FSOC's systemic risk analysis.

Weighted average maturity and weighted average life. Large liquidity fund advisers report information in section 3 about the liquidity fund's ''WAM,'' or weighted average maturity and ''WAL,'' or the weighted average life. Generally, WAM and WAL are calculations of the average maturities of all securities in a portfolio, weighted by each security's percentage of net assets. These calculations help determine risk in a portfolio, because a longer WAM and WAL may increase a fund's exposure to interest rate risks. Form PF's definition of ''WAM'' and ''WAL'' instruct advisers to calculate them using provisions of rule 2a–7. We propose to revise the Form PF glossary definition of ''WAM'' and ''WAL'' to include an instruction to calculate them with the dollar-weighted average based on the percentage of each security's market value in the portfolio.[98] This proposed change is designed to help ensure advisers calculate WAM and WAL, which can indicate potential risk in the market, using a consistent approach. We believe the proposed amendment would improve data quality and comparability, which in turn could enhance investor protection efforts and systemic risk assessment.

We request comment on the proposed amendments to Section 3 of Form PF:

100. Would the proposed amendments improve data quality and comparability? Is there a better way to achieve these objectives?

101. Would the proposed amendments provide a better picture of the reporting fund's operations, assets, portfolio, financing, and investor information? Is there alternative or additional information we should require? Is there a less burdensome way to obtain the information?

102. Would the proposed amendments help the Commission and FSOC see a more complete picture of the short-term financing markets in which liquidity funds invest? Would the proposed amendments enhance our and FSOC's ability to assess short-term financing markets, their systemic risk, and facilitate our oversight of those markets and their participants? Is there a better way to meet these objectives?

103. Should section 3 be more or less consistent with Form N–MFP and rule 2a–7? Why or why not?

104. Should we add, remove, or revise any categories for any questions in section 3? Why or why not? Should we add cash as a category for certain questions in section 3, as proposed? Why or why not?

105. Should section 3 require more, less, or different identifying information? Currently, Form PF provides that in the case of a financial institution, if a legal entity identifier has not been assigned, then advisers must provide the RSSD ID assigned by the National Information Center of the Federal Reserve Board, if any.[99] Should we require advisers to report the RSSD ID, if they have one, as a separate line item from LEI for securities, financial institutions, or any others that section 3 should identify? How burdensome would it be to obtain an RSSD ID?

106. Should we revise how advisers report whether the liquidity fund seeks to maintain a stable price per share, as proposed? Would the proposed requirement help the Commission and FSOC identify liquidity funds that could be more susceptible to runs? Would the proposed requirements make data for liquidity funds and money market funds more comparable, and in turn, help FSOC assess systemic risk across the types of funds? Is there a better way to meet these objectives? Should section 3 require advisers to report any additional information concerning maintaining a stable price per share? For example, should section 3 require advisers to report the degree of rounding to maintain a stable price per share, and if so, how? Should we remove current Questions 52 and 53, concerning whether the liquidity fund uses certain methodologies to compute its net asset value?

107. Should we remove current Question 54, concerning whether the liquidity fund has a policy of complying with the risk limiting conditions of rule 2a–7, as proposed? Could we determine whether the liquidity fund is complying with the risk limiting conditions of rule 2a–7 using the portfolio information in section 3?

108. Should we amend how advisers report assets, as proposed? Would the proposed amendments allow us to use comparable data for liquidity funds and registered money market funds so we can analyze data across the types of funds? Would the proposed amendments improve data quality and comparability? Is there a better way to meet these objectives?

109. Section 3 currently requires advisers to report the 7-day gross yield of the liquidity fund. Should section 3 also require advisers to report the 7-day net yield of the liquidity fund? Would this requirement enhance systemic risk assessment or investor protection?

110. Should we amend how advisers report portfolio information, as proposed? Would the proposed amendments improve data quality and comparability? Would the proposed amendments help us and FSOC identify the security and allow the Commission and FSOC to compare Form PF data with other data sets that use certain identifiers? Would the proposed amendments provide us and FSOC with more granular information to help us filter data for more robust analysis, such as filtering data concerning U.S. Government agency debt categorized as (1) a coupon-paying note and (2) a no-coupon paying note? Would the proposed amendments help the Commission and FSOC understand the liquidity fund's portfolio turnover during normal and stressed markets? Would the proposed amendments provide the Commission and FSOC with a more complete information about repos? Would the proposed amendments help inform us and FSOC of liquidity fund activity in various

[96] We would redesignate current Item F as Item G (Parallel Money Market Funds).

[97] We propose to include the following categories of investment: U.S. Treasury Debt; U.S. Government Agency Debt (if categorized as coupon-paying notes); U.S. Government Agency Debt (if categorized as no-coupon-discount notes); Non-U.S. Sovereign, Sub-Sovereign and Supra-National debt; Certificate of Deposit; Non-Negotiable Time Deposit; Variable Rate Demand Note; Other Municipal Security; Asset Backed Commercial Paper; Other Asset Backed Securities; U.S. Treasury Repo, if collateralized only by U.S. Treasuries (including Strips) and cash; U.S. Government Agency Repo, collateralized only by U.S. Government Agency securities, U.S. Treasuries, and cash; Other Repo, if any collateral falls outside Treasury, Government Agency and cash; Insurance Company Funding Agreement; Investment Company; Financial Company Commercial Paper; Non-Financial Company Commercial Paper; or Tender Option Bond. If Other Instrument, advisers would include a brief description, as is currently required.

[98] *See* Form PF Glossary of Terms.

[99] *See* the definition of ''LEI'' in the Form PF Glossary of Terms.

market segments? Is there a better way to meet these objectives? Should we remove the requirement for advisers to report the coupon when reporting the title of the issue? Would the yield provide that information?

111. Section 3 requires advisers to report information concerning ratings assigned by credit rating agencies, when reporting portfolio information. Currently, if a rating assigned by a credit rating agency played a substantial role in the liquidity fund's or reporting fund's evaluation of the quality, maturity, or liquidity of the security, advisers must provide the name of each credit rating agency and the rating each assigned to the security. How often does the credit rating agency play a substantial role in the reporting fund's or its adviser's evaluation of the quality, maturity, or liquidity of the security? Please provide supportive data. Should section 3 continue to require advisers to report this type of information?

112. Would advisers find it difficult to distinguish between non-U.S. creditors that are depository institutions and those that are not depository institutions? Should proposed Question 55 (currently Question 56) be more or less consistent with Form PF section 1, Question 12, which requires all advisers to provide a breakdown showing whether a creditor is based in the United States and whether it is a U.S. financial institution? [100]

113. As an alternative approach to reporting financing information, should section 3 continue to require advisers to report information concerning financial institutions? If so, should section 3 continue to require advisers to distinguish between non-U.S. creditors that are financial institutions and those that are not? Do advisers find it difficult to make that distinction? If so, how could we revise section 3 to alleviate such a burden and improve data quality?

114. We are not proposing to amend current Question 57, which requires advisers to report information about committed liquidity facilities.[101] Should we amend it? For example, should we require advisers to provide the maturity dates of any committed liquidity facilities that the liquidity fund has in place, as applicable? Why or why not?

115. Should we amend how advisers report investor information, as proposed? Would the proposed amendments help distinguish between liquidity funds that are offered as a separate investment strategy and those that are maintained to support other investment strategies? Would this information, in turn, inform the Commission and FSOC if money market fund requirements result in assets shifting from registered money market funds to unregistered products such as liquidity funds? Would the proposed changes help inform the Commission and FSOC about the liquidity and redemption risks of liquidity funds, and any potential systemic risk implications? Is there a better way to meet these objectives? Should section 3 require advisers to report identifying information for each investor that beneficially owns five percent or more of the liquidity fund's equity, such as its name and address, as we are proposing for Form N–MFP? [102] Should we, as proposed, remove current Question 59(b), which requires advisers to report how many investors beneficially own five percent or more of the liquidity fund's equity, because advisers would disclose this information through the proposed new requirements for Question 59?

116. Should we amend how advisers report investor liquidity? For example, should Question 62 require advisers to report investor liquidity in dollar amounts, instead of, or in addition to a percentage of net asset value, as Question 62 currently requires? Would advisers find it more or less burdensome to report investor liquidity in dollar amounts instead of as a percentage of net asset value?

117. Should section 3 require advisers to report information concerning the disposition of portfolio securities, as proposed? Would the proposed amendments help inform the Commission and FSOC of a liquidity fund's liquidity management, as well as their secondary market activities in normal and stress periods, to enhance systemic risk assessment? Would the proposed amendments help provide data about how liquidity funds' selling activity relates to broader trends in short-term funding markets? Is there a better way to meet these objectives? Are the proposed categories of investment appropriate? Should we add, remove, or revise any categories of investment?

118. Should Form PF define ''U.S. depository institution'' and revise the terms ''weekly liquid assets,'' ''WAM,'' and ''WAL,'' as proposed? Would the proposed definitions improve data quality? Should we provide additional guidance on these or any other terms used in section 3?

III. Economic Analysis

A. Introduction

The Commission is mindful of the economic effects, including the costs and benefits, of the proposed amendments. Section 202(c) of the Advisers Act provides that when the Commission is engaging in rulemaking under the Advisers Act and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider whether the action will promote efficiency, competition, and capital formation, in addition to the protection of investors.[103] The analysis below addresses the likely economic effects of the proposed amendments, including the anticipated and estimated benefits and costs of the amendments and their likely effects on efficiency, competition, and capital formation. The Commission also discusses the potential economic effects of certain alternatives to the approaches taken in this proposal.

Many of the benefits and costs discussed below are difficult to quantify. For example, the Commission cannot quantify how regulators may adjust their policies and oversight of the private fund industry in response to the additional data collected under the proposed rule. Also, in some cases, data needed to quantify these economic effects are not currently available and the Commission does not have information or data that would allow such quantification. For example, costs associated with the proposal may depend on existing systems and levels of technological expertise within the private fund advisers, which could differ across reporting persons. While the Commission has attempted to quantify economic effects where possible, much of the discussion of economic effects is qualitative in nature. The Commission seeks comment on all aspects of the economic analysis, especially any data or information that would enable a quantification of the proposal's economic effects.

B. Economic Baseline and Affected Parties

1. Economic Baseline

The Commission adopted Form PF in 2011, with additional amendments made to section 3 along with certain money market reforms in 2014.[104] Form PF complements the basic information about private fund advisers and funds

[100] As discussed, we would redesignate Question 56 to Question 55. Form PF section 1 is part of the joint form between the SEC and CFTC. *See supra* footnote 2.

[101] We would redesignate current Question 57 to Question 56.

[102] *See* Money Market Fund Proposing Release, *supra* footnote 15.

[103] 15 U.S.C. 80b–2(c).

[104] *See supra* footnote 2.

reported on Form ADV.[105] Unlike Form ADV, Form PF is not an investor-facing disclosure form. Information that private fund advisers report on Form PF is provided to regulators on a confidential basis and is nonpublic.[106] The purpose of Form PF is to provide the Commission and FSOC with data that regulators can deploy in their regulatory and oversight programs directed at assessing and managing systemic risk and protecting investors both in the private fund industry and in the U.S. financial markets more broadly.[107]

Private funds and their advisers play an important role in both private and public capital markets. These funds, including hedge funds, private equity funds, and liquidity funds, currently have more than $17.0 trillion in gross private fund assets.[108] Private funds invest in large and small businesses and use strategies that range from long-term investments in equity securities to frequent trading and investments in complex instruments. Their investors include individuals, institutions, governmental and private pension funds, and non-profit organizations.

Before Form PF was adopted, the Commission and other regulators had limited visibility into the economic activity of private funds and relied largely on private vendor databases about private funds that covered only voluntarily provided private fund data and are not representative of the total population.[109] Form PF represented an improvement in available data about private funds, both in terms of its reliability and completeness.[110] Generally, investment advisers registered (or required to be registered) with the Commission with at least $150 million in private fund assets under management must file Form PF.[111] Smaller private fund advisers and all private equity fund advisers file annually to report general information such as the types of private funds advised (*e.g.,* hedge funds, private equity funds, or liquidity funds), fund size, use of borrowings and derivatives, strategy, and types of investors.[112] Large private equity advisers also provide data about each private equity fund they manage. Large hedge fund and liquidity fund advisers also provide data about each reporting fund they manage, and are required to file quarterly.[113]

The Commission and FSOC now have almost a decade of experience with analyzing the data collected on Form PF. The collected data has helped FSOC establish a baseline picture of the private fund industry for the use in assessing systemic risk[114] and improved the Commission's oversight of private fund advisers.[115] Form PF data also has enhanced the Commission and FSOC's ability to frame regulatory policies regarding the private fund industry, its advisers, and the markets in which they participate, as well as more effectively evaluate the outcomes of regulatory policies and programs directed at this sector, including the management of systemic risk and the protection of investors.[116] Additionally, based on the data collected through Form PF filings, regulators have been able to regularly inform the public about ongoing private fund industry statistics and trends by generating quarterly Private Fund Statistics reports[117] and by making publicly available certain results of staff research regarding the characteristics, activities, and risks of private funds.[118]

However, this decade of experience with analyzing Form PF data has also highlighted certain limitations of information collected on Form PF, including information gaps and situations where more granular and timely information would improve the Commission and FSOC's understanding of the private fund industry and the potential systemic risk relating to its activities, and improve regulators' ability to protect investors.[119] The need for more granular and timely information collected on Form PF is further heightened by the increasing significance of the private fund industry to financial markets and to the broader economy, and resulting regulatory concerns regarding potential risks to U.S. financial stability from this sector.[120]

[105] Investment advisers to private funds report on Form ADV general information about private funds that they advise. This includes basic organizational, operational information, and information about the fund's key service providers. Information on Form ADV is available to the public through the Investment Adviser Public Disclosure System, which allows the public to access the most recent Form ADV filing made by an investment adviser. *See, e.g.,* Form ADV, *available at https://www.investor.gov/introduction-investing/investing-basics/glossary/form-adv. See also* Investment Adviser Public Disclosure, *available at https://adviserinfo.sec.gov/.* Some private fund advisers that are required to report on Form ADV are not required to file Form PF (for example, exempt reporting advisers and advisers with less than $150 million in private fund assets under management). Other advisers are required to file Form PF and are not required to file Form ADV (for example, commodity pools that are not private funds). Based on the staff review of Form ADV filings and the Private Fund Statistics, less than 10 percent of funds reported on Form ADV but not on Form PF in 2020. *See infra* footnote 141.

[106] Commission staff publish quarterly reports of aggregated and anonymized data regarding private funds on the Commission's website. *See* Private Fund Statistics, Securities and Exchange Commission: Division of Investment Management, *available at https://www.sec.gov/divisions/investment/private-funds-statistics.shtml. See also supra* footnote 4.

[107] *See supra* section I.

[108] These estimates are based on staff review of data from the Private Fund Statistics report for the last quarter of 2020, issued in August 2021. Private fund advisers who file Form PF currently have $17.0 trillion in gross assets. *See* Division of Investment Management, Private Fund Statistics, (Aug. 21, 2021), *available at https://www.sec.gov/divisions/investment/private-funds-statistics.shtml.* As discussed above, not all private fund advisers are required to file Form PF. *See supra* footnote 105.

[109] *See, e.g.,* SEC 2020 Annual Staff Report Relating to the Use of Form PF Data (Nov. 2020), *available at https://www.sec.gov/files/2020-pf-report-to-congress.pdf.*

[110] *Id.*

[111] Registered investment advisers with less than $150 million in private funds assets under management, exempt reporting advisers, and state-registered advisers report general private fund data on Form ADV, but do not file Form PF. *See supra* footnote 105.

[112] *Id.*

[113] *See supra* footnotes 8, 9, and 111.

[114] *See, e.g.,* OFR 2021 Annual Report to Congress (Nov. 2021), *available at https://home.treasury.gov/system/files/261/FSOC2020AnnualReport.pdf*; and FSOC 2020 Annual Report, *available at https://www.financialresearch.gov/annual-reports/files/OFR-Annual-Report-2021.pdf.*

[115] *See supra* footnote 109.

[116] *See supra* footnotes 114, 115.

[117] *See supra* footnotes 4, 106.

[118] *See e.g.,* D. Johnson and F. Martinez, Form PF Insights on Private Equity Funds and Their Portfolio Companies, 18–01 *Office of Financial Research* (Working Paper) (June 2018), *available at https://www.financialresearch.gov/briefs/2018/06/14/form-pf-insights-on-private-equity-funds/;* D. Hiltgen, Private liquidity Funds: Characteristics and Risk Indicators, *DERA White Paper* (Jan. 2017) (''Hiltgen Paper''), *available at https://www.sec.gov/files/2017-03/Liquidity%20Fund%20Study.pdf*; G. Aragon, T. Ergun, M. Getmansky, and G. Girardi, Hedge Funds: Portfolio, Investor, and Financing Liquidity, *DERA White Paper* (May 2017), *available at https://www.sec.gov/files/dera_hf-liquidity.pdf*; George Aragon, Tolga Ergun, and Giulio Girardi, Hedge Fund Liquidity Management: Insights for Fund Performance and Systemic Risk Oversight, *DERA White Paper* (Apr. 2021), *available at https://www.sec.gov/files/dera_hf-liquidity-management.pdf*; M. Kruttli, P. Monin, and S. Watugala, The Life of the Counterparty: Shock Propagation in Hedge Fund-Prime Broker Credit Networks, 19–03 *Office of Financial Research* (Working Paper) (*Working Paper*) (Oct. 2019), *available at https://www.financialresearch.gov/working-papers/files/OFRwp-19-03_the-life-of-the-counterparty.pdf*; M. Kruttli, P. Monin, S. Petrasek, and S. Watugala, Hedge Fund Treasury Trading and Funding Fragility: Evidence from the COVID–19 Crisis, *Federal Reserve Board, Finance and Economics Discussion Series* (Apr. 2021), *available at https://www.federalreserve.gov/econres/feds/hedge-fund-treasury-trading-and-funding-fragility-evidence-from-the-covid-19-crisis.htm*; M. Kruttli, P. Monin, and S. Watugala, Investor Concentration, Flows, and Cash Holdings: Evidence from Hedge Funds, *Federal Reserve Board, Finance and Economics Discussion Series* (Dec. 2017), *available at https://doi.org/10.17016/FEDS.2017.121.*

[119] *See supra* section I.

[120] The private fund industry has experienced significant growth in size and changes in terms of business practices, complexity of fund structures, and investment strategies and exposures in the past decade. *Supra* footnote 4. *See also* Financial Stability Oversight Council Update on Review of Asset Management Product and Activities (2014),

Continued

2. Affected Parties

The proposal amends and introduces new reporting requirements for the advisers to hedge funds,[121] private equity funds,[122] and liquidity funds.[123]

Hedge funds are one of the largest categories of private funds,[124] and as such play an important role in the U.S. financial system due to their ability to mobilize large pools of capital, take economically important positions in a market, and their extensive use of leverage, derivatives, complex structured products, and short selling.[125] While these features may enable hedge funds to generate higher returns as compared to other investment alternatives, the same features may also create spillover effects in the event of losses (whether caused by their investment and derivatives positions or use of leverage or both) that could lead to significant stress or failure not just at the affected fund but also across financial markets.[126]

In the last quarter of 2020, hedge fund advisers that are required to file Form PF had investment discretion over nearly $8.7 trillion in gross assets under management, which represented approximately half of the reported assets in the private fund industry.[127] Currently, hedge fund advisers with between $150 million and $2 billion in regulatory assets (that do not qualify as large hedge fund advisers) file Form PF annually, in which they provide general information about funds they advise such as the types of private funds advised, fund size, their use of borrowings and derivatives, strategy, and types of investors. Large hedge fund advisers with at least $1.5 billion in regulatory assets under management attributable to hedge funds file Form PF quarterly, in which they provide data about each hedge fund they managed during the reporting period (irrespective of the size of the fund). Large hedge fund advisers must report more information on Form PF about qualifying hedge funds [128] than other hedge funds they manage during the reporting period. In the last quarter of 2020, there were 1,793 qualifying hedge funds reported on Form PF with $7.1 trillion in gross assets under management, which represented approximately 81 percent of the reported hedge fund assets.[129]

Private equity funds are another large category of funds in the private fund industry. In the last quarter of 2020, advisers to private equity funds had investment discretion over approximately one third of the reported gross assets in the private fund industry.[130] Many private equity funds focus on long-term returns by investing in a private, non-publicly traded company or business—the portfolio company—and engage actively in the management and direction of that company or business in order to increase its value.[131] Other private equity funds may specialize in making minority investments in fast-growing companies or startups.[132]

While all fund advisers are subject to fiduciary duties to their clients, private equity funds' long-term investment horizons and various relationships with affiliates and portfolio companies mean that there exist opportunities for fund advisers to pursue transactions or investments despite conflicts of interest and also to extract private benefits at the expense of the funds they manage and, by extension, the limited partners invested in the funds.[133] The Commission has brought several enforcement actions against private equity advisers that allegedly received undisclosed fees and expenses, impermissibly shifted and misallocated expenses, or failed to disclose conflicts of interests adequately, including conflicts arising from fee and expense issues.[134] In addition, private equity funds' increasingly extensive use of leverage for financing portfolio companies and a significant increase in the use of private credit strategies both raise systemic risk concerns.[135]

Currently, all private equity advisers registered with the Commission who are required to file Form PF must do so annually. Private equity advisers with between $150 million and $2 billion in regulatory assets under management attributable to private equity funds must provide general information while large private equity advisers with at least $2 billion in regulatory assets under management must report more detailed data about the private equity funds they

available at https://www.treasury.gov/initiatives/fsoc/news/Documents/FSOC%20Update%20on%20Review%20of%20Asset%20Management%20Products%20and%20Activities.pdf.

[121] Form PF defines ''hedge fund'' broadly to include any private fund (other than a securitized asset fund) that has any of the following three characteristics: (1) A performance fee or allocation that takes into account unrealized gains, or (2) a high leverage (*i.e.,* the ability to borrow more than half of its net asset value (including committed capital) or have gross notational exposure in excess of twice its net asset value (including committed capital)) or (3) the ability to short sell securities or enter into similar transactions (other than for the purpose of hedging currency exposure or managing duration). Any non-exempt commodity pools about which an investment adviser is reporting or required to report are automatically categorized as hedge funds. Excluded from the ''hedge fund'' definition in Form PF are vehicles established for the purpose of issuing asset backed securities (''securitized asset funds''). *See* Form PF Glossary.

[122] Form PF defines ''private equity fund'' broadly to include any private fund that is not a hedge fund, liquidity fund, real estate fund, securitized asset fund or venture capital fund and does not provide investors with redemption rights in the ordinary course. Private funds that have the ability to borrow or short securities have to file as a hedge fund. *See* Form PF Glossary.

[123] Form PF defines ''liquidity fund'' broadly to include any private fund that seeks to generate income by investing in a portfolio of short term obligations in order to maintain a stable net asset value or minimize principal volatility for investors. *See* Form PF Glossary.

[124] *See supra* footnote 108.

[125] *See, e.g.,* Lloyd Dixon, Noreen Clancy, and Krishna B. Kumar, Hedge Fund and Systemic Risk, *RAND Corporation* (2012); John Kambhu, Til Schuermann, and Kevin Stiroh, Hedge Funds, Financial Intermediation, and Systemic Risk, *Federal Reserve Bank of New York's Economic Policy Review* (2007).

[126] *See supra* footnotes 114, 120. *See also infra* section III.C.1.a.

[127] *See supra* footnote 108. In the last quarter of 2020, hedge fund assets accounted for 52 percent of the gross asset value (''GAV'') ($$8.8/$17.0 trillion) and 40 percent of the net asset value (''NAV'') ($4.6/$11.5 trillion) of all private funds reported on Form PF.

[128] *See supra* footnote 7.

[129] *See supra* footnote 108. In the last quarter of 2020, qualifying hedge fund assets accounted for 81 percent of the GAV ($7.1/$8.8 trillion) and 77 percent of the NAV ($3.6/$4.7 trillion) of all hedge funds reported on Form PF.

[130] *See supra* footnote 108. In the last quarter of 2020, private equity assets accounted for 28 percent of the GAV ($4.7/$17.0 trillion) and 36 percent of the NAV ($4.1/$11.5 trillion) of all private funds reported on Form PF.

[131] After purchasing controlling interests in portfolio companies, private equity advisers frequently get involved in managing those companies by serving on the company's board; selecting and monitoring the management team; acting as sounding boards for CEOs; and sometimes stepping into management roles themselves. *See, e.g.,* Private Equity Funds, Securities and Exchange Commission, *available at https://www.investor.gov/introduction-investing/investing-basics/investment-products/private-investment-funds/private-equity.*

[132] *See supra* footnote 131.

[133] Private equity advisers may be managing multiple private equity funds and portfolio companies. The funds typically pay the private equity adviser for advisory services. Additionally, the portfolio companies may also pay the private equity adviser for services such as managing and monitoring the portfolio company. Affiliates of the private equity adviser may also play a role as service providers to the funds or the portfolio companies. *See, e.g.,* Observations from Examinations of Investment Advisers Managing Private Funds, SEC Risk Alert (June 23, 2020), *available at https://www.sec.gov/files/Private%20Fund%20Risk%20Alert_0.pdf;* Staff Statement of Andrew Ceresney, Securities Enforcement Forum West 2016 Keynote Address: Private Equity Enforcement Securities and Exchange Commission (May 12, 2016) (''Ceresney Keynote''), *available at https://www.sec.gov/news/speech/private-equity-enforcement.html.*

[134] *See* Ceresney Keynote, *supra* footnote 133.

[135] *See* Moody's Warns of 'Systemic Risks' in Private Credit Industry, *Financial Times* (Oct. 26, 2021), *available at https://www.ft.com/content/862d0efb-09e5-4d92-b8aa-7856a59adb20;* Rod Dubitsky, CLOs, Private Equity, Pensions, and Systemic Risk, 26 (1) *Journal of Structured Finance* 26–1 (2020), *available at https://jsf.pm-research.com/content/26/1/8.*

manage (section 4 of Form PF).[136] In the last quarter of 2020, there were 15,623 private equity funds reported on Form PF with $4.7 trillion in gross assets under management.[137] Of those, 5,266 funds were private equity funds managed by large private equity advisers with discretion over nearly $3.6 trillion in gross assets, representing 78 percent of the reported private equity assets.[138] However, because not all private equity advisers file Form PF, section 4 private equity fund advisers represent less than 78 percent of total private equity fund regulatory assets. When Form PF was adopted in 2011, the $2 billion reporting threshold for large private equity advisers captured 75 percent of the U.S. private equity industry's assets under management.[139] As a result of substantial growth in the number of private equity funds and advisers since 2011, the market share attributable to investors with less than $2 billion in assets under management has grown.[140] As such, currently, the $2 billion reporting threshold only captures 67 percent of the entire private equity industry.[141]

Liquidity funds are a relatively small [142] but important category of private funds due to the role they play along with money market funds as sources, and users, of liquidity in markets for short-term financing.[143] Liquidity funds follow similar investment strategies as money market funds, but are unregistered.[144] Similar to money market funds, liquidity funds are managed with the goal of maintaining a stable net asset value or minimizing principal volatility for investors.[145] These funds typically achieve these goals by investing in high-quality, short-term debt securities, such as Treasury bills, repurchase agreements, or commercial paper, that fluctuate very little in value under normal market conditions.[146] Also, similar to money market funds, liquidity funds are sensitive to market conditions and may be exposed to losses from certain of their holdings when the markets in which the funds invest are under stress.[147] Compared to money market funds, liquidity funds may take on greater risks and, as a result, may be more sensitive to market stress, as they are not required to comply with the risk-limiting conditions of rule 2a–7, which place restrictions on the maturity, diversification, credit quality, and liquidity of money market fund investments.[148]

Currently, liquidity fund advisers with between $150 million and $1 billion in assets file Form PF annually, which contains general information about funds they manage. Large liquidity fund advisers with at least $1 billion in combined regulatory assets under management attributable to unregistered liquidity funds and registered money market funds are required to file Form PF quarterly and provide more detailed data on the liquidity funds they manage (section 3 of Form PF).[149] In the last quarter of 2020, there were 71 liquidity funds reported on Form PF with $318 billion in gross assets under management.[150] Of those, 52 funds were large liquidity funds with $315 billion in gross assets, which represented 99 percent of the reported liquidity fund assets.[151]

Private funds are typically limited to accredited investors and qualified clients such as pension funds, insurance companies, foundations and endowments, and high income and net worth individuals.[152] Retail U.S. investors with exposure to private funds are typically invested in private funds indirectly through public and private pension plans and other institutional investors.[153] In the last quarter of 2020, public pension plans had $1,533 billion invested in reporting private funds while private pension plans had $1,248 billion invested in reporting private funds, making up 13.3 percent and 10.9 percent of the overall beneficial ownership in the private equity industry, respectively.[154] Investors may also gain direct exposure to private funds through the inclusion of private investments in their defined contribution plans, such as 401(k)s.

C. Benefits and Costs

1. Benefits

The proposal is designed to facilitate two primary goals the Commission sought to achieve with reporting on Form PF as articulated in the original adopting release, namely: (1) Facilitating FSOC's understanding and monitoring of potential systemic risk relating to activities in the private fund industry and assisting FSOC in determining whether and how to deploy its regulatory tools with respect to nonbank financial companies; and (2) enhancing the Commission's ability to evaluate and develop regulatory policies and improving the efficiency and effectiveness of the Commission's efforts to protect investors and maintain fair, orderly and efficient markets.[155]

Specifically, the proposal includes amendments to sections 3 and 4 of Form PF, which would enhance and provide more specificity regarding the information collected on large advisers of liquidity funds and private equity funds. The proposal also introduces new sections 5 and 6 of Form PF, which would require advisers to qualifying hedge funds and private equity funds to provide current reporting to the Commission when their funds are facing certain events that may signal stress or potential future stress in financial markets or implicate investor protection concerns. In addition, the proposed

[136] *See supra* footnote 8.

[137] *See supra* footnote 108.

[138] *Id.*

[139] *See supra* footnote 2.

[140] *See supra* section I.

[141] Based on staff review of Form ADV filings, in 2020, the aggregate regulatory assets under management under the discretion of private equity advisers were $4.2 trillion. According to the Private Fund Statistics Report, this aggregate estimate includes approximately $3.8 trillion (90 percent) in gross assets under management by private equity advisers that file Form PF, $2.8 trillion of which were under the discretion of large private equity advisers. This represents 67 percent of the industry. *See supra* footnote 108.

[142] *Id.* In the last quarter of 2020, liquidity fund assets accounted for 2 percent of the GAV ($0.3/$17.0 trillion) and 2.6 percent of the NAV ($0.3/$11.5 trillion) of all liquidity funds reported on Form PF.

[143] *See supra* footnote 118 (Hiltgen Paper).

[144] *Id.*

[145] *See supra* footnote 123.

[146] *See supra* footnote 118 (Hiltgen Paper).

[147] For example, in the second week of March 2020, conditions significantly deteriorated in markets for private short-term debt instruments, such as commercial paper and certificates of deposit. Widening spreads in short-term funding markets put downward pressure on the prices of assets in money market and liquidity funds' portfolios. *See, e.g.,* U.S. Credit Markets Interconnectedness and the Effects of COVID–19 Economic Shock, SEC Staff Report (Oct. 2020), *available at https://www.sec.gov/files/US-Credit-Markets_COVID-19_Report.pdf;* Financial Stability Report, Federal Reserve Board (Nov. 2020), *available at https://www.federalreserve.gov/publications/files/financial-stability-report-20201109.pdf.*

[148] *See supra* footnote 143.

[149] Item A of section 3 of Form PF collects certain information for each liquidity fund the adviser manages, such as information regarding the fund's portfolio valuation methodology. This item also requires information regarding whether the fund, as a matter of policy, is managed in compliance with certain provisions of rule 2a–7 under the Investment Company Act. Item B requires the adviser to report information regarding the fund's assets, while Item C requires the adviser to report information regarding the fund's borrowings. Finally, Item D asks for certain information regarding the fund's investors, including the concentration of the fund's investor base and the liquidity of its ownership interests. *See* Form PF.

[150] *See supra* footnote 108.

[151] *Id.*

[152] *See supra* footnote 131. *See also* Hedge Funds, Securities and Exchange Commission (Investor.gov: Private Equity Funds), *available at https://www.investor.gov/introduction-investing/investing-basics/investment-products/private-investment-funds/hedge-funds.*

[153] *See supra* footnotes 108, 152.

[154] *Id.*

[155] *See supra* footnote 2.

amendments include improvements to guidelines, definitions, and existing questions aimed to reduce their ambiguity and improve data quality. Below we discuss benefits associated with the specific elements of the proposed amendments.

a. Current Reporting Requirements for Large Hedge Fund Advisers to Qualifying Hedge Funds (Section 5 of Form PF)

The proposal introduces new section 5 of Form PF requiring large hedge fund advisers to qualifying hedge funds (*i.e.,* hedge funds with a net asset value of at least $500 million) to file a current report with the Commission when their funds experience certain stress events: (1) Extraordinary investment losses, (2) certain margin events and counterparty defaults, (3) material changes in prime broker relationships, (4) changes in unencumbered cash, (5) operations events, and (6) certain events associated with withdrawals and redemptions at the reporting hedge fund.[156] These events may serve as signals to the Commission and FSOC about significant stress at the reporting fund and potential risks to financial stability. Advisers would be required to file current reports within one business day of the occurrence of such an event.[157]

The reporting of these stress events is designed to assist the Commission and FSOC in assessing potential risks to financial stability that hedge funds' activities could pose due to the complexity of their strategies, their interconnectedness in the financial system, and the limited regulations governing them.[158] There are two main channels through which stress events at an individual hedge fund may pose risks to broader financial stability: Forced liquidation of assets, which could depress asset prices, and spillover of stress to the fund's counterparties, which could negatively impact other activities of the counterparties.

First, when a large hedge fund experiences significant losses, a margin default, or faces large redemptions, it may be forced to deleverage and liquidate its positions at substantially depressed prices. Forced liquidation of assets by the hedge fund at depressed prices may affect other investors and financial institutions holding the same or similar assets.[159] Consequently, more investors and financial institutions may then face increased stress from margin calls and creditor concerns. This could lead to more sales at depressed prices, potentially causing stress across the entire financial system. Second, large hedge funds that use leverage through loans, derivatives, or repurchase agreements with other financial institutions as counterparties may cause significant problems at those financial institutions in times of stress.[160] This in turn may force those institutions to scale back their lending efforts and other investment and financing activities with other counterparties, thereby potentially creating stress for other market participants.[161]

As a result, a stress event at one large hedge fund may potentially spill over to the fund's lenders, counterparties, and across the entire financial system, carrying with it significant economic costs and the loss of confidence of investors. We believe that a timely notice about stress events could provide an early warning of the fund's assets liquidation and risk to counterparties. Such a timely notice could allow the Commission and FSOC to assess the need for regulatory policy, and could allow the Commission to pursue potential outreach, examinations, or investigations, in response to any harm to investors or potential risks to financial stability on an expedited basis before they worsen.

In addition, current reporting of stress events at multiple qualifying hedge funds may indicate broader market instability with potential risks for similarly situated funds, or markets in which these funds invest. Current reports would allow the Commission and FSOC to assess the prevalence of the reported stress events based on the number of funds filing in a short time frame, and identify patterns among similarly situated funds and common factors that contributed to the reported stress events. In that regard, current reports would be especially useful during periods of market volatility and stress, when the Commission and FSOC are actively and quickly ascertaining the affected funds, gathering information to assess systemic risk, and determining whether and how to pursue regulatory responses, and when the Commission is actively determining whether and how to pursue outreach, examinations, or investigations.

We anticipate that the proposed current reporting requirement would improve the transparency to the Commission and FSOC of hedge fund activities and risk exposures, which would enhance systemic risk assessment and investor protection efforts. We believe that those efforts would be beneficial for hedge fund advisers, hedge funds, and hedge fund investors, as well as for other market participants, as the new and timely information about stress events at hedge funds would help the Commission and FSOC to address emerging risk events proactively with regulatory responses, and would help the Commission further evaluate the need for outreach, examinations, or investigations, in order to minimize market disruptions doing so, the Commission and FSOC may further advance investor protection efforts. In turn, this could help develop robust resolution mechanisms for dealing with the stress at systemically important hedge funds, which could lead to more resilient financial markets and instill stronger investor confidence in the U.S. hedge fund industry and financial markets more broadly.[162]

[156] *See supra* section II.A.1.

[157] As discussed above, advisers should consider filing a current report as soon as possible following such an event. *See supra* section II.A.

[158] *See supra* section II.A.1.

[159] For example, because financial institutions base asset valuations in part on recent transaction prices for comparable assets, when assets are sold at depressed prices, forced liquidations at depressed prices could lead to lower valuations for entire classes of similar assets. *See, e.g.,* Andrei Shleifer and Robert Vishny, Fire Sales in Finance and Macroeconomics, 25 (1) *Journal of Economic Perspectives* 29–48 (2011), *available at https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.25.1.29. See also* Fernando Duarte and Thomas Eisenbach, Fire-Sale Spillovers and Systemic Risk, 76 (3) *The Journal of Finance* 1251–1294, 1251–1256 (Feb. 2021), *available at https://onlinelibrary.wiley.com/doi/full/10.1111/jofi.13010;* Wulf A. Kaal and Timothy A. Krause, Handbook on Hedge Funds: Hedge Funds and Systemic Risk, *Oxford University Press* 12–19 (2016), *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748096* (retrieved from SSRN Elsevier database).

[160] For example, a lender to a hedge fund may view its loans as increasingly high risk as the hedge fund's balance sheet deteriorates. *See, e.g.,* Mark Gertler and Nobuhiro Kiyotaki, Chapter 11—Financial Intermediation and Credit Policy in Business Cycle Analysis, 3 *Handbook of Monetary Economics* 547–599 (2010), *available at https://eml.berkeley.edu/~webfac/obstfeld/kiyotaki.pdf.*

[161] For example, if a bank has a large exposure to a hedge fund that defaults or operates in markets where prices are falling rapidly, the bank's greater exposure to risk may reduce its ability or willingness to extend credit to worthy borrowers. To the extent that these bank-dependent borrowers cannot access alternative sources of funding, their investment and economic activity could be curtailed. *See, e.g.,* Reint Gropp, How Important Are Hedge Funds in a Crisis?, *FRBSF Economic Letter* (Apr. 14, 2014), *available at https://www.frbsf.org/economic-research/files/el2014-11.pdf.* Even banks and financial institutions that are not directly harmed by the forced liquidation of assets by hedge funds may contribute to a system-wide lending contraction in response to hedge fund crises, to the extent they withdraw capital from lending to exploit distressed prices. *See, e.g.,* Jeremy Stein, The Fire-Sales Problem and Securities Financing Transactions, Workshop on 'Fire Sales' as a Driver of Systemic Risk in Tri-Party Repo and Other Secured Funding Markets, *Federal Reserve Bank of New York* (Oct. 4, 2013), *available at https://www.bis.org/review/r131007d.pdf.*

[162] *See, e.g.,* Jón Daníelsson, Ashley Taylor, and Jean-Pierre Zigrand, Highwaymen or Heroes: Should Hedge Funds Be Regulated? A Survey, 1 (4) *Journal of Financial Stability,* 522–543 (2005),

We also anticipate that the proposed current reporting requirements might incentivize some hedge fund managers to enhance internal risk controls and reporting, which could support more effective risk management for these funds.[163] To the extent these enhanced internal risk controls and reporting improve managers' ability to monitor and respond to potential stress events, we believe this could provide market-wide benefits to funds, their investors, and financial markets more broadly.

Furthermore, requiring hedge fund advisers to report stress events on Form PF would support regulatory efficiency because all eligible hedge fund advisers would be required to file information about certain stress events on a standardized form. This would provide a more complete record of significant stress events in the hedge fund industry that can be used by the Commission and FSOC for background research to identify regulatory tools and mechanisms that could potentially be used to make future systemic crises episodes both less likely to occur as well as less costly and damaging when they do occur.[164] The observations from this research could help inform and frame regulatory responses to future market events and policymaking.

b. Current Reporting Requirements for Advisers to Private Equity Funds (Section 6 of Form PF)

The proposal introduces new section 6 of Form PF requiring all advisers of private equity funds (irrespective of a fund's size) to file a current report with the Commission within one business day of the occurrence of a certain significant event at one or more funds that they manage: (1) Execution of an adviser-led secondary transaction, (2) implementation of a general partner or limited partner clawback, and (3) removal of a fund's general partner, termination of a fund's investment period, or termination of a fund.[165] These events may signal to the Commission and FSOC the presence of significant developments at the reporting funds and potential risks to broader financial markets, as well as indicate potential areas for the Commission to pursue outreach, examinations, and investigations designed to prevent investor harm and protect investors' interests.

Although private equity funds have become an essential part of the U.S. financial system,[166] there is only partial and insufficient information about their governance, strategies, and performance available to regulators. Currently, all private equity advisers (that have at least $150 million of private fund assets under management) file Form PF annually, within 120 calendar days of the end of their fiscal year, which can lead to meaningful delays in reporting significant events to the Commission and staleness of certain information about their activities. Furthermore, because private equity investments are mostly in private companies and businesses, there is limited information available on the interim performance of these investments and, therefore, on the interim performance and volatility of private equity funds.[167] As a result, significant events at private equity funds that could have negative consequences for the fund's investors and other financial market participants—such as significant losses, removal of the fund's general partner, and fund reorganizations and recapitalizations—may not be known to the Commission or FSOC, preventing any possible regulatory response, outreach, examinations, or investigations that could further investor protection for considerable periods of time.

The proposed current reporting for private equity advisers would provide an alert to the Commission and FSOC on significant developments at the reporting funds that could potentially cause investor harm and loss of investor confidence. Such alerts would enable the Commission and FSOC to assess the severity of the reported events at the reporting private equity fund and, to the extent the reported event may cause significant investor harm and loss of investor confidence, these alerts would allow the Commission and FSOC to frame potential regulatory responses. For example, an implementation of a limited partner clawback[168] may signal that the fund is planning for a material event such as substantial litigation or a legal judgment that could negatively impact the fund's investors and potentially other market participants.

The Commission could also use the information provided in section 6 to target its examination program more efficiently and effectively and better identify areas in need of regulatory oversight and assessment, which should increase both the efficiency and effectiveness of its programs and, thus, increase investor protection. For example, the removal of a fund's general partner, termination of a fund's investment period, or termination of a fund[169] could lead to the liquidation of the fund earlier than anticipated, which could present risks to investors and potentially certain markets in which the fund assets were invested. A report about an adviser-led secondary transaction[170] is another example of an event that may signal to the Commission a potential area for inquiry to prevent investor harm and protect investors' interests, as such transactions may present fund-level conflicts of interest, such as those that arise because the adviser (or its related person) is on both sides of the transaction in adviser-led secondary transactions with potentially different economic incentives. Current reporting about such events could alert the Commission to specific investor protection issues at the fund and the fund's adviser, including potential conflicts of interest, and therefore merit timely and targeted oversight and assessment.

In addition, current reporting of significant events at multiple private equity funds may indicate broader market instability that negatively affects similarly situated funds, or markets in which these funds invest in. For example, widespread implementation of general partner clawbacks[171] among private equity funds may be a sign of an emerging market-wide stress episode or

available at https://www.sciencedirect.com/science/article/pii/S1572308905000306.

[163] For example, fund advisers may not internalize all of the benefits that enhanced risk reporting provides other fund advisers and investors to other fund advisers. Current reporting requirements may result in reporting practices that are more consistent with fund advisers considering the impact of their internal risk reporting on the broader market.

[164] For instance, a more complete record would allow the staff to more accurately assess the prevalence of the reported stress events, identify patterns among affected funds, and detect factors that contributed to the reported stress events. The observations from this research could be used to identify causes for and implications of possible future similar stress events, or causes of and implications for investor harm, thus enabling the Commission and FSOC to respond quickly to such future events.

[165] *See supra* section II.A.2. As discussed above, advisers should consider filing a current report as soon as possible following such an event. *See supra* section II.A.

[166] *See supra* section II.B.

[167] Even when the updated valuations of private equity portfolio companies are available, these valuations may appear relatively uninformative as they tend to respond slowly to market information and could be artificially smoothed. *See* Tim Jenkinson, Miguel Sousa, and Rüdiger Stucke, How Fair are the Valuations of Private Equity Funds? *SSRN Electronic Journal* (Feb. 2013), *available at https://www.psers.pa.gov/About/Investment/Documents/PPMAIRC%202018/27%20How%20Fair%20are%20the%20Valuations%20of%20Private%20Equity%20Funds.pdf;* Robert Harris, Tim Jenkinson, and Steven Kaplan, Private Equity Performance: What Do We Know?, 69 (5) *The Journal of Finance* 1851–1882 (Mar. 27, 2014).

[168] *See supra* section II.A.2.

[169] *Id.*

[170] *Id.*

[171] *Id.*

worsening of economic conditions contributing to the underperformance of the funds' portfolio companies. Also, multiple reports about adviser-led secondary transactions [172] such as a fund reorganization may serve as an early warning to the Commission and FSOC about deteriorating market conditions that may prevent private equity managers from utilizing more traditional ways to exit their portfolio companies and realize gains.[173] Current reports would allow the Commission and FSOC to assess the prevalence of the reported events in the private equity space and identify patterns among similarly situated funds and common factors that contributed to the reported events.

We anticipate that the improved transparency of private equity fund activities as a result of the proposed current reporting requirements to the Commission and FSOC would enhance regulatory systemic risk assessment and investor protection efforts. We expect that those efforts would be beneficial for private equity advisers, private equity funds, and private equity fund investors, as well as for other market participants, as the new and timely information about significant events at private equity funds would help the Commission and FSOC to address proactively emerging risk events with appropriate regulatory policy, thereby minimizing market disruptions and limiting potential damages and costs associated with them. Further, collected data on significant events at private equity funds would enable the Commission and FSOC to perform background research to identify private equity trends and areas prone to potential systemic risk and investor protection concerns. The observations from this research could potentially inform and frame regulatory responses to future market events and policymaking.

Finally, similar to the effect of the proposed current reporting on qualifying hedge funds, we anticipate that the proposed current reporting requirements for private equity advisers might incentivize some managers to enhance internal risk controls and reporting.[174] To the extent these enhanced internal risk controls and reporting improve managers' ability to monitor and respond to potential stress events, we believe this could provide market-wide benefits to funds, their investors, and financial markets more broadly.

c. Amendments To Require Additional Reporting by Large Private Equity Advisers (Section 4 of Form PF)

The proposed amendments to section 4 of Form PF include requirements for additional and more granular information that large private equity advisers must provide regarding their activities, risk exposures, and counterparties on an annual basis.[175] The proposal would also lower the reporting threshold for the advisers required to complete section 4 of Form PF.[176]

i. Lowering the Reporting Threshold for Large Private Equity Advisers

The proposed amendments would expand the universe of large private equity advisers required to complete section 4 of Form PF to include advisers with at least $1.5 billion in private equity assets under management.[177] The new size threshold is designed to ensure continuity of the originally envisioned reporting coverage of the private equity funds industry.

As discussed above, when Form PF was adopted in 2011, the $2 billion reporting threshold for large private equity advisers captured 75 percent of the U.S. private equity industry's assets under management.[178] The threshold was established to balance regulators' need for a broad, representative set of data regarding the private fund industry with the desire to limit the potential burdens of private funds' reporting.[179] However, the $2 billion reporting threshold currently only captures 67 percent of the private equity industry.[180] Such reduced coverage could potentially impede regulators' ability to obtain a representative picture of the private fund industry and lead to misleading conclusions regarding emerging industry trends and characteristics. For instance, the activities of private fund advisers may differ significantly depending on their size because some strategies such as the use of leverage may be practical only at certain scales. As a result, reduced reporting coverage—caused by an increase in the number of smaller advisers—may hinder regulators from detecting certain new trends and group behaviors among smaller private fund advisers with potential systemic consequences. By adjusting the threshold to maintain comparable coverage of the industry over time, analysis of emerging industry trends and characteristics yields more accurate pictures of the private fund industry.

The proposed reduction in the reporting threshold for large private equity advisers maintains the originally intended coverage of 75 percent of private equity assets in today's market.[181] Having a robust data set for analysis is important for both identifying potential investor protection issues as well as for assessing systemic risk. By maintaining a constant reporting coverage of private equity funds, this proposed amendment may ultimately lead to an improved understanding of the trends in the private equity industry by the Commission and FSOC and better informed regulatory policymaking and examinations functions.

The proposed $1.5 billion reporting threshold for private equity advisers would also match the reporting threshold for large hedge fund advisers,[182] thereby eliminating a loophole that advisers with between $1.5 billion and $2 billion in hedge fund assets under management may avoid providing detailed data on their hedge funds on a quarterly basis by classifying those funds as private equity funds instead. As the distinctions between hedge funds and private equity become less evident,[183] it would be prudent to harmonize the reporting thresholds for large hedge fund and private equity fund advisers. This would make data collected on Form PF for the two categories of funds more comparable and may improve regulatory assessment of the trends and systemic risks in the private fund industry.

[172] *Id.*

[173] For example, private equity exits have been adversely affected by the global Covid–19 pandemic as the three traditional ways for private equity advisers to exit portfolio companies—trade sales, secondary buy-outs and initial public offerings (''IPOs'')—became unattainable or unattractive for some advisers. *See, e.g.,* Alastair Green, Ari Oxman, and Laurens Seghers, Preparing for Private-Equity Exits in the COVID–19 Era, *Private Equity & Principal Investors Insights, McKinsey &Company* (June 11, 2020), *available at https://www.mckinsey.com/industries/private-equity-and-principal-investors/our-insights/preparing-for-private-equity-exits-in-the-covid-19-era.* Conversely, during the same period, there was an increase in the adviser-led secondary transactions. *See, e.g.,* Nicola Chapman, Martin Forbes, Colin Harley, and Sherri Snelson, Private Equity Turns to Fund Restructurings in COVID–19 Slowdown, *Debt Explorer, White & Case* (Feb. 8, 2021), *available at https://debtexplorer.whitecase.com/leveraged-finance-commentary/private-equity-turns-to-fund-restructurings-in-covid-19-slowdown*#!.

[174] *See supra* section III.C.1.a.

[175] *See supra* section II.B.2.

[176] *Id.*

[177] *Id.*

[178] *See supra* section I.A.1.

[179] *See supra* footnote 139.

[180] *See supra* section I.A.1.

[181] *See supra* section I.A.1.

[182] *See supra* footnote 8.

[183] *See, e.g.,* Joshua Franklin and Laurence Fletcher, Hedge Funds Muscle in to Silicon Valley With Private Deals, *Financial Times* (Sept. 9, 2021), *available at https://www.ft.com/content/4935b205-8344-465a-8edf-dc23ec990302.*

ii. Requirements for Additional and More Granular Information for Large Private Equity Advisers

The proposed amendments to section 4 of Form PF would revise how large private equity advisers report on fund investment strategies, restructuring/recapitalization of portfolio companies, investments in different levels of a single portfolio company's capital structure by related funds, fund-level borrowings, financing of portfolio companies, and risk profiles of controlled portfolio companies and fund exposures to these risks.[184]

The proposed amendments would further improve the transparency of private equity fund activities and risks to the Commission and FSOC and help in developing a more complete picture of the markets where private equity funds operate. In turn, this would enhance the Commission's and FSOC's ability to assess potential systemic risks presented by private equity funds, as well as the potential for loss of investor confidence should conflicts of interest in private equity funds materialize. Specifically, new and more granular information about private equity funds would assist regulators in understanding the diversity of and trends in investment and financing strategies employed by private equity funds,[185] their uses and sources of leverage,[186] the risk profiles of portfolio companies controlled by private equity fund advisers and funds' exposures to these risks,[187] funds' exposure to changes in interest rates,[188] as well as to risks from outside the U.S.[189]

We also expect that some new and more granular information would be beneficial for the Commission's investor protection efforts. For instance, the proposed amendments include a series of new questions designed to identify potential conflicts of interest. These include questions asking advisers to provide a breakdown of each fund's investments in different levels of a single portfolio company's capital structure (*e.g.,* equity versus debt),[190] which would reveal whether related funds of a single adviser invest in different levels of a portfolio company's capital structure, and therefore, may have conflicting interests.[191] Also, the proposal would ask advisers to report whether they or their funds have restructured or recapitalized a portfolio company, which may also involve conflicts of interest.[192] This information would enable the Commission to target its examination program more efficiently and effectively and better identify areas in need of regulatory oversight and market assessment to increase investor protection.

Overall, the proposed amendments to section 4 of Form PF would ultimately assist the Commission and FSOC in better identifying and addressing risks to U.S. financial stability and pursuing appropriate regulatory policy in response, and would further assist the Commission in determining the potential need for outreach, examinations, and investigations, thereby enhancing efforts to protect investors and other market participants. We expect that the proposed new information about large private equity advisers and funds they manage would enable the Commission and FSOC to better anticipate and deal with potential risks to financial markets and investor harm associated with activities by large private equity funds. This could lead to more resilient financial markets and instill stronger investor confidence in the U.S. private equity industry and financial markets more broadly, which could facilitate additional capital formation.

d. Amendments To Require Additional Reporting by Large Liquidity Fund Advisers (Section 3 of Form PF)

The proposed amendments to section 3 of Form PF include requirements for additional and more granular information that large private liquidity funds would have to provide regarding their operational information and assets, as well as portfolio holdings, financing, and investor information.[193] The proposal also would add a new item concerning the disposition of portfolio securities.

The proposed amendments would improve the transparency of liquidity fund activities and risks and help the Commission and FSOC in developing a more complete picture of the short-term financing markets where liquidity funds operate. In turn, this would enhance the Commission's and FSOC's ability to assess the potential market and systemic risks presented by liquidity funds' activities. Specifically, the proposed additional and more granular information would enable the Commission and FSOC to better assess liquidity funds' asset turnover,[194] liquidity management and secondary market activities,[195] subscriptions and

[184] *See supra* section II.B.2.

[185] The proposal introduces a new Question 68 that asks advisers to provide information about their private fund strategies by choosing from a mutually exclusive list of strategies, allocating the percent of capital deployed to each strategy, even if the categories do not precisely match the characterization of the reporting fund's strategies. If a reporting fund engages in multiple strategies, the adviser would provide a good faith estimate of the percentage the reporting fund's deployed capital represented by each strategy. *Id.*

[186] The proposal introduces several new questions, including: New Question 72 asking advisers to report whether a reporting private equity fund borrows, or if it has the ability to borrow at the fund-level as an alternative or complement to the financing of portfolio companies; new Question 74 asking an adviser to report whether it, or any of its related persons, provides financing or otherwise extends credit to any portfolio company in which the reporting fund invests, so as to quantify the value of such financing or other extension of credit; and amendments to existing Question 75, which requires reporting on the identity of the institutions providing bridge financing to the adviser's CPCs (and the amount of such financing), to add additional counterparty identifying information (*i.e.,* LEI (if any) and if the counterparty is affiliated with a major financial institution, the name of the financial institution). *Id.*

[187] The proposal introduces new Question 67, which asks an adviser to report how many CPCs a reporting private equity fund owns. *Id.*

[188] The proposal introduces new Question 82, which asks advisers to report what percentage of the aggregate borrowings of a reporting private equity fund's controlled portfolio companies is at a floating rate rather than a fixed rate. *Id.*

[189] The proposal amends existing Question 78, which asks advisers to report the geographical breakdown of investments by private equity funds. The new requirement asks for a private equity fund's greatest country exposures based a percent of net asset value. *Id.*

[190] The proposal introduces new Question 71, which asks an adviser to indicate whether the reporting fund held an investment in one class, series, or type of securities (*e.g.,* debt, equity, etc.) of a portfolio company while another fund advised by the adviser or its related persons concurrently held an investment in a different class, series or type of securities (*e.g.,* debt, equity, etc.) of the same portfolio company. If the answer is yes, Question 71 asks an adviser to provide the name of the portfolio company and a description of class, series or type of securities held. *Id.*

[191] For example, an adviser may have two advised funds invested in different levels of a portfolio company's capital structure, with one fund managing outside capital, while the other manages solely internal capital of the adviser's owners/employees. *See supra* footnote 68.

[192] The proposal introduces new Question 70, which asks an adviser to indicate whether a portfolio company was restructured or recapitalized following the reporting fund's investment period. If the company was restructured or recapitalized, Question 70 asks the adviser, to provide the name of the portfolio company and the effective date of the restructuring. *See supra* section II.B.2.

[193] *See supra* section II.C.

[194] The proposal includes amendments to existing Question 63, which asks advisers to provide information separately for the initial acquisition of each security the liquidity fund holds and any subsequent acquisitions. Question 63 also asks advisers to provide additional identifying information about each portfolio security, including the name of the counterparty of a repo. *See supra* section II.C; see also infra footnote 204.

[195] The proposal introduces new Item F (Disposition of Portfolio Securities), which asks advisers to report information about the portfolio securities that the liquidity fund sold or disposed of during the reporting period (not including portfolio securities that the fund held until maturity). Advisers would report the amount as well as the category of investment. *See supra* section II.C.

redemptions,[196] and ownership type and concentration.[197] This information can be used to analyze funds' liquidity and susceptibility of funds with specific characteristics to the risks of runs, which have a potential to cause systemic risk concerns.[198] In addition, the information can be used for identifying trends in the liquidity funds industry during normal market conditions and for assessing deviations from those trends that could potentially serve as signals for changes in the short-term funding markets. Also, some proposed amendments [199] to section 3 of Form PF would improve comparability of data across liquidity funds and money market funds so that regulators can use data on both types of funds for oversight and assessment of short term-financing markets and their participants.

These additional tools and data would enable the Commission and FSOC to better anticipate and deal with potential systemic and investor harm risks associated with activities in the liquidity funds industry and overall markets for short-term financing. This could lead to more resilient financial markets and instill stronger investor confidence in the U.S. markets for short-term financing, which could facilitate additional capital formation.

e. Amendments to Guidelines, Definitions, and Existing Questions

In addition to the amendments requiring additional and more granular information about specific types of private funds and advisers, the proposal also includes clarifications and improvements to guidelines, definitions, and existing questions aimed to reduce their ambiguity and improve data quality.[200] We believe that these amendments would reduce uncertainty among filers and reduce filing errors, thereby improving efficiencies for both regulators and advisers.

Specifically, the proposed amendments would address certain concerns that private fund advisers indicated regarding the ambiguities and inefficiencies that currently exist in the reporting requirements, including understanding the definitions and instructions in Form PF and the ease of interpreting Form PF questions, which contributed to an increased amount of time and effort required to prepare and submit Form PF.[201] We believe that, as a result of the proposed changes aimed at reducing these ambiguities and inefficiencies, advisers would face lower costs associated with the preparation and submission of Form PF.

We also expect that the proposed amendments would address the Commission's and FSOC's concerns regarding the quality and reliability of Form PF data and reduce time and effort required to process and analyze the data. Staff experience with data collected from Form PF over the past decade has revealed inconsistencies and errors in the advisers' answers to certain questions, which undermines the quality, accuracy, and comparability of the collected data. The proposed amendments to existing questions, definitions, and form instructions in Form PF would result in less erroneous and more reliable data collected through Form PF and would lower the costs to regulators associated with processing and understanding this data. The more reliable data collected through Form PF would assist regulators in better identifying and addressing risks to U.S. financial stability, potentially furthering efforts to protect investors and other market participants.

2. Costs

The proposed amendments to Form PF would lead to certain additional costs for private fund advisers. Any portion of these costs that is not borne by advisers would ultimately be passed on to private funds' investors. These costs would vary depending on the scope of the required information and the frequency of the reporting, which is determined based on the size and types of funds managed by the adviser. For the proposed current reporting requirements, the costs would also vary depending on whether funds experience a reporting event and the frequency of those events. Generally, the costs would be lower for private fund advisers that manage fewer private fund assets or that do not manage types of private funds that may be more prone to financial stress events. These costs are quantified, to the extent possible, by examination of the analysis in section IV.C.[202]

We anticipate that the costs to advisers would be comprised of both direct compliance costs and indirect costs. Direct costs for advisers would consist of internal costs (for compliance attorneys and other non-legal staff of an adviser, such as computer programmers, to prepare and review the required disclosure) and external costs (including filing fees as well as any costs associated with outsourcing all or a portion of the Form PF reporting responsibilities to a filing agent, software consultant, or other third-party service provider).[203]

We believe that the direct costs associated with the proposed amendments would be most significant for the first updated Form PF report that

[196] The proposal includes new Question 54, which asks advisers to provide the total gross subscriptions (including dividend reinvestments) and the total gross redemptions for each month of the reporting period. As discussed above, this would include removing current Question 54, which concerns the liquidity fund's policy of complying with certain provisions of rule 2a–7. *Id.*

[197] The proposal introduces new Question 58, which asks advisers to report whether the liquidity fund is established as a cash management vehicle for other funds or accounts that the adviser or the adviser's affiliates manage (that are not themselves cash management vehicles). The proposal also amends existing Question 59 by asking advisers to provide, for each investor that beneficially owns five percent or more of the reporting fund's equity, (1) the type of investor and (2) the percent of the reporting fund's equity owned by the investor. *Id.*

[198] Runs on liquidity in markets for short-term financing have the potential to increase systemic risk and instability, as funds may be forced to sell assets at depressed prices in order to continue providing liquidity. *See, e.g., supra* footnote 147.

[199] The proposal clarifies that the term ''weekly liquid assets'' includes ''daily liquid assets'' in existing Question 53. The proposal amends categories in existing Question 56 that now asks advisers to indicate whether a creditor is based in the United States and whether it is a ''U.S. depository institution,'' rather than asking if the creditor is a ''U.S. financial institution.'' These amendments will make these categories more consistent with the categories the Federal Reserve Board uses in its reports and analysis. The proposal also revises the Form PF glossary definition of ''WAM'' and ''WAL'' to include an instruction to calculate them with the dollar-weighted average based on the percentage of each security's market value in the portfolio. This revision will help ensure advisers calculate WAM and WAL, which can indicate potential risk in the market using a consistent approach. *Id.*

[200] For example, as discussed above, the proposal clarifies the terms ''weekly liquid asset'' and ''U.S. financial institution,'' while providing instructions for calculating ''WAM'' and ''WAL.'' *See supra* footnote 199. The proposal also removes Questions 52 and 53, which require reporting whether the liquidity fund uses certain methodologies to compute its net asset value, and instead requires advisers to report whether the liquidity fund seeks to maintain a stable price per share. If it does, advisers are required to provide the price it seeks to maintain. Large liquidity fund advisers are also required to both report cash separately from other categories when reporting assets and portfolio information concerning repo collateral, and to name the counterparty of each repo. *Id.*

[201] For example, one survey identified the following advisers' concerns regarding Form PF: (1) The ambiguity of some questions on Form PF; (2) the unclear definition of funds in Form PF; (3) the limitations of private fund advisers' existing reporting systems; and (4) the challenges in aggregating form PF data. *See* Wulf Kaal, Private Fund Disclosures Under the Dodd-Frank Act, 9(2) *Brooklyn Journal of Corporate, Financial, and Commercial Law* (2015).

[202] A 2015 survey of SEC-registered investment advisers to private funds affirmed the Commission's cost estimates for smaller private fund advisers' Form PF compliance costs, and found that the Commission overestimated Form PF compliance costs for larger private fund advisers. *See* Wulf Kaal, Private Fund Disclosures Under the Dodd-Frank Act, 9(2) *Brooklyn Journal of Corporate, Financial, and Commercial Law* (2015).

[203] *See* section IV.C (for an analysis of the direct costs associated with the new Form PF requirements for quarterly and annual filings).

a private fund adviser would be required to file because the adviser would need to familiarize itself with the new reporting form and may need to configure its systems to efficiently gather the required information. In addition, we believe that some large private fund advisers will find it efficient to automate some portion of the reporting process, which will increase the burden of the initial filing. In subsequent reporting periods, we anticipate that filers would incur significantly lower costs because much of the work involved in the initial report is non-recurring and because of efficiencies realized from system configuration and reporting automation efforts accounted for in the initial reporting period. This is consistent with the results of a survey of private fund advisers, finding that the majority of respondents identified the cost of subsequent annual Form PF filings at about half of the initial filing cost.[204]

We anticipate that the proposed amendments aimed at improving data quality and comparability would impose limited direct costs on advisers given that advisers already accommodate similar requirements in their current Form PF and Form ADV reporting and can utilize their existing capabilities for preparing and submitting an updated Form PF. We expect that most of the costs would arise from the proposed requirements to report additional and more granular information on Form PF and new current reporting requirements for advisers to qualifying hedge funds and private equity funds. For existing section 3 and 4 filers, the direct costs associated with the proposed amendments to sections 3 and 4 would mainly include an initial cost to set up a system for collecting, verifying additional more granular information, and limited ongoing costs associated with periodic reporting of this additional information.[205] The initial costs will be higher for the private equity advisers with assets under management between $1.5 billion and $2 billion that will be required to complete section 4 under the new proposed reporting threshold.[206]

As discussed in the benefits section, we believe that part of the costs to advisers arising from the proposed amendments would be mitigated by the cost savings resulting from reduced ambiguities and inefficiencies that currently exist in the reporting requirements, as this may reduce the amount of time and effort required for some advisers to prepare and submit Form PF information.

The direct costs associated with the proposed new current reporting requirements for the advisers of qualifying hedge funds and private equity funds would include initial costs required to set up a system for monitoring significant events that are subject to the current reporting requirement as well as filing fees (the amount of which would be determined by the Commission in a separate action).[207] We anticipate these initial costs to be limited because the current report triggers were tailored and designed not to be overly burdensome and to allow advisers to use existing risk management frameworks that they already maintain to actively assess and manage risk. In particular, advisers would use the same PFRD non-public filing system as used to file the rest of Form PF.[208] The subsequent compliance costs would depend on the occurrence of the reporting events and frequency with which those events occur.[209] To the extent that the reporting events occur infrequently, we anticipate the costs associated with the proposed current reporting requirement to be limited as advisers would not be required to file current reports in the absence of the events. For example, during periods of normal market activity we would expect relatively few filings for this part of Form PF. The costs associated with the proposed amendment, however, would increase with the frequency of stress events at the adviser's funds.

Indirect costs for advisers would include the costs associated with additional actions that advisers may decide to undertake in light of the additional reporting requirements. Specifically, to the extent that the proposed amendments provide an incentive for advisers to improve internal controls and devote additional time and resources to managing their risk exposures and enhancing investor protection, this may result in additional expenses for advisers, some of which may be passed on to the funds and their investors.[210]

Form PF collects confidential information about private funds and their trading strategies, and the inadvertent public disclosure of such competitively sensitive and proprietary information could adversely affect the funds and their investors. However, we anticipate that these adverse effects would be mitigated by certain aspects of the Form PF reporting requirements and controls and systems designed by the Commission for handling the data. For example, with the exception of select questions, such as those relating to restructurings/recapitalizations of portfolio companies and investments in different levels of the same portfolio company by funds advised by the adviser and its related person,[211] Form PF data generally could not, on its own, be used to identify individual investment positions. The Commission has controls and systems for the use and handling of the proposed modified and new Form PF data in a manner that reflects the sensitivity of the data and is consistent with the maintenance of its confidentiality. The Commission has substantial experience with the storage and use of nonpublic information reported on Form PF as well as other

[204] *See* Wulf Kaal, Private Fund Disclosures Under the Dodd-Frank Act, 9(2) *Brooklyn Journal of Corporate, Financial, and Commercial Law* (2015).

[205] Based on the analysis in section IV.C, direct internal compliance costs for existing section 3 filers associated with the preparation and reporting of additional and more granular information is estimated at $544.5 per quarterly filing or $2,178 annually per large liquidity fund adviser. This is calculated as the cost of filing under the proposal of $20,022 minus the cost of filing prior to the proposal of $19,477.5, where $19,477.5 = $29,216/105*70 to incorporate the adjustment explained in footnote 9 to Table 7. *See* Table 7. Direct internal compliance costs for existing section 4 filers associated with the preparation and reporting of additional and more granular information is estimated at $7,425 per annual filing per large private equity adviser. This is calculated as the cost of filing under the proposal of $35,250 minus the cost of filing prior to the proposal of $27,825. *See* Table 7. It is estimated that there will be no additional direct external costs and no changes to filing fees associated with the proposed amendments to sections 3 and 4. *See* Table 10.

[206] Based on the analysis in section IV.C, initial costs for new section 4 filers is estimated at $80,325 per annual filing per large private equity adviser, which is $16,865 higher than the cost of initial filing prior to the proposal, which was estimated at $63,460. *See* Table 6. In addition, new section 4 filers will be subject to a filing fee of $150 per annual filing and an external cost burden ranging from $0 to $50,000 per adviser, which remains at the same level as before the proposal. *See* Table 10.

[207] *See supra* section II.A.3.

[208] *Id.*

[209] Based on the analysis in section IV.C, direct internal costs associated with the preparation and filing of current reports is estimated at $3,538 per report for large hedge fund advisers and $4,182 per report for private fund advisers. *See* Table 8. In addition, large hedge fund advisers will be subject to an external cost burden of $992 per report associated with outside legal services and additional one-time cost ranging from $0 to $12,500, per adviser associated with system changes. *See* Table 11. Private equity advisers will be subject to an external cost burden of $992 per report associated with outside legal service. Additionally, there will be a filing fee per current report for both hedge fund and private equity fund advisers that is yet to be determined, as explained in footnote 1 to Table 11. *See* Table 11.

[210] As discussed above, the length of the reporting period is intended to mitigate costs associated with advisers needing to both respond to the reporting event and file the required current report. *See supra* section II.A.

[211] *See supra* section II.B.2.

nonpublic information that the Commission handles in its course of business.

D. Effects on Efficiency, Competition, and Capital Formation

We anticipate that the increased ability for the Commission's and FSOC's oversight, resulting from the proposed amendments, would promote better functioning and more stable financial markets, which would lead to efficiency improvements. The additional, more granular, and timely data collected on the amended Form PF about private funds and advisers would help reduce uncertainty about risks in the U.S. financial system and inform and frame regulatory responses to future market events and policymaking. It would also help develop regulatory tools and mechanisms that could potentially be used to make future systemic crises episodes less likely to occur and less costly and damaging when they do occur.

Also, we believe that the proposed amendments would improve the efficiency and effectiveness of the Commission's and FSOC's oversight of private fund advisers by enabling them to manage and analyze information related to the risks posed by private funds more quickly, more efficiently, and more consistently than is currently possible. Private fund advisers' responses to new proposed questions would help the Commission and FSOC better understand the investment activities of private funds and the scope of their potential effect on investors and the U.S. financial markets.

We do not anticipate significant effects of the proposed amendments on competition in the private fund industry because the reported information generally would be nonpublic and similar types of advisers would have comparable burdens under the amended Form.

As discussed in the benefits sections, we expect the proposed amendments would enhance the Commission's and FSOC's systemic risk assessment and investor protection efforts, which could ultimately lead to more resilient financial markets and instill stronger investor confidence in the U.S. private fund industry and financial markets more broadly. We anticipate that these developments would make U.S. financial markets more attractive for investments and improve private fund advisers' ability to raise capital, thereby, facilitating capital formation.

E. Reasonable Alternatives

1. Changing the Frequency of Current Reporting

As an alternative to current reporting for hedge fund and private equity fund advisers, we considered requiring advisers to report relevant information as part of the existing Form PF filing or on a scheduled basis, such as semi-annually, quarterly, or monthly.

In general, these alternatives would provide the Commission and FSOC with the same information but at potentially greater cost to advisers and on a less timely basis. Specifically, we believe that neither of these alternative approaches would significantly reduce the cost burden to advisers compared to the proposed current reporting requirement, because advisers would still need to incur initial costs to set up a system for monitoring significant events that are subject to the proposed current reporting requirement. In the case of advisers who experience only a few reporting events per year, the alternative filing frequency for current reports could also increase subsequent reporting costs, as advisers would be required to file two, four, or twelve reports per year rather than one report upon the occurrence of each reporting event.

At the same time, delayed reporting about stress events at hedge funds and significant events at private equity funds would significantly reduce the Commission's and FSOC's ability to assess and frame timely responses to the emerging risks and limit potential market disruptions, damages, and costs associated with them.

2. Giving Current Report Filers More Time To Reply (Versus One Business Day)

We also considered an alternative to require hedge fund and private equity advisers to file current reports within a time period longer than one business day.

Although this alternative would provide more time to advisers to prepare and file the form, we do not anticipate that this would reduce the cost burden to advisers as compared to the proposed one-day reporting requirement. We believe that the proposed structures of sections 5 and 6 of Form PF are relatively simple and require advisers to flag the reporting event from a menu of available options and add straightforward explanatory notes about the events, which generally should not require considerable time to complete. Extending the reporting time period may increase internal costs to advisers to prepare and review the required disclosure, to the extent a longer reporting time period indirectly signals to advisers a need for greater detail, thoroughness, or diligence.

On the other hand, due to the time sensitive nature of the reported events, additional reporting time would significantly reduce the Commission's and FSOC's ability to assess and frame timely responses to the emerging risks and limit potential market disruptions, damages and costs associated with them.

3. Alternative Reporting Thresholds for Current Reporting by Hedge Fund Advisers (Versus Just Large Hedge Fund Advisers to Qualifying Hedge Funds)

We considered an alternative to require all hedge fund advisers to file section 5 of Form PF upon occurrence of stress events at one of their hedge funds (irrespective of the fund size) instead of requiring this reporting from only large advisers to qualifying hedge funds. Although this information would be beneficial for the Commission and FSOC, as this would provide a more complete picture of the stress events in the hedge fund industry and allow better assessment of systemic risk and investor protection issues in the smaller hedge funds space, we believe that this benefit would be marginal as compared to the benefit of the information about qualifying hedge funds for two reasons. First, the hedge fund industry is dominated by qualifying hedge funds that currently account for approximately 81 percent of the industry's gross assets under management among filers of Form PF.[212] Therefore, the proposed current reporting requirement would cover stress events that affect a broad, representative set of assets in the hedge fund industry. Second, the proposed current reporting is designed to serve as a signal to the Commission and FSOC about systemically important stress events at hedge funds. Stress events at larger hedge funds are more likely to be systemically important due to their quantitatively important positions in a market and more extensive use of leverage. Overall, we believe at this time that requiring advisers to smaller hedge funds to file current reports would impose a significant burden on these smaller advisers and not significantly expand or improve the Commission's and FSOC's oversight and assessment of systemic risk efforts.

[212] *See supra* footnote 129.

We also considered an alternative to increase the reporting threshold for hedge funds that would require a subgroup of the largest qualifying hedge funds to file current reports. Although this alternative would reduce the reporting burden at smaller qualifying hedge advisers, we believe that this would also reduce the benefit associated with the proposed current reporting. Specifically, we believe that this alternative would likely impede the Commission's and FSOC's ability to assess and respond to emerging industry risks, as this would reduce the scope of reported stress events to the events that affect the largest qualifying hedge funds. To the extent that largest qualifying hedge funds have a greater propensity to withstand deteriorating market conditions, the Commission and FSOC would have less visibility into the stress events that simultaneously affect smaller qualifying hedge funds that may indicate or have implications for systemic risk and investor protection concerns.

4. Requiring Fewer Private Equity Advisers To File Current Reports (by Introducing a Reporting Threshold)

We considered an alternative current reporting requirement for private equity advisers where only advisers to larger private equity funds would be required to file section 6 of form PF, *i.e.,* imposing a fund size threshold for current reporting.

Although this alternative would reduce the reporting burden at smaller private equity advisers, we believe that this would also reduce the benefit associated with the proposed current reporting. Specifically, one of the goals of the proposed current reporting for private equity funds is to provide the Commission with indicators of potential conflicts of interests and investor harm at the funds. This would enable the Commission to target its examination program more efficiently and effectively and better identify areas in need of regulatory oversight and market assessment to increase investor protection. The Commission's oversight of private equity advisers is not limited to the advisers of a certain size. Conflicts of interest and resulting investor harm may occur at private equity advisers of all sizes, and the Commission has brought a number of enforcement actions against smaller advisers in the past.[213] In that regard, current reports by smaller private equity advisers would be beneficial for the Commission's improved ability to protect investors in smaller funds.

We recognize that the costs associated with the proposed current reporting requirement may appear higher to smaller advisers as compared to larger advisers. However, as discussed in the costs section, we expect the reporting events to be relatively infrequent and, therefore, the costs associated with current reporting to be relatively low.

5. Changing the Reporting Events for Current Reporting by Hedge Fund Advisers

We also considered alternatives to which stress events should trigger current reporting for hedge fund advisers. Alternative reporting events include both different thresholds for how severe of a stress event triggers a current report, as well as different categories of stress events altogether, separate from those considered in the proposal. For example, a hedge fund reporting for proposed Item B would be triggered by a loss equal to or greater than 20 percent of a fund's most recent net asset value over a rolling 10 business day period,[214] and this threshold could be revised to be triggered by a 10% loss, or a 30% loss, or any other threshold. As another alternative, and as discussed above, the threshold could instead compare losses against the volatility of the fund's returns.[215] Lastly, current reporting could alternatively be triggered by stress events besides those considered in this proposal. For example, hedge fund current reporting could be triggered by a large increase in the volatility of the fund's returns, even if that volatility does not result in investment losses.

In general, alternative triggers to current reporting requirements would either provide the Commission and FSOC with more information at a greater cost to advisers, less information at a lower cost to advisers, or an alternative metric for measuring the same stress event as the proposed reporting event. We believe that the thresholds as proposed would trigger reporting for relevant stress events for which we seek timely information while minimizing the potential for false positives and multiple unnecessary current reports, but as discussed above we request suggestions and comments on each proposed reporting event.

6. Alternative Size Threshold for Section 4 Reporting by Large Private Equity Advisers

The proposed amendments to section 4 of form PF include a proposal to reduce the filing threshold for large private equity advisers from $2 billion to $1.5 billion. We also considered alternatives to reduce the reporting size threshold below $1.5 billion or increase it above $2 billion.

We believe that increasing the threshold for large private equity advisers above $2 billion would likely impede the Commission's and FSOC's ability to a representative picture of the private fund industry and lead to misleading conclusions regarding emerging industry trends and characteristics, as this would reduce the coverage of private equity assets in today's market below 67 percent, which is already below the originally envisioned 75 percent coverage.[216]

On the other hand, reducing the current report size threshold below $1.5 billion would be marginally beneficial for the Commission's and FSOC's risk oversight and assessment efforts as this would increase the representativeness of the sample of reporting advisers. Given that smaller private equity advisers and funds now account for a larger fraction of the industry than they did when the Form PF was originally adopted,[217] collecting more detailed information about these funds would help the Commission and FSOC to detect certain new trends and group behaviors with potential systemic consequences among these advisers and funds. However, this would also increase the number of advisers that would be categorized as large private equity advisers subject to the more detailed reporting and impose additional reporting burden on those advisers.

We think that the proposed new threshold of $1.5 billion strikes an appropriate balance between obtaining information regarding a significant portion of the private equity industry for analysis while continuing to minimize the burden imposed on smaller advisers.

7. Alternatives to the New Section 3 and 4 Reporting Requirements for Large Private Equity and Liquidity Fund Advisers

The proposed amendments also include new questions and revisions to

[213] For example, in 2019 the Commission investigated Corinthian Capital Group, LLC for misuse of its assets under management. As of December 31, 2017, Corinthian managed $270 million in assets. *See, e.g.,* Administrative Proceeding, File No. 3–19159 (May 6, 2019), *available at https://www.sec.gov/litigation/admin/2019/ia-5229.pdf.* Another example, in 2015 the Commission investigated Fenway Partners, LLC for potential conflicts of interest. As of April 29, 2015, Fenway Partners had $445 million in assets under management. *See, e.g.,* Administrative Proceeding, File No. 3–16938 (November 3, 2015), *available at https://www.sec.gov/litigation/admin/2015/ia-4253.pdf.*

[214] *See supra* section II.A.1.a.

[215] *Id.*

[216] *See supra* footnotes 62–63.

[217] *See supra* footnote 141.

existing questions in sections 3 and 4 for large private equity advisers and large liquidity fund advisers. The additional large private equity adviser revisions are designed to enhance the Commission's and FSOC's understanding of certain practices in the private equity industry and amend certain existing questions to improve data collection.[218] The additional large liquidity fund adviser revisions are designed to help us see a more complete picture of the short-term financing markets in which liquidity funds invest, and in turn, enhance the Commission and FSOC's ability to monitor and assess short-term financing markets and facilitate better regulatory oversight of those markets and their participants.[219] We also considered alternatives to each of these sets of proposed amendments in the form of different choices of framing, level of detail requested, and precise information targeted. For example, for Question 68 of section 4, on reporting of private equity private credit strategies, we considered consolidating ''Private Credit—Junior/Subordinated Debt,'' ''Private Credit—Mezzanine Financing,'' ''Private Credit—Senior Debt,'' and Private Credit—Senior Subordinated Debt'' into the ''Private Credit—Direct Lending/Mid Market Lending'' category.[220] For the questions in section 3 on liquidity fund strategies to maintain a stable price per share, we considered maintaining the existing questions and adding the new proposed Question 52, which requires advisers to state directly whether the reporting fund seeks a stable price per share, instead of replacing existing questions with the new Question 52.[221] We believe that the amendments as proposed maximize data quality and enhance the usefulness of reported data, but as discussed above we request suggestions and comments on each proposed change.[222]

F. Request for Comment

We request comment on all aspects of our economic analysis, including the potential costs and benefits of the proposed amendments and alternatives thereto, and whether the amendments, if we were to adopt them, would promote efficiency, competition, and capital formation. In addition, we request comments on our selection of data sources, empirical methodology, and the assumptions we have made throughout the analysis. Commenters are requested to provide empirical data, estimation methodologies, and other factual support for their views, in particular, on costs and benefits estimates. In addition, we request comment on:

119. Whether there are any additional costs and benefits associated with the proposed amendments to Form PF that should be considered? What additional materials and data should we consider for estimating these costs and benefits?

120. Whether our assumptions about costs associated with the proposal are accurate? For example, is it accurate to assume that the proposed reporting requirements would be less burdensome to advisers who are already accustomed to the PFRD filing system they use to file the rest of Form PF?

IV. Paperwork Reduction Act

The proposal would revise an existing ''collection of information'' within the meaning of the Paperwork Reduction Act of 1995 (''PRA'').[223] The SEC is submitting the collection of information to the Office of Management and Budget (''OMB'') for review in accordance with the PRA.[224] The title for the collection of information is ''Form PF and Rule 204(b)–1'' (OMB Control Number 3235–0679), and includes both Form PF and rule 204(b)–1 (''the rules''). 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. Compliance with the information collection is mandatory.

The respondents are investment advisers who are (1) registered or required to be registered under Advisers Act section 203, (2) advise one or more private funds, and (3) managed private fund assets of at least $150 million at the end of their most recently completed fiscal year (collectively, with their related persons).[225] Form PF divides respondents into groups based on their size and types of private funds they manage, requiring some groups to file more information more frequently than others. The types of respondents are (1) smaller private fund advisers (*i.e.,* private fund advisers who do not qualify as a large private fund adviser), (2) large hedge fund advisers, (3) large liquidity fund advisers, and (4) large private equity advisers.[226] As discussed more fully in section II above and as summarized in sections IV.A and IV.C below, the proposal would require current reporting for some groups, and would revise what some groups would file.

A. Purpose and Use of the Information Collection

The rules implement provisions of Title IV of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), which amended the Advisers Act to require the SEC to, among other things, establish reporting requirements for advisers to private funds.[227] The rules are intended to assist the FSOC in its monitoring obligations under the Dodd-Frank Act, but the SEC also may use information collected on Form PF in its regulatory programs, including examinations, investigations, and investor protection efforts relating to private fund advisers.[228]

The proposed amendments are designed to enhance FSOC's ability to monitor systemic risk as well as bolster the SEC's regulatory oversight of private fund advisers and investor protection efforts. The proposed amendments would do the following:

- Require large hedge fund advisers to file current reports upon certain reporting events, as discussed more fully in section II.A above;
- Require advisers to private equity funds to file current reports upon certain reporting events, as discussed more fully in section II.A above;
- Reduce the threshold to qualify as a large private equity adviser, as discussed more fully in section II.B above.
- Amend how large private equity advisers report information about the private equity funds they advise, as discussed more fully in section II.B above; and
- Amend how large liquidity fund advisers report information about the liquidity funds they advise, as discussed more fully in section II.C above.

[218] *See supra* section II.B.

[219] *See supra* section II.C.

[220] *See supra* section II.B.

[221] *See supra* section II.C.

[222] *See supra* sections II.B to C.

[223] 44 U.S.C. 3501 through 3521.

[224] 44 U.S.C. 3507(d); 5 CFR 1320.11.

[225] *See* 17 CFR 275.204(b)–1.

[226] *See supra* footnote 8 (discussing the definitions of large hedge fund advisers, large liquidity fund advisers, and large private equity advisers).

[227] *See* 15 U.S.C. 80b–4(b) and 15 U.S.C. 80b–11(e).

[228] *See* 2011 Form PF Adopting Release, *supra* footnote 2.

The proposed current reporting requires advisers to report information upon reporting events, which could occur more or less than quarterly.[229] As discussed more fully in sections I and II, above, we are proposing the current reporting requirements so we and FSOC can receive more timely data to identify and respond to private funds that are facing stress that could result in investor harm or systemic risk.

B. Confidentiality

Responses to the information collection will be kept confidential to the extent permitted by law.[230] Form PF elicits non-public information about private funds and their trading strategies, the public disclosure of which could adversely affect the funds and their investors. The SEC does not intend to make public Form PF information that is identifiable to any particular adviser or private fund, although the SEC may use Form PF information in an enforcement action and to assess potential systemic risk.[231] SEC staff issues certain publications designed to inform the public of the private funds industry, all of which use only aggregated or masked information to avoid potentially disclosing any proprietary information.[232] The Advisers Act precludes the SEC from being compelled to reveal Form PF information except (1) to Congress, upon an agreement of confidentiality, (2) to comply with a request for information from any other Federal department or agency or self-regulatory organization for purposes within the scope of its jurisdiction, or (3) to comply with an order of a court of the United States in an action brought by the United States or the SEC.[233] Any department, agency, or self-regulatory organization that receives Form PF information must maintain its confidentiality consistent with the level of confidentiality established for the SEC.[234] The Advisers Act requires the SEC to make Form PF information available to FSOC.[235] For advisers that are also commodity pool operators or commodity trading advisers, filing Form PF through the Form PF filing system is filing with both the SEC and CFTC.[236] Therefore, the SEC makes Form PF information available to FSOC and the CFTC, pursuant to Advisers Act section 204(b), making the information subject to the confidentiality protections applicable to information required to be filed under that section. Before sharing any Form PF information, the SEC requires that any such department, agency, or self-regulatory organization represent to the SEC that it has in place controls designed to ensure the use and handling of Form PF information in a manner consistent with the protections required by the Advisers Act. The SEC has instituted procedures to protect the confidentiality of Form PF information in a manner consistent with the protections required in the Advisers Act.[237]

C. Burden Estimates

We are revising our total burden estimates to reflect the proposed amendments, updated data, and new methodology for certain estimates.[238] The tables below map out the Form PF requirements as they apply to each group of respondents and detail our burden estimates.

1. Proposed Form PF Requirements by Respondent

TABLE 1—PROPOSED FORM PF REQUIREMENTS BY RESPONDENT

Form PF	Smaller private fund advisers	Large hedge fund advisers	Large liquidity fund advisers	Large private equity advisers
Section 1a and section 1b (basic information about the adviser and the private funds it advises); No proposed revisions.	Annually	Quarterly	Quarterly	Annually.
Section 1c (additional information concerning hedge funds); No proposed revisions.	Annually, if they advise hedge funds.	Quarterly	Quarterly, if they advise hedge funds.	Annually, if they advise hedge funds.
Section 2 (additional information concerning qualifying hedge funds); No proposed revisions.	No	Quarterly	No	No.
Section 3 (additional information concerning liquidity funds); Proposed revisions.	No	No	Quarterly	No.
Section 4 (additional information concerning private equity funds); Proposed revisions.	No	No	No	Annually.
Section 5 (current reporting concerning qualifying hedge funds); The proposal would add section 5.	No	Upon a reporting event	No	No.
Section 6 (current reporting for private equity advisers); The proposal would add section 6.	Upon a reporting event, if they advise private equity funds.	No	No	Upon a reporting event.
Section 7 (temporary hardship request); The proposal would make this available for current reporting.	Optional, if they qualify	Optional, if they qualify	Optional, if they qualify	Optional, if they qualify.

2. Annual Hour Burden Estimates

Below are tables with annual hour burden estimates for (1) initial filings, (2) ongoing annual and quarterly filings, (3) current reporting, and (4) transition filings, final filings, and temporary hardship requests.

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[229] *See* 5 CFR 1320.5(d)(2)(i).

[230] *See* 5 CFR 1320.5(d)(2)(vii) and (viii).

[231] *See* 15 U.S.C. 80b–10(c).

[232] *See e.g.,* Private Funds Statistics, issued by staff of the SEC Division of Investment Management's Analytics Office, which we have used in this PRA as a data source, *available at https://www.sec.gov/divisions/investment/private-funds-statistics.shtml.*

[233] *See* 15 U.S.C. 80b–4(b)(8).

[234] *See* 15 U.S.C. 80b–4(b)(9).

[235] *See* 15 U.S.C. 80b–4(b)(7).

[236] *See* 2011 Form PF Adopting Release, *supra* footnote 2, at n.17.

[237] *See* 5 CFR 1320.5(d)(2)(viii).

[238] For the previously approved estimates, *see* ICR Reference No. 202011–3235–019 (conclusion date Apr. 1, 2021), *available at https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202011-3235-019.*

Table 2: Annual Hour Burden Estimates for Initial Filings

Respondent[1]		Number of Respondents = Aggregate Number of Responses[2]	Hours Per Response[3]		Hours Per Response Amortized Over 3 Years[4]	Aggregate Hours Amortized Over 3 Years[5]
Smaller Private Fund Advisers	Requested	313 responses[6]	40 hours	÷ 3 =	13 hours	4,069 hours
	Previously Approved	272 responses	40 hours		23 hours	6,256 hours
	Change	41 responses	0 hours		(10) hour	(2,187) hours
Large Hedge Fund Advisers	Requested	14 responses[7]	325 hours	÷ 3 =	108 hours	1,512 hours
	Previously Approved	17 responses	325 hours		658 hours	11,186 hours
	Change	(3) responses	0 hours		(550) hours	(9,674) hours
Large Liquidity Fund Advisers	Requested	1 responses[8]	202 hours	÷ 3 =	67 hours	67 hours
	Previously Approved	2 responses	200 hours		588 hours	1,176 hours
	Change	(1) responses	2 hours		(521) hours	(1,109) hours
Large Private Equity Advisers	Requested	42 responses[9]	250 hours	÷ 3 =	83 hours	3,486 hours
	Previously Approved	9 responses	200 hours		133 hours	1,197 hours
	Change	33 responses	50 hours		(50) hours	2,289 hours

Notes:

1. We expect that the hourly burden will be most significant for the initial report because the adviser will need to familiarize itself with the new reporting form and may need to configure its systems in order to efficiently gather the required information. In addition, we expect that some large private fund advisers will find it efficient to automate some portion of the reporting process, which will increase the burden of the initial filing but reduce the burden of subsequent filings.
2. This concerns the initial filing; therefore, we estimate one response per respondent. The proposed changes are due to using updated data to estimate the number of advisers. The proposed changes concerning large private equity advisers also are due to the proposed amendment to reduce the filing threshold.
3. Hours per response changes for large liquidity fund advisers and large private equity advisers are due to proposed amendments to sections 3 and 4, respectively.
4. We propose to amortize the initial time burden over three years because we believe that most of the burden would be incurred in the initial filing. We propose to use a different methodology to calculate the estimate than the methodology staff used for the previously approved burdens. We believe the previously approved burdens for initial filings inflated the estimates by using a methodology that included subsequent filings for the next two years, which, for annual filers, included 2 subsequent filings, and for quarterly filers, included 11 subsequent filings. For the requested burden, we propose to calculate the initial filing, as amortized over the next three years, by including only the hours related to the initial filing, not any subsequent filings. This approach is designed to more accurately estimate the initial burden, as amortized over three years. (For example, to estimate the previously approved burden for a large hedge fund adviser making its initial filing, staff estimated that the adviser would have an amortized average annual burden of 658 hours (1 initial filing x 325 hours + 11 subsequent filings (because it files quarterly) x 150 hours = 1,975 hours. 1,975 hours / 3 years = approximately 658 previously approved hours per response, amortized over three years).) Changes are due to using the revised methodology, and changes for the large liquidity fund advisers and large hedge fund advisers also are due to proposed amendments to section 3 and 4, respectively.
5. (Number of responses) x (hours per response amortized over three years) = aggregate hours amortized over three years. Changes are due to (1) using updated data to estimate the number of advisers and (2) the new methodology to estimate the hours per response, amortized over three years. For large liquidity fund advisers, changes also are due to proposed amendments to section 3. For large private equity advisers, changes also are due to the proposed amendments to lower the threshold and amend section 4.
6. Private Funds Statistics show 2,427 smaller private fund advisers filed Form PF in the fourth quarter of 2020. Based on filing data from the last five years, an average of 12.9 percent of them did not file for the previous due date. (2,427 x 0.129 = 313 advisers.)
7. Private Funds Statistics show 545 large hedge fund advisers filed Form PF in the fourth quarter of 2020. Based on filing data from the last five years, an average of 2.6 percent of them did not file for the previous due date. (545 x 0.026 = 14.17 advisers, rounded to 14 advisers.)
8. Private Funds Statistics show 23 large liquidity fund advisers filed Form PF in the fourth quarter of 2020. Based on filing data from the last five years, an average of 1.5 percent of them did not file for the previous due date. (23 x 0.015 = 0.345 advisers, rounded up to 1 adviser.)
9. Private Funds Statistics show 364 large private equity advisers filed Form PF in the fourth quarter of 2020. Based on filing data from the last five years, an average of 3.5 percent of them did not file for the previous due date. (364 x 0.035 = 12.74 advisers, rounded to 13 advisers.) As discussed in section II.B, we estimate that reducing the filing threshold for large private equity advisers would capture eight percent more of the U.S. private equity industry based on committed capital (from 67 percent to 75 percent of the U.S. private equity industry). Therefore, we propose to estimate the number of large private equity advisers would increase by eight percent, as a result of the proposed threshold. ((364 large private equity advisers x 0.08 = 29.12, rounded to 29 additional large private equity advisers filing for the first time as a result of the proposed threshold) + (13 advisers) = 42 advisers.).)

Table 3: Annual Hour Burden Estimates for Ongoing Annual and Quarterly Filings

Respondent[1]		Number of Respondents[2]		Number of Responses[3]		Hours Per Response[4]		Aggregate Hours[5]
Smaller Private Fund Advisers	Requested	2,114 advisers[6]	x	1 response	x	15 hours	=	31,710 hours
	Previously Approved	2,055 advisers	x	1 response	x	15 hours	=	30,825 hours
	Change	59 advisers		0		0 hours		885 hours
Large Hedge Fund Advisers	Requested	531 advisers[7]	x	4 responses	x	150 hours	=	318,600 hours
	Previously Approved	537 advisers	x	4 responses	x	150 hours	=	322,200 hours
	Change	(6) advisers		0		0 hours		(3,600) hours
Large Liquidity Fund Advisers	Requested	22 advisers[8]	x	4 responses	x	71 hours	=	6,248 hours
	Previously Approved	20 advisers	x	4 responses	x	70 hours	=	5,600 hours
	Change	2 advisers		0		1 hour		648 hours
Large Private Equity Advisers	Requested	351 advisers[9]	x	1 response	x	125 hours	=	43,875 hours
	Previously Approved	313 advisers	x	1 response	x	100 hours	=	31,300 hours
	Change	38 advisers		0		25 hours		12,575 hours

Notes:

1. We estimate that after an adviser files its initial report, it will incur significantly lower costs to file ongoing annual and quarterly reports, because much of the work for the initial report is non-recurring and likely created system configuration and reporting efficiencies.
2. Changes to the number of respondents are due to using updated data to estimate the number of advisers. For large private equity advisers, changes also are due to the proposed amendment to lower the threshold.
3. Smaller private fund advisers and large private equity advisers file annually. Large hedge fund advisers and large liquidity fund advisers file quarterly.
4. Hours per response changes for the large liquidity fund advisers and large private equity advisers are due to the proposed amendments to sections 3 and 4, respectively.
5. Changes to the aggregate hours are due to using updated data to estimate the number of advisers. For large liquidity fund advisers and large private equity advisers, changes also are due to the proposed amendments to sections 3 and 4, respectively.
6. Private Funds Statistics show 2,427 smaller private fund advisers filed Form PF in the fourth quarter of 2020. We estimated that 313 of them filed an initial filing, as discussed in Table 2: Annual Hour Burden Estimates for Initial Filings. (2,427 total smaller advisers – 313 advisers who made an initial filing = 2,114 advisers who make ongoing filings.)
7. Private Funds Statistics show 545 large hedge fund advisers filed Form PF in the fourth quarter of 2020. We estimated that 14 of them filed an initial filing, as discussed in Table 2: Annual Hour Burden Estimates for Initial Filings. (545 total large hedge fund advisers – 14 advisers who made an initial filing = 531 advisers who make ongoing filings.)
8. Private Funds Statistics show 23 large liquidity fund advisers filed Form PF in the fourth quarter of 2020. We estimated that one of them filed an initial filing, as discussed in Table 2: Annual Hour Burden Estimates for Initial Filings. (23 total large liquidity fund advisers – 1 adviser who made an initial filing = 22 advisers who make ongoing filings.)
9. Private Funds Statistics show 364 large private equity advisers filed Form PF in the fourth quarter of 2020. Based on filing data from the last five years, an average of 3.5 percent of them did not file for the previous due date. (364 x 0.035 = 12.74 advisers, rounded to 13 advisers.) (364 total large private equity advisers – 13 advisers who made an initial filing = 351 advisers who make ongoing filings.) Lowering the filing threshold for large private equity advisers would result in additional advisers filing for the first time, as discussed in Table 2: Annual Hour Burden Estimates for Initial Filings.

Table 4: Annual Hour Burden Estimates for Current Reporting

Respondent[1]		Aggregate Number of Responses		Hours Per Response[2]		Aggregate Hours
Smaller Private Fund Advisers	Requested	6 responses	x	8.5 hours	=	51 hours
	Previously Approved			Not Applicable		
	Change			Not Applicable		
Large Hedge Fund Advisers	Requested	6 responses	x	8.5 hours	=	51 hours
	Previously Approved			Not Applicable		
	Change			Not Applicable		
Large Private Equity Advisers	Requested	6 response	x	8.5 hours	=	51 hours
	Previously Approved			Not Applicable		
	Change			Not Applicable		

Notes:

1. Smaller private fund advisers that advise private equity funds and large private equity advisers would file current reports under section 6. Large hedge fund advisers would file current reports under section 5. There are no previously approved estimates for these proposed amendments because they would be new requirements.
2. We expect that the time to prepare and file a current report would range from 4 hours to 8.5 hours, depending on the reporting event. Therefore, we propose to use the upper range (8.5 hours) to calculate estimates.

Table 5: Annual Hour Burden Estimates for Transition Filings, Final Filings, and Temporary Hardship Requests

Filing Type[1]		Aggregate Number of Responses[2]		Hours Per Response		Aggregate Hours[3]
Transition Filing from Quarterly to Annual	Requested	63 responses[4]	x	0.25 hours	=	15.75 hours
	Previously Approved	45 responses	x	0.25 hours	=	11.25 hours
	Change	18 responses		0 hours		4.5 hours
Final Filings	Requested	232 responses[5]	x	0.25 hours	=	58 hours
	Previously Approved	54 responses	x	0.25 hours	=	13.5 hours
	Change[6]	178 responses		0 hours		44.5 hours
Temporary Hardship Requests	Requested	3 responses[7]	x	1 hour	=	3 hours
	Previously Approved	4 responses	x	1 hour	=	4 hours
	Change	(1) responses		0 hours		(1) hour

Notes:

1. Advisers must file limited information on Form PF in three situations. First, any adviser that transitions from filing quarterly to annually because it has ceased to qualify as a large hedge fund adviser or large liquidity fund adviser, must file a Form PF indicating that it is no longer obligated to report on a quarterly basis. Second, any adviser that is no longer subject to Form PF's reporting requirements, must file a final report indicating this. Third, an adviser may request a temporary hardship exemption if it encounters unanticipated technical difficulties that prevent it from making a timely electronic filing. A temporary hardship exemption extends the deadline for an electronic filing for seven business days. To request a temporary hardship exemption, the adviser must file a request on Form PF. Under the proposal, temporary hardship exemptions would be available for current reporting, as discussed in section II. This proposed amendment would not result in any changes to the hours per response.
2. Changes to the aggregate number of responses are due to using updated data. Changes for final filings also are due to using a different methodology, as discussed below.
3. Changes to the aggregate hours are due to the changes in the aggregated number of responses.
4. Private Funds Statistics show 568 advisers filed quarterly reports in the fourth quarter of 2020. Based on filing data from the last five years, an average of 11.1 percent of them filed a transition filing. (568 x 0.111 = 63 responses.)
5. Private Funds Statistics show 3,359 advisers filed Form PF in the fourth quarter of 2020. Based on filing data from the last five years, an average of 6.9 percent of them filed a final filing. (3,359 x 0.069 = approximately 232 responses.)
6. Changes for final filings are due to using a different methodology. The previously approved estimates used a percentage of quarterly filers to estimate how many advisers filed a final report. We propose to use a percentage of all filers to estimate how many advisers filed a final report, because all filers may file a final report, not just quarterly filers. Therefore, this proposed methodology is designed to more accurately estimate the number of responses for final filings.
7. Based on experience receiving temporary hardship requests, we estimate that 1 out of 1,000 advisers will file a temporary hardship exemption annually. Private Funds Statistics show there were 3,359 private fund advisers who filed Form PF. (3,359 / 1,000 = approximately 3 responses.)

3. Annual Monetized Time Burden Estimates

Below are tables with annual monetized time burden estimates for (1) initial filings, (2) ongoing annual and quarterly filings, (3) current reporting, and (4) transition filings, final filings, and temporary hardship requests.[239]

Table 6: Annual Monetized Time Burden of Initial Filings

Respondent[1]		Per Response[2]	Per Response Amortized Over 3 years[3]			Aggregate Number of Responses[4]		Aggregate Monetized Time Burden Amortized Over 3 Years
Smaller Private Fund Advisers	Requested	$13,620[5]	÷ 3 =	$4,540	x	313 responses	=	$1,421,020
	Previously Approved	$13,460			x	272 responses	=	$3,661,120
	Change	$160				41 responses		($2,240,100)
Large Hedge Fund Advisers	Requested	$104,423[6]	÷ 3 =	$34,808	x	14 responses	=	$487,312
	Previously Approved	$103,123			x	17 responses	=	$1,753,091
	Change	$1,300				(3) responses		($1,265,779)
Large Liquidity Fund Advisers	Requested	$64,893[7]	÷ 3 =	$21,631	x	1 responses	=	$21,631
	Previously Approved	$63,460			x	2 responses	=	$126,920
	Change	$1,433				(1) responses		($105,289)
Large Private Equity Advisers	Requested	$80,325[8]	÷ 3 =	$26,775	x	42 responses	=	$1,124,550
	Previously Approved	$63,460			x	9 responses	=	$571,140
	Change	$16,865				33 responses		$553,410

[239] The hourly wage rates are based on (1) SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by SEC staff to account for an 1,800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead; and (2) SIFMA's *Office Salaries in the Securities Industry 2013,* modified by SEC staff to account for an 1,800-hour work-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

Notes:

1. We expect that the monetized time burden will be most significant for the initial report, for the same reasons discussed in Table 2: Annual Hour Burden Estimates for Initial Filings. Accordingly, we anticipate that the initial report will require more attention from senior personnel, including compliance managers and senior risk management specialists, than will ongoing annual and quarterly filings. Changes are due to using (1) updated hours per response estimates, as discussed in Table 2: Annual Hour Burden Estimates for Initial Filings, (2) updated aggregate number of responses, as discussed in Table 2: Annual Hour Burden Estimates for Initial Filings, and (3) updated wage estimates. Changes to the aggregate monetized time burden, amortized over three years, also are due to amortizing the monetized time burden, which the previously approved estimates did not calculate, as discussed below.
2. For the hours per response in each calculation, *see* Table 2: Annual Hour Burden Estimates for Initial Filings.
3. We propose to amortize the monetized time burden for initial filings over three years, as we do with other initial burdens in this PRA, because we believe that most of the burden would be incurred in the initial filing. The previously approved burden estimates did not calculate this.
4. *See* Table 2: Annual Hour Burden Estimates for Initial Filings.
5. For smaller private fund advisers, we estimate that the initial report will most likely be completed equally by a compliance manager at a cost of $316 per hour and a senior risk management specialist at a cost of $365 per hour. Smaller private fund advisers generally would not realize significant benefits from or incur significant costs for system configuration or automation because of the limited scope of information required from smaller private fund advisers. (($316 per hour x 0.5) + ($365 per hour x 0.5)) x 40 hours per response = $13,620.
6. For large hedge fund advisers, we estimate that for the initial report, of a total estimated burden of 325 hours, approximately 195 hours will most likely be performed by compliance professionals and 130 hours will most likely be performed by programmers working on system configuration and reporting automation. Of the work performed by compliance professionals, we anticipate that it will be performed equally by a compliance manager at a cost of $316 per hour and a senior risk management specialist at a cost of $365 per hour. Of the work performed by programmers, we anticipate that it will be performed equally by a senior programmer at a cost of $339 per hour and a programmer analyst at a cost of $246 per hour. (($316 per hour x 0.5) + ($365 per hour x 0.5)) x 195 hours = $66,397.50. (($339 per hour x 0.5) + ($246 per hour x 0.5)) x 130 hours = $38,025. $66,397.50 + $38,025 = $104,422.50, rounded to $104,423.
7. For large liquidity fund advisers, we estimate that for the initial report, of a total estimated burden of 202 hours, approximately 60 percent will most likely be performed by compliance professionals and approximately 40 percent will most likely be performed by programmers working on system configuration and reporting automation (that is approximately 121 hours for compliance professionals and 81 hours for programmers). Of the work performed by compliance professionals, we anticipate that it will be performed equally by a compliance manager at a cost of $316 per hour and a senior risk management specialist at a cost of $365 per hour. Of the work performed by programmers, we anticipate that it will be performed equally by a senior programmer at a cost of $339 per hour and a programmer analyst at a cost of $246 per hour. (($316 per hour x 0.5) + ($365 per hour x 0.5)) x 121 hours = $41,200.50. (($339 per hour x 0.5) + ($246 per hour x 0.5)) x 81 hours = $23,692.50. $41,200.50 + $23,692.50 = $64,893.
8. For large private equity advisers, we expect that for the initial report, of a total estimated burden of 250 hours, approximately 60 percent will most likely be performed by compliance professionals and approximately 40 percent will most likely be performed by programmers working on system configuration and reporting automation (that is approximately 150 hours for compliance professionals and 100 hours for programmers). Of the work performed by compliance professionals, we anticipate that it will be performed equally by a compliance manager at a cost of $316 per hour and a senior risk management specialist at a cost of $365 per hour. Of the work performed by programmers, we anticipate that it will be performed equally by a senior programmer at a cost of $339 per hour and a programmer analyst at a cost of $246 per hour. (($316 per hour x 0.5) + ($365 per hour x 0.5)) x 150 hours = $51,075. (($339 per hour x 0.5) + ($246 per hour x 0.5)) x 100 hours = $29,250. $51,075 + $29,250 = $80,325.

Table 7: Annual Monetized Time Burden of Ongoing Annual and Quarterly Filings

Respondent[1]		Per Response[2]		Aggregate Number of Responses		Aggregate Monetized Time Burden
Smaller Private Fund Advisers	Requested	$4,230[3]	x	2,114 responses[4]	=	$8,942,220
	Previously Approved	$4,173.75	x	2,055 responses	=	$8,577,056
	Change	$56.25		59 responses		$365,164
Large Hedge Fund Advisers	Requested	$42,300[5]	x	2,124 responses[6]	=	$89,845,200
	Previously Approved	$41,737.50	x	2,148 responses	=	$89,652,150
	Change	$562.50		(24 responses)		$193,050
Large Liquidity Fund Advisers	Requested	$20,022[7]	x	88 responses[8]	=	$1,761,936
	Previously Approved	$29,216.25	x	80 responses	=	$2,337,300
	Change[9]	($9,194.25)		8 responses		($575,364)
Large Private Equity Advisers	Requested	$35,250[10]	x	351 responses[11]	=	$12,372,750
	Previously Approved	$27,825	x	313 responses	=	$8,709,225
	Change	$7,425		38 responses		$3,663,525

Notes:

1. We expect that the monetized time burden will be less costly for ongoing annual and quarterly reports than for initial reports, for the same reasons discussed in Table 3: Annual Hour Burden Estimates for Ongoing Annual and Quarterly Filings. Accordingly, we anticipate that senior personnel will bear less of the reporting burden than they would for the initial report. Changes are due to using (1) updated wage estimates, (2) updated hours per response estimates, as discussed in Table 3: Annual Hour Burden Estimates for Ongoing Annual and Quarterly Filings, and (3) updated aggregate number of responses. Changes to estimates concerning large liquidity fund advisers primarily appear to be due to correcting a calculation error, as discussed below.
2. For all types of respondents, we estimate that both annual and quarterly reports would be completed equally by (1) a compliance manager at a cost of $316 per hour, (2) a senior compliance examiner at a cost of $243, (3) a senior risk management specialist at a cost of $365 per hour, and (4) a risk management specialist at a cost of $203 an hour. ($316 x 0.25 = $79) + ($243 x 0.25 = $60.75) + ($365 x 0.25 = $91.25) + ($203 x 0.25 = $50.75) = $281.75, rounded to $282 per hour. To calculate the cost per response for each respondent, we used the hours per response from Table 3: Annual Hour Burden Estimates for Ongoing Annual and Quarterly Filings.
3. Cost per response for smaller private fund advisers: ($282 per hour x 15 hours per response = $4,230 per response.)
4. (2,114 smaller private fund advisers x 1 response annually = 2,114 aggregate responses.)
5. Cost per response for large hedge fund advisers: ($282 per hour x 150 hours per response = $42,300 per response.)
6. (531 large hedge fund advisers x 4 responses annually = 2,124 aggregate responses.)
7. Cost per response for large liquidity fund advisers: ($282 per hour x 71 hours per response = $20,022 per response.
8. (22 large liquidity fund advisers x 4 responses annually = 88 aggregate responses.)
9. The previously approved estimates appear to have mistakenly used a different amount of hours per response (105 hours), rather than the actual estimate for large liquidity fund advisers (which was 70 hours per response), causing the monetized time burden to be inflated in error. Therefore, the extent of these changes are primarily due to using the correct hours per response, which we now estimate as 71 hours, as discussed in Table 3: Annual Hour Burden Estimates for Ongoing Annual and Quarterly Filings.
10. Cost per response for large private equity advisers: ($282 per hour x 125 hours per response = $35,250 per response.)

11. (351 private equity advisers x 1 response annually = 351 aggregate responses.)

Table 8: Annual Monetized Time Burden of Current Reporting

Respondent[1]		Per Response[2]		Aggregate Number of Responses[3]		Aggregate Monetized Time Burden
Smaller Private Fund Advisers	Requested	$4,182	x	6 responses	=	$25,092
	Previously Approved			Not Applicable		
	Change			Not Applicable		
Large Hedge Fund Advisers	Requested	$3,538[4]	x	6 responses	=	$21,228
	Previously Approved			Not Applicable		
	Change			Not Applicable		
Large Private Equity Advisers	Requested	$4,182	x	6 responses	=	$25,092
	Previously Approved			Not Applicable		
	Change			Not Applicable		

Notes:

1. Smaller private fund advisers that advise private equity funds and large private equity advisers would file current reports under section 6. Large hedge fund advisers would file current reports under section 5. There are no previously approved estimates for these proposed amendments because they would be new requirements.
2. For the cost per response for smaller private fund advisers and large private equity advisers, we estimate that, depending on the circumstances, different legal professionals at the adviser would work on the section 6 current report. We estimate that the time costs for a legal professional to be approximately $492, which is a blended average of hourly rate for a deputy general counsel ($610) and compliance attorney ($373). (8.5 hours to file a section 6 current report x $492 per hour for a legal professional = $4,182).
3. *See* Table 4: Annual Hour Burden Estimates for Current Reporting.
4. For the cost per response for large hedge fund advisers, we estimate that, depending on the circumstances, different legal professionals and financial professionals at the advisers would work on the section 5 current report because the reporting events may require both legal and quantitative analysis. We estimate that the time costs for a legal professional to be approximately $492, which is a blended average of hourly rate for a deputy general counsel ($610) and compliance attorney ($373). We estimate that the time costs for a financial professional to be approximately $331, which is a blended average hourly rate for a senior risk management specialist ($365) and a financial reporting manager ($297). Of the total 8.5 hours that a section 5 current report would take, we estimate that an adviser would spend on average 4.5 hours of legal professional time and 4 hours of financial professional time to prepare, review, and submit a current report pursuant to section 5. (4.5 hours x $492 per hour for a legal professional = $2,214) + (4 hours x $331 per hour for a financial professional = $1,324) = $3,538.

Table 9: Annual Monetized Time Burden for Transition Filings, Final Filings, and Temporary Hardship Requests

Filing Type[1]		Per Response		Aggregate Number of Responses[2]		Aggregate Monetized Time Burden
Transition Filing from Quarterly to Annual	Requested	$18[3]	x	63 responses	=	$1,134
	Previously Approved	$17.75	x	45 responses	=	$798.75
	Change	$0.75		18 responses		$335.25
Final Filings	Requested	$18[4]	x	232 responses	=	$4,176
	Previously Approved	$17.75	x	54 responses	=	$958.50
	Change	$0.75		178 responses		$3,217.50
Temporary Hardship Requests	Requested	$222[5]	x	3 responses	=	$666
	Previously Approved	$221.63	x	4 responses	=	$886.52
	Change	$0.37		(1) responses		($220.52)

Notes:

1. All changes are due to using updated data concerning wage rates and the number of responses.
2. *See* Table 5: Annual Hour Burden Estimates for Transition Filings, Final Filings, and Temporary Hardship Requests.
3. We estimate that each transition filing will take 0.25 hours and that a compliance clerk would perform this work at a cost of $72 an hour. (0.25 hours x $72 = $18.)
4. We estimate that each final filing will take 0.25 hours and that a compliance clerk would perform this work at a cost of $72 an hour. (0.25 hours x $72 = $18.)
5. We estimate that each temporary hardship request will take 1 hour. We estimate that a compliance manager would perform five-eighths of the work at a cost of $316 and a general clerk would perform three-eighths of the work at a cost of $64. (1 hour x ((5/8 of an hour x $316 = $197.5) + (3/8 of an hour x $64 = $24)) = $221.5 per response.

4. Annual External Cost Burden Estimates

Below are tables with annual external cost burden estimates for (1) initial filings as well as ongoing annual and quarterly filings and (2) current reporting. There are no filing fees for transition filings, final filings, or temporary hardship requests and we continue to estimate there would be no external costs for those filings, as previously approved.

Table 10: Annual External Cost Burden for Ongoing Annual and Quarterly Filings as well as Initial Filings

Respondent[1]		Number of Responses Per Respondent[2]		Filing Fee Per Filing[3]		Total Filing Fees	External Cost of Initial Filing[4]		External Cost of Initial Filing Amortized Over 3 Years[5]		Number of Initial Filings[6]		Aggregate External Cost of Initial Filing Amortized Over 3 Years[7]	Total Aggregate External Cost[8]
Smaller Private Fund Advisers	Requested	1	x	$150	=	$150	Not Applicable							$364,050[9]
	Previously Approved	1	x	$150	=	$150	Not Applicable							$349,050
	Change	0		$0		$0	No Change							$15,000
Large Hedge Fund Advisers	Requested	4	x	$150	=	$600	$50,000	÷ 3 =	$16,667	x	14	=	$233,338	$560,338[10]
	Previously Approved	4	x	$150	=	$600	$50,000			x	17	=	$850,000	$1,182,400
	Change	0		$0		$0	$0				(3)		($616,662)	($622,062)
Large Liquidity Fund Advisers	Requested	4	x	$150	=	$600	$50,000	÷ 3 =	$16,667	x	1	=	$16,667	$30,467[11]
	Previously Approved	4	x	$150	=	$600	$50,000			x	2	=	$100,000	$113,200
	Change	0		$0		$0	$0				(1)		($83,333)	($82,733)
Large Private Equity Advisers	Requested	1	x	$150	=	$150	$50,000	÷ 3 =	$16,667	x	42	=	$700,014	$754,614[12]
	Previously Approved	1	x	$150	=	$150	$50,000			x	9	=	$450,000	$498,300
	Change	0		$0		$0	$0				33		$250,014	$256,314

Notes:

1. We estimate that advisers would incur the cost of filing fees for each filing. For initial filings, advisers may incur costs to modify existing systems or deploy new systems to support Form PF reporting, acquire or use hardware to perform computations, or otherwise process data required on Form PF.
2. Smaller private fund advisers and large private equity advisers file annually. Large hedge fund advisers and large liquidity fund advisers file quarterly.
3. The SEC established Form PF filing fees in a separate order. Since 2011, filing fees have been and continue to be $150 per annual filing and $150 per quarterly filing. *See* Order Approving Filing Fees for Exempt Reporting Advisers and Private Fund Advisers, Advisers Act Release No. 3305 (Oct. 24, 2011) [76 FR 67004 (Oct. 28, 2011)].
4. In the previous PRA submission for the rules, staff estimated that the external cost burden for initial filings would range from $0 to $50,000 per adviser. This range reflected the fact that the cost to any adviser may depend on how many funds or the types of funds it manages, the state of its existing systems, the complexity of its business, the frequency of Form PF filings, the deadlines for completion, and the amount of information the adviser must disclose on Form PF. Smaller private fund advisers would be unlikely to bear such costs because the information they must provide is limited and will, in many cases, already be maintained in the ordinary course of business. We continue to estimate that the same cost range would apply.
5. We propose to amortize the external cost burden of initial filings over three years, as we do with other initial burdens in this PRA, because we believe that most of the burden would be incurred in the initial filing. The previously approved burden estimates did not calculate this.
6. *See* Table 2: Annual Hour Burden Estimates for Initial Filings.
7. Changes to the aggregate external cost of initial filings, amortized over three years are due to (1) using updated data and (2) amortizing the external cost of initial filings over three years, which the previously approved PRA did not calculate. Changes concerning large private equity advisers also are due to the proposed amendment to reduce the filing threshold.
8. Changes to the total aggregate external cost are due to (1) using updated data and (2) amortizing the external cost of initial filings over three years, which the previously approved PRA did not calculate. Changes concerning large private equity advisers also are due to the proposed amendment to reduce the filing threshold.
9. Private Funds Statistics show 2,427 smaller private fund advisers filed Form PF in the fourth quarter of 2020. (2,427 smaller private fund advisers x $150 total filing fees) = $364,050 aggregate cost.
10. Private Funds Statistics show 545 large hedge fund advisers filed Form PF in the fourth quarter of 2020. (545 large hedge fund advisers x $600 total filing fees) + $233,338 total external costs of initial filings, amortized over three years = $560,338 aggregate cost.
11. Private Funds Statistics show 23 large liquidity fund advisers filed Form PF in the fourth quarter of 2020. (23 large liquidity fund advisers x $600 total filing fees) + $16,667 total external costs of initial filings, amortized over three years = $30,467 aggregate cost.
12. Private Funds Statistics show 364 large private equity advisers filed Form PF in the fourth quarter of 2020. (364 large private equity advisers x $150 total filing fees) + $700,014 total external costs of initial filings, amortized over three years = $754,614 aggregate cost.

Table 11: Annual External Cost Burden for Current Reporting

Respondent[1]		Aggregate Number of Responses[2]		Cost of Outside Counsel Per Current Report[3]		Aggregate Cost of Outside Counsel	One-time Cost of System Changes	Total Aggregate External Cost[4]
Smaller Private Fund Advisers	Requested	6	x	$992	=	$5,952	Not Applicable	$5,952
	Previously Approved	Not Applicable						
	Change	Not Applicable						
Large Hedge Fund Advisers	Requested	6	x	$992	=	$5,952	$12,500[5]	$18,452
	Previously Approved	Not Applicable						
	Change	Not Applicable						
Large Private Equity Advisers	Requested	6	x	$992	=	$5,952	Not Applicable	$5,952
	Previously Approved	Not Applicable						
	Change	Not Applicable						
Advisers would pay filing fees, the amount of which would be determined in a separate action.								

Notes:

1. In a separate action, the SEC would approve filing fees that reflect the reasonable costs associated with current report filings and the establishment and maintenance of the filing system. (*See* 15 U.S.C. 80b-4(c).) We estimate that advisers would incur costs of outside counsel for each current report. We also estimate that large hedge fund advisers may incur a one-time cost to modify existing systems or deploy new systems to support section 5 current reporting, acquire or use hardware to perform computations, or otherwise process data to identify reporting events set forth in section 5, because such reporting events are quantitative. We estimate that such costs would not apply to advisers subject to current reporting requirements in proposed section 6, because the reporting events are more qualitative. There are no previously approved estimates for these proposed amendments because they would be new requirements.
2. *See* Table 4: Annual Hour Burden Estimates for Current Reporting.
3. We estimate the cost for outside legal counsel is $496. This is based on an estimated $400 per hour cost for outside legal services, as used by the Commission for these services in the "Exemptions for Advisers to Venture Capital Funds, Private Fund Advisers With Less Than $150 Million Under Management, and Foreign Private Advisers" final rule, Advisers Act Release No. 3222 (June 22, 2011) [76 FR 39646 (July 6, 2011)], as inflated using the Consumer Price Index. We estimate that approximately two hours of the total legal professional time that would otherwise be spent on current reporting for sections 5 and 6, would be shifted from in-house legal professionals to outside legal counsel. (2 hours x $496 for outside legal services = $992.)
4. (Aggregate cost of outside counsel) + (one-time cost of system changes, as applicable) = total aggregate cost.
5. We estimate that the one-time external cost burden would range from $0 to $12,500, per adviser. This range of costs reflects the fact that the cost to any adviser might depend on how many funds or the types of funds it manages, the state of its existing systems, and the complexity of its business.

5. Summary of Estimates and Change in Burden

Table 12: Aggregate Annual Estimates

Description[1]	Requested	Previously Approved	Change
Respondents	3,388 respondents[2]	3,225 respondents	163 respondents[3]
Responses	5,363 responses[4]	5,056 responses	307 responses[5]
Time Burden	409,797 hours[6]	409,768 hours	29 hours[7]
Monetized Time Burden (Dollars)	$116,054,007[8]	$122,152,100.25	($6,098,093)[9]
External Cost Burden (Dollars)	$1,739,825[10]	$3,628,850	($1,889,025)[11]

Notes:

1. Changes are due to (1) the proposed amendments, (2) using updated data, and (3) using different methodologies to calculate certain estimates, as described in this PRA.
2. Private Funds Statistics show the following advisers filed Form PF in the fourth quarter of 2020: 2,427 smaller private fund advisers + 545 large hedge fund advisers + 23 large liquidity fund advisers + 364 large private equity advisers = 3,359 advisers. 3,359 advisers + 29 additional large private equity advisers filing for the first time as a result of the proposed threshold = 3,388 respondents.
3. Changes are due to (1) the proposed amendment to reduce the filing threshold for large private equity advisers and (2) using updated data.
4. For initial filings (Table 2): (313 smaller private fund adviser responses + 14 large hedge fund adviser responses + 1 large liquidity fund adviser response + 42 large private equity adviser responses = 370 responses.) For ongoing annual and quarterly filings (Table 7): 2,114 smaller private fund adviser responses + 2,124 large hedge fund adviser responses + 88 large liquidity fund adviser responses + 351 large private equity adviser responses = 4,677 responses.) For current reporting (Table 4): (6 smaller private fund adviser responses + 6 large hedge fund adviser responses + 6 large private equity adviser responses = 18 responses.) (370 responses for initial filings + 4,677 responses for ongoing annual and quarterly filings + 18 responses for current reporting + 63 responses for transition filings + 232 responses for final filings + 3 responses for temporary hardship requests = 5,363 responses.)
5. Changes are due to (1) the proposal to add current reporting requirements, (2) the proposal to reduce the filing threshold for large private equity advisers, and (3) updated data concerning the number of filers.
6. For initial filings: (4,069 hours for smaller private fund advisers + 1,512 hours for large hedge fund advisers + 67 hours for large liquidity fund advisers + 3,486 hours for large private equity advisers = 9,134 hours). For ongoing annual and quarterly filings: (31,710 hours for smaller private fund advisers + 318,600 hours for large hedge fund advisers + 6,248 for hours large liquidity fund advisers + 43,875 hours for large private equity advisers = 400,433 hours). For current reporting: (51 hours for smaller private fund advisers + 51 hours for large hedge fund advisers + 51 hours for large private equity advisers = 153 hours.) (9,134 hours for initial filings + 400,433 for ongoing annual and quarterly filings + 153 hours for current reporting + 15.75 hours for transition filings + 58 hours for final filings + 3 hours for temporary hardship requests = 409,796.75 hours, rounded to 409,797 hours.
7. Although we would expect the time burden to increase more, given the proposed amendments, we estimate a smaller increase primarily because we propose to use a different methodology to calculate initial burden hours, as discussed in Table 2: Annual Hour Burden Estimates for Initial Filings, because the previously approved burdens for initial filings appear to have inflated the estimates.
8. For initial filings: ($1,421,020 for smaller private fund advisers + $487,312 for large hedge fund advisers + $21,631 for large liquidity fund advisers + $1,124,550 for large private equity advisers = $3,054,513). For ongoing annual and quarterly filings: ($8,942,220 for smaller private fund advisers + $89,845,200 for large hedge fund advisers + $1,761,936 for large liquidity fund advisers + $12,372,750 for large private equity advisers = $112,922,106). For current reporting: ($25,092 for smaller private equity fund advisers + $21,228 for large hedge fund advisers + $25,092 for large private equity advisers = $71,412). ($3,054,513 for initial filings + $112,922,106 for ongoing annual and quarterly filings + $71,412 for current reporting + $1,134 for transition filings + $4,176 for final filings + $666 for temporary hardship requests = $116,054,007.)
9. Although we would expect the monetized time burden to increase, given the proposed amendments, we estimate it would decrease primarily because we propose to use a different methodology to calculate it.

We believe the previously approved burden inflated the estimates by using a methodology that inflated an element of the total: the monetized time burden for initial filings. To calculate the monetized time burden for initial filings, the previously approved estimates included subsequent filings. For the requested total burden, we propose to calculate the initial filing element by including only the hours related to the initial filing, not any subsequent filings. We also propose to amortize the monetized time burden for an initial filing over three years, by dividing the initial filing burden by three years, as discussed in Table 6: Annual Monetized Time Burden of Initial Filings. The proposed methodology is designed to more accurately reflect the estimates.

10. For annual, quarterly, and initial filing costs: ($364,050 for smaller private fund advisers + $560,338 for large hedge funds + $30,467 for large liquidity fund advisers + $754,614 for large private equity advisers = $1,709,469). For current reporting: ($5,952 for smaller private fund advisers + $18,452 for large hedge funds + $5,952 for large private equity advisers = $30,356). ($1,709,469 annual, quarterly, and initial cost external cost burden + $30,356 current reporting external cost burden = $1,739,825 total annual external cost burden.)
11. Although we would expect the external cost burden to increase, given the proposed amendments, we estimate it would decrease primarily because we propose to use a different methodology to calculate it. We believe the previously approved burden inflated the estimates by (1) multiplying the filing fees by three years and (2) not amortizing the external costs for initial filings: ($742,950 aggregate annual filing fees x 3 years = $2,228,850 in filing fees) + $1,400,000 external costs of initial filings = $3,628,850). We propose to not multiply the aggregate annual filing fees by three years because we are estimating the external cost burden for one year, not three. We propose to amortize the external cost for initial filings over three years, by dividing the external cost of an initial filing by three years, as discussed in Table 10: Annual External Cost Burden for Ongoing Annual and Quarterly Filings as well as Initial Filings. The proposed methodology is designed to more accurately reflect the estimates.

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D. Request for Comments

We request comment on whether our estimates for burden hours and external costs as described above are reasonable. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to (1) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (2) evaluate the accuracy of the SEC's estimate of the burden of the proposed collection of information; (3) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (4) determine whether there are ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Persons wishing to submit comments on the collection of information requirements of the proposed amendments should direct them to the OMB Desk Officer for the Securities and Exchange Commission, *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov,* and should send a copy to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090, with reference to File No. S7–01–22. OMB is required to make a decision concerning the collections of information between 30 and 60 days after publication of this release; therefore a comment to OMB is best assured of having its full effect if OMB receives it within 30 days after publication of this release. Requests for materials submitted to OMB by the Commission with regard to these collections of information should be in writing, refer to File No. S7–01–22, and be submitted to the Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act of 1980 (''Regulatory Flexibility Act'') [240] requires the SEC to prepare and make available for public comment an initial regulatory flexibly analysis of the impact of the proposed rule amendments on small entities, unless the SEC certifies that the rules, if adopted would not have a significant economic impact on a substantial number of small entities.[241] Pursuant to section 605(b) of the Regulatory Flexibility Act, the SEC hereby certifies that the proposed amendments to Advisers Act rule 204(b)–1 and Form PF would not, if adopted, have a significant economic impact on a substantial number of small entities.

For the purposes of the Advisers Act and the Regulatory Flexibility Act, an investment adviser generally is a small entity if it (1) has assets under management having a total value of less than $25 million; (2) did not have total assets of $5 million or more on the last day of the most recent fiscal year; and (3) does not control, is not controlled by, and is not under common control with another investment adviser that has assets under management of $25 million or more, or any person (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year.[242]

By definition, no small entity on its own, would meet rule 204(b)–1 and Form PF's minimum reporting threshold of $150 million in regulatory assets under management attributable to private funds. Based on Form PF and Form ADV data as of September 2021, the SEC estimates that no small entity advisers are required to file Form PF. The SEC does not have evidence to suggest that any small entities are required to file Form PF but are not filing Form PF. Therefore, there would be no significant economic impact on a substantial number of small entities. The SEC encourages written comments on the certification. Commentators are asked to describe the nature of any impact on small entities and provide empirical data to support the extent of the impact.

[240] 5 U.S.C. 601, *et. seq.*

[241] *See* 5 U.S.C. 603(a) and 5 U.S.C. 605(b).

[242] 17 CFR 275.0–7.

VI. Consideration of Impact on the Economy

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''),[243] the SEC must advise OMB whether a proposed regulation constitutes a ''major'' rule. Under SBREFA, a rule is considered ''major'' where, if adopted, it results in or is likely to result in the following:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers or individual industries; or
- Significant adverse effects on competition, investment, or innovation.

The SEC requests comment on whether the proposal would be a ''major rule'' for purposes of SBREFA. The SEC solicits comment and empirical data on the following:

- The potential effect on the U.S. economy on an annual basis;
- Any potential increase in costs or prices for consumers or individual industries; and
- Any potential effect on competition, investment, or innovation.

Commenters are requested to provide empirical data and other factual support for their views to the extent possible.

VII. Statutory Authority

The Commission is proposing amendments to Form PF pursuant to authority set forth in Sections 204(b) and 211(e) of the Advisers Act [15 U.S.C. 80b–4(b) and 80b–11(e)].

[243] Public Law 104–121, Title II, 110 Stat. 857 (1996) (codified in various sections of 5 U.S.C., 15 U.S.C., and as a note to 5 U.S.C. 601).

List of Subjects 17 CFR Part 275 and 279

Reporting and recordkeeping requirements, Securities.

By the Commission.

Dated: January 26, 2022.

Vanessa A. Countryman,

Secretary.

Text of Proposed Rules

For the reasons set forth in the preamble, title 17, chapter II of the Code of Federal Regulations is amended as follows.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

■ 1. The general authority citation for part 275 continues to read as follows.

Authority: 15 U.S.C. 80b–2(a)(11)(G), 80b–2(a)(11)(H), 80b–2(a)(17), 80b–3, 80b–4, 80b–4a, 80b–6(4), 80b–6a, and 80b–11, unless otherwise noted.

* * * * *

■ 2. Amend § 275.204(b)–1 by revising paragraphs (f)(2)(i) and (f)(3) to read as follows:

§ 275.204(b)–1 Reporting by investment advisers to private funds.

* * * * *

(f) * * *

(2) * * *

(i) Complete and file in paper format, in accordance with the instructions to Form PF, Item A of Section 1a and Section 7 of Form PF, checking the box in Section 1a indicating that you are requesting a temporary hardship exemption, no later than one business day after the electronic Form PF filing was due;

* * * * *

(3) The temporary hardship exemption will be granted when you file Item A of Section 1a and Section 7 of Form PF, checking the box in Section 1a indicating that you are requesting a temporary hardship exemption.

* * * * *

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

■ 3. The authority citation for part 279 continues to read as follows:

Authority: The Investment Advisers Act of 1940, 15 U.S.C. 80b–1, *et seq.,* Pub. L. 111–203, 124 Stat. 1376.

§ 279.9 Form PF, reporting by investment advisers to private funds.

Note: The text of Form PF does not, and the amendments will not, appear in the Code of Federal Regulations.

■ 4. Revise PF (referenced in § 279.9) to read as follows.

BILLING CODE 8011–01–P

FORM PF (Paper Version)
Reporting Form for Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors

OMB APPROVAL	
OMB Number:	3235-0679
Expires:	[ ]
Estimated average burden	

Form PF: General Instructions **Page 1**

Read these instructions carefully before completing Form PF. Failure to follow these instructions, properly complete Form PF, or pay all required fees may result in your Form PF being delayed or rejected.

In these instructions and in Form PF, "you" means the *private fund adviser* completing or amending this Form PF. If you are a "separately identifiable department or division" (SID) of a bank, "you" means the SID rather than the bank (except as provided in Question 1(a)). Terms that appear in *italics* are defined in the Glossary of Terms to Form PF.

1. Who must complete and file a Form PF?

You must complete and file a Form PF, if:

A. You are registered or required to register with the *SEC* as an investment adviser;

OR

You are registered or required to register with the *CFTC* as a *CPO* or *CTA* and you are also registered or required to register with the *SEC* as an investment adviser;

AND

B. You manage one or more *private funds*.

AND

C. You and your *related persons*, collectively, had at least $150 million in *private fund assets under management* as of the last day of your most recently completed fiscal year.

Many *private fund advisers* meeting these criteria will be required to complete only Section 1 of Form PF and will need to file only on an annual basis. *Large private fund advisers*, however, will be required to provide additional data, and *large hedge fund advisers* and *large liquidity fund advisers* will need to file every quarter. *Large hedge fund advisers* will need to file a current report in Section 5 and advisers to *private equity funds* will need to file a current report in Section 6, upon certain *reporting events*. See Instructions 3, 9, and 12 below.

For purposes of determining whether you meet the reporting threshold, you are not required to include the *regulatory assets under management* of any *related person* that is *separately operated*. See Instruction 5 below for more detail.

If your *principal office and place of business* is outside the United States, for purposes of this Form PF you may disregard any *private fund* that, during your last fiscal year, was not a *United States person*, was not offered in the United States, and was not beneficially owned by any *United States person*.

2. I have a *related person* who is required to file Form PF. May I and my *related person* file a single Form PF?

Related persons may (but are not required to) report on a single Form PF information with respect to all such *related persons* and the *private funds* they advise. You must identify in your response

to Question 1 the *related persons* as to which you are reporting and, where information is requested about you or the *private funds* you advise, respond as though you and such *related persons* were one firm.

3. How is Form PF organized?

Section 1 – All Form PF filers

Section 1a All *private fund advisers* required to file Form PF must complete Section 1a. Section 1a asks general identifying information about you and the types of *private funds* you advise.

Section 1b All *private fund advisers* required to file Form PF must complete Section 1b. Section 1b asks for certain information regarding the *private funds* that you advise.

Section 1c All *private fund advisers* that are required to file Form PF and advise one or more *hedge funds* must complete Section 1c. Section 1c asks for certain information regarding the *hedge funds* that you advise.

Section 2 – *Large hedge fund advisers*

Section 2a You are required to complete Section 2a if you and your *related persons*, collectively, had at least $1.5 billion in *hedge fund assets under management* as of the last day of any month in the fiscal quarter immediately preceding your most recently completed fiscal quarter. You are not required to include the *regulatory assets under management* of any *related person* that is *separately operated*.

Subject to Instruction 4, Section 2a requires information to be reported on an aggregate basis for all *hedge funds* that you advise.

Section 2b If you are required to complete Section 2a, you must complete a separate Section 2b with respect to each *qualifying hedge fund* that you advise.

However:

if you are reporting separately on the funds of a *parallel fund structure* that, in the aggregate, comprises a *qualifying hedge fund*, you must complete a separate Section 2b for each *parallel fund* that is part of that *parallel fund structure* (even if that *parallel fund* is not itself a *qualifying hedge fund*); and

if you report answers on an aggregated basis for any *master-feeder arrangement* or *parallel fund structure* in accordance with Instruction 5, you should only complete a separate Section 2b with respect to the *reporting fund* for such *master- feeder arrangement* or *parallel fund structure*.

Section 3 – *Large liquidity fund advisers*

Section 3 You are required to complete Section 3 if (i) you advise one or more *liquidity funds* and (ii) as of the last day of any month in the fiscal quarter immediately preceding your most recently completed fiscal quarter, you and your *related persons*, collectively,

had at least $1 billion in *combined money market and liquidity fund assets under management*. You are not required to include the *regulatory assets under management* of any *related person* that is *separately operated.*

You must complete a separate Section 3 with respect to each *liquidity fund* that you advise.

However, if you report answers on an aggregated basis for any *master-feeder arrangement* or *parallel fund structure* in accordance with Instruction 5, you should only complete a separate Section 3 with respect to the *reporting fund* for such *master-feeder arrangement* or *parallel fund structure*.

Section 4 – *Large private equity advisers*

Section 4 You are required to complete Section 4 if you and your *related persons*, collectively, had at least $1.5 billion in *private equity fund assets under management* as of the last day of your most recently completed fiscal year. You are not required to include the *regulatory assets under management* of any *related person* that is *separately operated.*

You must complete a separate Section 4 with respect to each *private equity fund* that you advise.

However, if you report answers on an aggregated basis for any *master-feeder arrangement* or *parallel fund structure* in accordance with Instruction 5, you should only complete a separate Section 4 with respect to the *reporting fund* for such *master-feeder arrangement* or *parallel fund structure*.

Section 5 – *Current report* for *large hedge fund advisers*

Section 5 Section 5 is the current reporting form about *qualifying hedge funds*. You must complete and file Section 5 for any *reporting event* with respect to a *qualifying hedge fund* you advise.

Section 6 – *Current report* for advisers to *private equity funds*

Section 6 Section 6 is the current reporting form about *private equity funds*. You must complete and file Section 6 for any *reporting event* with respect to a *private equity fund* you advise.

Section 7 – Advisers requesting a temporary hardship exemption

Section 7 See Instruction 14 for details.

4. I am a subadviser or engage a subadviser for a *private fund*. Who is responsible for reporting information about that *private fund*?

Only one *private fund adviser* should complete and file Form PF for each *private fund*. If the adviser that filed *Form ADV Section 7.B.1* with respect to any *private fund* is required to file Form PF, the same adviser must also complete and file Form PF for that *private fund*. If the adviser that filed *Form ADV Section 7.B.1* with respect to any *private fund* is not required to file Form PF (e.g., because it is an *exempt reporting adviser*) and one or more other advisers to the fund is required to file Form PF, another adviser must complete and file Form PF for that *private fund*.

Where a question requests aggregate information regarding the *private funds* that you advise, you should only include information regarding the *private funds* for which you are filing Section 1b of Form PF.

5. When am I required to aggregate information regarding *parallel funds, parallel managed accounts, master-feeder arrangements* and funds managed by *related persons*?

You are required to aggregate related funds and accounts differently depending on the purpose of the aggregation.

Reporting thresholds. For purposes of determining whether you meet any reporting threshold, you must aggregate *parallel funds, dependent parallel managed accounts* and master-feeder funds. In addition, you must treat any *private fund* or *parallel managed account* advised by any of your *related persons* as though it were advised by you. You are not required, however, to aggregate *private funds* or *parallel managed accounts* of any *related person* that is *separately operated.*

Responding to questions. When reporting on individual funds, you may provide information regarding *master-feeder arrangements* or *parallel fund structures* either in the aggregate or separately, provided that you do so consistently throughout the Form. (For example, you may complete either a single Section 1b for all of the funds in a *master-feeder arrangement* or a separate Section 1b for each fund in the arrangement, but you must then take the same approach when completing other applicable sections of the Form.) Where a question requests aggregate information regarding the *private funds* that you advise, you should only include information regarding the *private funds* for which you are filing Section 1b of Form PF. You are not required to report information regarding *parallel managed accounts* (except in Question 11). You should not report information for any *private fund* advised by any of your *related persons* unless you have identified that *related person* in Question 1(b) as a *related person* for which you are filing Form PF.

See the table below for additional details.

For purposes of determining whether a *private fund* is a *qualifying hedge fund*	**For purposes of reporting information in Sections 1b, 1c, 2b, 3 and 4**
• You must aggregate any *private funds* that are part of the same *master-feeder arrangement* (even if you did not, or were not permitted to, aggregate these *private funds* for purposes of *Form ADV Section 7.B.1*)	• You may, but are not required to, report answers on an aggregated basis for any *private funds* that are part of the same *master-feeder arrangement* (even if you did not, or were not permitted to, aggregate these *private funds* for purposes of *Form ADV Section 7.B.1*)
• You must aggregate any *private funds* that are part of the same *parallel fund structure*	• You may, but are not required to, report answers on an aggregated basis for any *private funds* that are part of the same *parallel fund structure*
• Any *dependent parallel managed account* must be aggregated with the largest *private fund* to which that *dependent parallel managed account* relates You must treat any *private fund* or *parallel managed account* advised by any of your *related persons* as though it were advised by you (including *related persons* that you have not identified in Question 1(b) as *related persons* for which you are filing Form PF, though you may exclude *related persons* that are *separately operated*)	• You are not required to report information regarding *parallel managed accounts* (except in Question 11) You should not report information for any *private fund* advised by any of your *related persons* unless you have identified that *related person* in Question 1(b) as a *related person* for which you are filing Form PF

6. I am required to aggregate funds or accounts to determine whether I meet a reporting threshold, or I am electing to aggregate funds for reporting purposes. How do I "aggregate" funds or accounts for these purposes?

Where two or more *parallel funds* or master-feeder funds are aggregated in accordance with Instruction 5, you must treat the aggregated funds as if they were all one *private fund*. Investments that a *feeder fund* makes in a *master fund* should be disregarded but other investments of the *feeder fund* should be treated as though they were investments of the aggregated fund.

Where you are aggregating *dependent parallel managed accounts* to determine whether you meet a reporting threshold, assets held in the accounts should be treated as assets of the *private funds* with which they are aggregated.

Example 1. You advise a *master-feeder arrangement* with one *feeder fund*. The *feeder fund* has invested $500 in the *master fund* and holds a *foreign exchange derivative* with a notional value of $100. The *master fund* has used the $500 received from the *feeder fund* to invest in *corporate bonds*. Neither fund has any other assets or liabilities.

For purposes of determining whether the funds comprise a *qualifying hedge fund*, this *master-feeder arrangement* should be treated as a single *private fund* whose only investments are $500 in *corporate bonds* and a *foreign exchange derivative* with a notional value of $100. If you elect to aggregate the *master-feeder arrangement* for reporting purposes, the treatment would be the same.

Example 2. You advise a *parallel fund structure* consisting of two *hedge funds*, named *parallel fund* A and *parallel fund* B. You also advise a related *dependent parallel managed account*. The account and each fund have invested in *corporate bonds* of Company X and have no other assets or liabilities. The value of *parallel fund* A's investment is $400, the value of *parallel fund* B's investment is $300 and the value of the account's investment is $200.

For purposes of determining whether either of the *parallel funds* is a *qualifying hedge fund*, the entire *parallel fund structure* and the related *dependent parallel managed account* should be treated as a single *private fund* whose only asset is $900 of *corporate bonds* issued by Company X.

If you elect to aggregate the *parallel fund structure* for reporting purposes, you would disregard the *dependent parallel managed account*, so the result would be a single *private fund* whose only asset is $700 of *corporate bonds* issued by Company X.

7. I advise a *private fund* that invests in other *private funds* (e.g., a "fund of funds"). How should I treat these investments for purposes of Form PF?

Investments in other *private funds* generally. For purposes of this Form PF, you may disregard any *private fund's* equity investments in other *private funds*. However, if you disregard these investments, you must do so consistently (e.g., do not include disregarded investments in the *net asset value* used for determining whether the fund is a "hedge fund"). For Question 17, even if you disregard these assets, you may report the performance of the entire fund and are not required to recalculate performance in order to exclude these investments. Do not disregard any liabilities, even if incurred in connection with these investments.

Funds that invest substantially all of their assets in other *private funds*. If you advise a *private fund* that (i) invests substantially all of its assets in the equity of *private funds* for which you are not an

adviser and (ii) aside from such *private fund* investments, holds only *cash and cash equivalents* and instruments acquired for the purpose of hedging currency exposure, then you are only required to complete Section 1b for that fund. For all other purposes, you should disregard such fund. For example, where questions request aggregate information regarding the *private funds* you advise, do not include the assets or liabilities of any such fund.

Solely for purposes of this Instruction 7, you may treat as a *private fund* any issuer formed under the laws of a jurisdiction other than the United States that has not offered or sold its securities in the United States or to *United States persons* but that would be a *private fund* if it had engaged in such an offering or sale.

Notwithstanding the foregoing, you must include disregarded assets in responding to Question 10.

8. I advise a *private fund* that invests in companies that are not *private funds*. How should I treat these investments for purposes of Form PF?

Except as provided in Instruction 7, investments in funds should be included for all purposes under this Form PF. You are not, however, required to "look through" a fund's investments in any other entity unless the Form specifically requests information regarding that entity or the other entity's primary purpose is to hold assets or incur leverage as part of the *reporting fund's* investment activities.

9. When am I required to update Form PF?

You are required to update Form PF at the following times:

Periodic filings (large hedge fund advisers)	Within 60 calendar days after the end of your first, second and third fiscal quarters, you must file a *quarterly update* that updates the answers to all Items in this Form PF relating to the *hedge funds* that you advise. Within 60 calendar days after the end of your fourth fiscal quarter, you must file a *quarterly update* that updates the answers to all Items in this Form PF. You may, however, submit an initial filing for the fourth quarter that updates information relating only to the *hedge funds* that you advise so long as you amend your Form PF within 120 calendar days after the end of the quarter to update information relating to any other *private funds* that you advise. When you file such an amendment, you are not required to update information previously filed for such quarter.
Periodic filings (large liquidity fund advisers)	Within 15 calendar days after the end of your first, second and third fiscal quarters, you must file a *quarterly update* that updates the answers to all Items in this Form PF relating to the *liquidity funds* that you advise. Within 15 calendar days after the end of your fourth fiscal quarter, you must file a *quarterly update* that updates the answers to all Items in this Form PF. You may, however, submit an initial filing for the fourth quarter that updates information relating only to the *liquidity funds* that you advise so long as you amend your Form PF within 120 calendar days after the end of the quarter to update information relating to any other *private funds* that you advise (subject to the next paragraph). When you file such an amendment, you are not required to update information previously filed for such quarter.

	If you are both a *large liquidity fund adviser* and a *large hedge fund adviser*, you must file your *quarterly updates* with respect to the *liquidity funds* that you advise within 15 calendar days and with respect to the *hedge funds* you advise within 60 calendar days.
Periodic filings (all other advisers)	Within 120 calendar days after the end of your fiscal year, you must file an *annual update* that updates the answers to all Items in this Form PF. *Large hedge fund advisers and large liquidity fund advisers* are not required to file *annual updates* but instead file *quarterly updates* for the fourth quarter.
Transition filing	If you are transitioning from quarterly to annual filing because you are no longer a *large hedge fund adviser* or *large liquidity fund adviser*, then you must complete and file Item A of Section 1a and check the box in Section 1a indicating that you are making your final quarterly filing. You must file your transition filing no later than the last day on which your next *quarterly update* would be timely.
Current reports (large hedge fund advisers and advisers to private equity funds)	*Large hedge fund advisers* must file a *current report* in Section 5 and advisers to *private equity funds* must file a *current report* in Section 6, upon certain *reporting events*. See Section 5 and Section 6, respectively, for filing deadlines.
Final filing	If you are no longer required to file Form PF, then you must complete and file Item A of Section 1a and check the box in Section 1a indicating that you are making your final filing. You must file your final filing no later than the last day on which your next Form PF update would be timely. This applies to all Form PF filers.

Failure to update your Form PF as required by these instructions is a violation of *SEC* and, where applicable, *CFTC* rules and could lead to revocation of your registration.

10. How do I obtain *private fund* identification numbers for my *reporting funds*?

Each *private fund* must have an identification number for purposes of reporting on *Form ADV* and Form PF. *Private fund* identification numbers can only be obtained by filing *Form ADV*.

If you need to obtain a *private fund* identification number and you are required to file a *quarterly update* of Form PF prior to your next annual update of *Form ADV*, then you must acquire the identification number by filing an other-than-annual amendment to your *Form ADV* and following the instructions on Form ADV for generating a new number. When filing an other- than-annual amendment for this purpose, you must complete and file all of *Form ADV Section 7.B.1* for the new *private fund*.

See Instruction 6 to Part 1A of *Form ADV* for additional information regarding the acquisition and use of *private fund* identification numbers.

11. Who must sign my Form PF or update?

The individual who signs the Form PF depends upon your form of organization:

- For a sole proprietorship, the sole proprietor.
- For a partnership, a general partner.

- For a corporation, an authorized principal officer.
- For a limited liability company, a managing member or authorized person.
- For a SID, a principal officer of your bank who is directly engaged in the management, direction or supervision of your investment advisory activities.
- For all others, an authorized individual who participates in managing or directing your affairs.

The signature does not have to be notarized and should be a typed name.

If you and one or more of your *related persons* are filing a single Form PF, then Form PF may be signed by one or more individuals; however, the individual, or the individuals collectively, must have authority, as provided above, to sign both on your behalf and on behalf of all such *related persons*.

12. How do I file my Form PF?

You must file Form PF electronically through the Form PF filing system on the Investment Adviser Registration Depository website (www.iard.com), which contains detailed filing instructions. Questions regarding filing through the Form PF filing system should be addressed to the Financial Industry Regulatory Authority (FINRA) at 240-386-4848.

If you are a *large hedge fund adviser* filing a current report in Section 5, only file Section 5. Do not file any other sections of the form. If you are an adviser to *private equity funds* filing a current report in Section 6 only file Section 6. Do not file any other sections of the form. For all other types of filings, file the applicable sections as provided in Instruction 3.

13. Are there filing fees?

Yes, you must pay a filing fee for your Form PF filings. The Form PF filing fee schedule is published at http://www.sec.gov/iard and http://www.iard.com.

14. What if I am not able to file electronically?

A temporary hardship exemption is available if you encounter unanticipated technical difficulties that prevent you from making a timely filing with the Form PF filing system, such as a computer malfunction or electrical outage. This exemption does not permit you to file on paper; instead, it extends the deadline for an electronic filing for seven "business days" (as such term is used in *SEC* rule 204(b)-1(f)).

To request a temporary hardship exemption, you must complete and file on paper Item A of Section 1a and Section 7 of Form PF, checking the box in Section 1a indicating that you are requesting a temporary hardship exemption. Mail one manually signed original and one copy of your exemption filing to: U.S. Securities and Exchange Commission, Branch of Regulations and Examinations, Mail Stop 0-25, 100 F Street NE, Washington, DC 20549. You must preserve in your records a copy of any temporary hardship exemption filing. Any request for a temporary hardship exemption must be filed no later than one business day after the electronic Form PF filing was due. For more information, see *SEC* rule 204(b)-1(f).

15. May I rely on my own methodologies in responding to Form PF? How should I enter requested information?

You may respond to this Form using your own internal methodologies and the conventions of your service providers, provided the information is consistent with information that you report internally and to current and prospective investors. However, your methodologies must be consistently applied and your responses must be consistent with any instructions or other guidance relating to this Form. You may explain any of your methodologies, including related assumptions, in Question 4.

In responding to Questions on this Form, the following guidelines apply unless otherwise specifically indicated:

- provide the requested information as of the close of business on the *data reporting date*;
- if information is requested for any month or quarter, provide the requested information as of the close of business on the last calendar day of the month or quarter, respectively;
- if a question requests information expressed as a percentage, enter the response as a percentage (not a decimal) and round to the nearest one percent;
- if a question requests a monetary value, provide the information in U.S. dollars as of the *data reporting date*, rounded to the nearest thousand;
- if a question requests a numerical value other than a percentage or a dollar value, provide information rounded to the nearest whole number;
- if a question requests information regarding a "position" or "positions," you should determine whether a set of legal and contractual rights constitutes a "position" in a manner consistent with your internal recordkeeping and risk management procedures (e.g., some advisers may record as a single position two or more partially offsetting legs of a transaction entered into with the same counterparty under the same master agreement, while others may record these as separate positions);
- if a question requires you to distinguish long positions from short positions, classify positions in a manner consistent with your internal recordkeeping and risk management procedures (provided that, for *CDS*, *exotic CDS*, *index CDS*, and *single name CDS*, the protection seller should be viewed as long and the protection buyer should be viewed as short);
- do not net long and short positions;
- for derivatives (other than options), "value" means *gross notional value*; for options, "value" means delta adjusted notional value; for all other investments and for all *borrowings* where the reporting fund is the creditor, "value" means market value or, where there is not a readily available market value, fair value; for *borrowings* where the reporting fund is the debtor, "value" means the value you report internally and to current and prospective investors; and
- for questions 20, 21, 25, 28, and 35, the numerator you use to determine the percentage of *net asset value* should be measured on the same basis as *gross asset value* and may result in responses that total more than 100%.

16. How do I amend Form PF, for example, to make a correction?

If you discover that information you filed on Form PF was not accurate at the time of filing, you may correct the information by re-filing and checking the box in Section 1a, Section 5, or Section 6, as applicable, indicating that you are amending a previously submitted filing. You are not required to update information that you believe in good faith properly responded to Form PF on the date of filing even if that information is subsequently revised for purposes of your recordkeeping, risk management or investor reporting (such as estimates that are refined after completion of a subsequent audit).

Large hedge fund advisers and *large liquidity fund advisers* that comply with their fourth quarter filing obligations by submitting an initial filing followed by an amendment in accordance with Instruction 9 will not be viewed as affirming responses regarding one fund solely by providing updated information regarding another fund at a later date.

17. How may I preserve on Form PF the anonymity of a *private fund* that I advise?

If you seek to preserve the anonymity of a *private fund* that you advise by maintaining its identity in your books and records in numerical or alphabetical code, or similar designation, pursuant to rule 204-2(d), you may identify the *private fund* on Form PF using the same code or designation in place of the fund's name.

18. May I report on Form PF regarding a *commodity pool* that is not a *private fund*? How should I treat the *commodity pool* for purposes of Form PF?

If you are otherwise required to report on Form PF, you may report information regarding any *commodity pool* you advise on Form PF, even if it is not a *private fund*. Properly reporting on Form PF regarding the *commodity pool* will constitute substitute compliance with CFTC reporting requirements to the extent provided in *CEA* rule 4.27.

Commodity pools should be treated as *hedge funds* for purposes of Form PF. If you are reporting on Form PF regarding a *commodity pool* that is not a *private fund*, then treat it as a *private fund* for purposes of Form PF. However, such a *commodity pool* is not required to be included when determining whether you exceed one or more reporting thresholds. If such a *commodity pool* is a *qualifying hedge fund* and you are otherwise required to report information in section 2a of Form PF, then you must report regarding the *commodity pool* in section 2b of Form PF.

Federal Information Law and Requirements for a Collection of Information

Section 204(b) of the *Advisers Act* [15 U.S.C. § 80b-4(b)] authorizes the *SEC* to collect the information that Form PF requires. The information collected on Form PF is designed to facilitate the Financial Stability Oversight Council's ("FSOC") monitoring of systemic risk in the private fund industry and to assist FSOC in determining whether and how to deploy its regulatory tools with respect to nonbank financial companies. The *SEC* and *CFTC* may also use information collected on Form PF in their regulatory programs, including examinations, investigations and investor protection efforts relating to private fund advisers. Filing Form PF is mandatory for advisers that satisfy the criteria described in Instruction 1 to the Form. *See also* 17 C.F.R. § 275.204(b)-1. The SEC does not intend to make public information reported on Form PF that is identifiable to any particular adviser or *private fund*, although the SEC may use Form PF information in an enforcement action. *See* Section 204(b) of the *Advisers Act*.

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 Office of Management and Budget has reviewed this collection of information under 44 U.S.C. § 3507. Any member of the public may direct any comments concerning the accuracy of the burden estimate and any suggestion for reducing this burden to: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

Form PF Section 1a	Information about you and your *related persons* (to be completed by all Form PF filers)	Page 1 of 55

Section 1a: Information about you and your *related persons*

Check the box that indicates what you would like to do:

A. If you are not a *large hedge fund adviser* or *large liquidity fund adviser*:

- ☐ Submit your first filing on Form PF
  for the period ended: _____
- ☐ Submit an *annual update*
  for the period ended: _____
- ☐ Amend a previously submitted filing
  for the period ended: _____
- ☐ Submit a final filing
- ☐ Request a temporary hardship exemption

B. If you are a *large hedge fund adviser* or *large liquidity fund adviser*:

- ☐ Submit your first filing on Form PF
  for the [1st, 2nd, 3rd, 4th] quarter, which ended: _____
- ☐ Submit a *quarterly update* (including fourth quarter updates)
  for the [1st, 2nd, 3rd, 4th] quarter, which ended: _____
- ☐ Amend a previously submitted filing
  for the [1st, 2nd, 3rd, 4th] quarter, which ended: _____
- ☐ Transition to annual reporting
- ☐ Submit a final filing
- ☐ Request a temporary hardship exemption

Item A. Information about you

1. (a) Provide your name and the other identifying information requested below.

(This should be your full legal name. If you are a sole proprietor, this will be your last, first, and middle names. If you are a SID, *enter the full legal name of your bank. Please use the same name that you use in your* Form ADV.*)*

Legal name	SEC 801-Number	NFA ID Number, if any	Large trader ID, if any	Large trader ID suffix, if any

(b) Provide the following information for each of the *related persons*, if any, with respect to which you are reporting information on this Form PF:

Legal name	SEC 801-Number	NFA ID Number, if any	Large trader ID, if any	Large trader ID suffix, if any

Form PF Section 1a	**Information about you and your *related persons*** (to be completed by all Form PF filers)	Page 2 of 55

2. Signatures of sole proprietor or authorized representative *(see Instruction 11 to Form PF)*.

Signature on behalf of the *firm* and its *related persons*:

I, the undersigned, sign this Form PF on behalf of, and with the authority of, the *firm*. In addition, I sign this Form PF on behalf of, and with the authority of, each of the *related persons* identified in Question 1(b) (other than any *related person* for which another individual has signed this Form PF below).

To the extent that Section 1 or 2 of this Form PF is filed in accordance with a regulatory obligation imposed by *CEA* rule 4.27, the *firm*, each *related person* for which I am signing this Form PF, and I shall accept that any false or misleading statement of a material fact therein or material omission therefrom shall constitute a violation of section 6(c)(2) of the *CEA*.

Name of individual:	
Signature:	
Title:	
Email address:	
Telephone contact number (include area code and, if outside the United States, country code):	
Date:	

Signature on behalf of *related persons*:

I, the undersigned, sign this Form PF on behalf of, and with the authority of, the *related person(s)* identified below.

To the extent that Section 1 or 2 of this Form PF is filed in accordance with a regulatory obligation imposed by *CEA* rule 4.27, each *related person* identified below and I shall accept that any false or misleading statement of a material fact therein or material omission therefrom shall constitute a violation of section 6(c)(2) of the *CEA*.

Name of each *related person* on behalf of which this individual is signing:	
Name of individual:	
Signature:	
Title:	
Email address:	
Telephone contact number (include area code and, if outside the United States, country code):	
Date:	

Form PF Section 1a	Information about you and your *related persons* (to be completed by all Form PF filers)	Page 3 of 55

Item B. Information about assets of *private funds* that you advise

3. Provide a breakdown of your *regulatory assets under management* and your *net assets under management* as follows:

(If you are filing a quarterly update *for your first, second or third fiscal quarter, you are only required to update row (a), in the case of a* large hedge fund adviser, *or row (b), in the case of a* large liquidity fund adviser.*)*

	Regulatory assets under management	***Net assets under management***
(a) *Hedge funds*		
(b) *Liquidity funds*		
(c) *Private equity funds*		
(d) *Real estate funds*		
(e) *Securitized asset funds*		
(f) *Venture capital funds*		
(g) *Other private funds*		
(h) Funds and accounts other than *private funds* (*i.e.*, the remainder of your assets under management)		

Item C. Miscellaneous

4. You may use the space below to explain any assumptions that you made in responding to any question in this Form PF. Assumptions must be in addition to, or reasonably follow from, any instructions or other guidance relating to Form PF. If you are aware of any instructions or other guidance that may require a different assumption, provide a citation and explain why that assumption is not appropriate for this purpose.

Question number	Description

Section 1b: Information about the *private funds* you advise

Subject to Instruction 5, you must complete a separate Section 1b for each *private fund* that you advise.

Item A. *Reporting fund* identifying information

5. (a) Name of the *reporting fund* .....
   (b) *Private fund* identification number of the *reporting fund* .....
   (c) *NFA* identification number of the *reporting fund*, if applicable .....
   (d) *LEI* of the *reporting fund*, if applicable .....

6. Check "yes" below if the *reporting fund* is the *master fund* of a *master-feeder arrangement* and you are reporting for all of the funds in the *master-feeder arrangement* on an aggregated basis. Otherwise, check "no."

   (See Instruction 5 for information regarding aggregation of master-feeder arrangements. *If you respond "yes," do not complete a separate Section 1b, 1c, 2b, 3 or 4 with respect to any of the* feeder funds.*)*

   ☐ Yes ☐ No

7. (a) Check "yes" below if the *reporting fund* is the largest fund in a *parallel fund structure* and you are reporting for all of the funds in the structure on an aggregated basis. Otherwise, check "no."

   (See Instruction 5 for information regarding aggregation of parallel funds. *If you respond "yes," do not complete a separate Section 1b, 1c, 2b, 3 or 4 with respect to any of the other* parallel funds *in the structure.)*

   ☐ Yes ☐ No

   If you responded "yes" to Question 7(a), complete (b) through (e) below for each other *parallel fund* in the *parallel fund structure*.

   (b) Name of the *parallel fund* .....
   (c) *Private fund* identification number of the *parallel fund* .....
   (d) *NFA* identification number of the *parallel fund*, if applicable .....
   (e) *LEI* of the *parallel fund*, if applicable .....

Item B. Assets, financing and investor concentration

8. *Gross asset value* of *reporting fund* .....

   (This amount may differ from the amount you reported in response to question 11 of Form ADV Section 7.B.1. *For instance, the amounts may not be the same if you are filing Form PF on a quarterly basis, if you are aggregating a* master-feeder arrangement *for purposes of this Form PF and you did not aggregate that* master-feeder arrangement *for purposes of* Form ADV Section 7.B.1. *or if you are aggregating* parallel funds *for purposes of this Form PF.)*

9. *Net asset value* of *reporting fund* .....

Form PF Section 1b	Information about the *private funds* you advise (to be completed by all Form PF filers)	Page 5 of 55

10. *Value* of *reporting fund's* investments in equity of other *private funds* ..... [ ]

11. *Value* of all *parallel managed accounts* related to the *reporting fund* ..... [ ]

(If any of your parallel managed accounts *relates to more than one of the* private funds *you advise, only report the value of the account once, in connection with the largest* private fund *to which it relates.)*

12. Provide the following information regarding the *value* of the *reporting fund's borrowings* and the types of creditors.

(You are not required to respond to this question for any reporting fund *with respect to which you are answering Question 43 in Section 2b. Do not net out amounts that the* reporting fund *loans to creditors or the value of collateral pledged to creditors.)*

(The percentages borrowed from the specified types of creditors should add up to approximately 100%.)

(a) Dollar amount of total *borrowings*..... [ ]

(b) Percentage borrowed from *U.S. financial institutions* ..... [ ]

(c) Percentage borrowed from *non-U.S. financial institutions* ..... [ ]

(d) Percentage borrowed from U.S. creditors that are not financial institutions ..... [ ]

(e) Percentage borrowed from non-U.S. creditors that are not financial institutions ..... [ ]

13. (a) Does the *reporting fund* have any outstanding derivatives positions?

☐ Yes ☐ No

(b) If you responded "yes" to Question 13(a), provide the aggregate *value* of all derivatives positions of the *reporting fund*..... [ ]

(You are not required to respond to Question 13 for any reporting fund *with respect to which you are answering Question 44 in Section 2b.)*

14. Provide a summary of the *reporting fund's* assets and liabilities categorized using the hierarchy below. For assets and liabilities that you report internally and to current and prospective investors as representing fair value, or for which you are required to determine fair value in order to report the *reporting fund's* regulatory assets under management on Form ADV, categorize them into the following categories based on the valuation assumptions utilized:

Level 1 – Quoted prices (unadjusted) in active markets for identical assets or liabilities.

Level 2 – Other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3 – Unobservable inputs, such as your assumptions or the fund's assumptions used to determine the fair value of the asset or liability.

For any assets and liabilities that you report internally and to current and prospective investors as representing a measurement attribute other than fair value, and for which you are not required to determine fair value in order to report the *reporting fund's* regulatory assets under management on Form ADV, separately report these assets and liabilities in the "cost-based" measurement column.

(If the fund's financial statements are prepared in accordance with U.S. generally accepted accounting principles ("U.S. GAAP") or another accounting standard that requires the

categorization of assets and liabilities using a fair value hierarchy similar to that established under U.S. GAAP, then respond to this question using the fair value hierarchy established under the applicable accounting standard.)

(This question requires the use of fair values and cost-based measurements, which may be different from the values contemplated by Instruction 15. You are only required to respond to this question if you are filing an annual update *or a* quarterly update *for your fourth fiscal quarter.)*

	Fair value Level 1	Level 2	Level 3	Cost-based
Assets	$_____	$_____	$_____	$_____
Liabilities	$_____	$_____	$_____	$_____

15. Specify the approximate percentage of the *reporting fund's* equity that is beneficially owned by the five beneficial owners having the largest equity interests in the *reporting fund.* [ ]

(For purposes of this question, if you know that two or more beneficial owners of the reporting fund *are* affiliated *with each other, you should treat them as a single beneficial owner.)*

16. Specify the approximate percentage of the *reporting fund's* equity that is beneficially owned by the following groups of investors.

(Include each investor in only one group. The total should add up to approximately 100%. With respect to beneficial interests outstanding prior to March 31, 2012, that have not been transferred on or after that date, you may respond to this question using good faith estimates based on data currently available to you.)

(a) Individuals that are *United States persons* (including their trusts) ..... [ ]

(b) Individuals that are not *United States persons* (including their trusts) ..... [ ]

(c) Broker-dealers ..... [ ]

(d) Insurance companies ..... [ ]

(e) Investment companies registered with the *SEC* ..... [ ]

(f) *Private funds* ..... [ ]

(g) Non-profits ..... [ ]

(h) Pension plans (excluding governmental pension plans) ..... [ ]

(i) Banking or thrift institutions (proprietary) ..... [ ]

(j) State or municipal *government entities* (excluding governmental pension plans) ..... [ ]

(k) State or municipal governmental pension plans ..... [ ]

(l) Sovereign wealth funds and foreign official institutions ..... [ ]

(m) Investors that are not *United States persons* and about which the foregoing beneficial ownership information is not known and cannot reasonably be obtained because the beneficial interest is held through a chain involving one or more third-party intermediaries ..... [ ]

(n) Other ..... [ ]

Form PF Section 1b	Information about the *private funds* you advise (to be completed by all Form PF filers)	Page 7 of 55

Item C. *Reporting fund* performance

17. Provide the *reporting fund's* gross and net performance, as reported to current and prospective investors (or, if calculated for other purposes but not reported to investors, as so calculated). If the fund reports different performance results to different groups of investors, provide the most representative results. You are required to provide monthly and quarterly performance results only if such results are calculated for the *reporting fund* (whether for purposes of reporting to current or prospective investors or otherwise).

(If your fiscal year is different from the reporting fund's *fiscal year, then for any portion of the* reporting fund's *fiscal year that has not been completed as of the* data reporting date, *provide the relevant information from that portion of the* reporting fund's *preceding fiscal year.)*

(Enter your responses as percentages rounded to the nearest one-hundredth of one percent. Performance results for monthly and quarterly periods should not be annualized. If any period precedes the date of the fund's formation, enter "NA". You are not required to include performance results for any period with respect to which you previously provided performance results for the reporting fund *on Form PF.)*

	Last day of fiscal period	Gross performance	Net of management fees and incentive fees and allocations
(a) 1st month of *reporting fund's* fiscal year			
(b) 2nd month of *reporting fund's* fiscal year			
(c) 3rd month of *reporting fund's* fiscal year			
(d) First quarter			
(e) 4th month of *reporting fund's* fiscal year			
(f) 5th month of *reporting fund's* fiscal year			
(g) 6th month of *reporting fund's* fiscal year			
(h) Second quarter			
(i) 7th month of *reporting fund's* fiscal year			
(j) 8th month of *reporting fund's* fiscal year			
(k) 9th month of *reporting fund's* fiscal year			
(l) Third quarter			
(m) 10th month of *reporting fund's* fiscal year			
(n) 11th month of *reporting fund's* fiscal year			
(o) 12th month of *reporting fund's* fiscal year			
(p) Fourth quarter			
(q) *Reporting fund's* most recently completed fiscal year			

Section 1c: Information about the *hedge funds* you advise

Subject to Instruction 5, you must complete a separate Section 1c for each *hedge fund* that you advise.

Item A. *Reporting fund* identifying information

18. (a) Name of the *reporting fund* .....
    (b) *Private fund* identification number of the *reporting fund* .....

Item B. Certain information regarding the *reporting fund*

19. Does the *reporting fund* have a single primary investment strategy or multiple strategies?

    ☐ Single primary strategy ☐ Multi-strategy

20. Indicate which of the investment strategies below best describe the *reporting fund's* strategies. For each strategy that you have selected, provide a good faith estimate of the percentage of the *reporting fund's net asset value* represented by that strategy. If, in your view, the *reporting fund's* allocation among strategies is appropriately represented by the percentage of deployed capital, you may also provide that information.

    (Select the investment strategies that best describe the reporting fund's strategies, even if the descriptions below do not precisely match your characterization of those strategies; select "other" only if a strategy that the reporting fund *uses is significantly different from any of the strategies identified below. You may refer to the* reporting fund's *use of these strategies as of the* data reporting date *or throughout the* reporting period, *but you must report using the same basis in future filings.)*

    (The strategies listed below are mutually exclusive (i.e., do not report the same assets under multiple strategies). If providing percentages of capital, the total should add up to approximately 100%.)

Strategy	% of *NAV* (required)	% of capital (optional)
☐ Equity, Market Neutral		
☐ Equity, Long/Short		
☐ Equity, Short Bias		
☐ Equity, Long Bias		
☐ Macro, Active Trading		
☐ Macro, Commodity		
☐ Macro, Currency		
☐ Macro, Global Macro		

Form PF Section 1c	**Information about the *hedge funds* you advise** (to be completed by all Form PF filers that advise *hedge funds*)	Page 9 of 55

☐ Relative Value, Fixed Income Asset Backed		
☐ Relative Value, Fixed Income Convertible Arbitrage		
☐ Relative Value, Fixed Income Corporate		
☐ Relative Value, Fixed Income Sovereign		
☐ Relative Value, Volatility Arbitrage		
☐ Event Driven, Distressed/Restructuring		
☐ Event Driven, Risk Arbitrage/Merger Arbitrage		
☐ Event Driven, Equity Special Situations		
☐ Credit, Long/Short		
☐ Credit, Asset Based Lending		
☐ Managed Futures/*CTA*, Fundamental		
☐ Managed Futures/*CTA*, Quantitative		
☐ Investment in other funds		
☐ Other: _____		

21. During the *reporting period*, approximately what percentage of the *reporting fund's net asset value* was managed using high-frequency trading strategies?

(In your response, please do not include strategies using algorithms solely for trade execution. This question concerns strategies that are substantially computer-driven, where decisions to place bids or offers, and to buy or sell, are primarily based on algorithmic responses to intraday price action in equities, futures and options, and where the total number of shares or contracts traded throughout the day is generally significantly larger than the net change in position from one day to the next.)

☐ 0% ☐ less than 10% ☐ 10-25% ☐ 26-50%

☐ 51-75% ☐ 76-99% ☐ 100% or more

22. Identify the five counterparties to which the *reporting fund* has the greatest mark-to- market net counterparty credit exposure, measured as a percentage of the *reporting fund's net asset value.*

(For purposes of this question, you should treat affiliated *entities as a single group to the extent exposures may be contractually or legally set-off or netted across those entities and/or one affiliate guarantees or may otherwise be obligated to satisfy the obligations of another.* CCPs *should not be regarded as counterparties for purposes of this question.)*

(In your response, you should take into account: (i) mark-to-market gains and losses on derivatives; and (ii) any loans or loan commitments.)

(However, you should not take into account: (i) margin posted by the counterparty; or (ii) holdings of debt or equity securities issued by the counterparty.)

Form PF Section 1c	Information about the ***hedge funds*** you advise (to be completed by all Form PF filers that advise *hedge funds*)	Page 10 of 55

	Legal name of the counterparty (or, if multiple affiliated entities, counterparties)	Indicate below if the counterparty is affiliated with a major financial institution	Exposure (% of *reporting fund's net asset value*)
(a)		[drop-down list of counterparty names] Other: _____ [Not applicable]	
(b)		[drop-down list of counterparty names] Other: _____ [Not applicable]	
(c)		[drop-down list of counterparty names] Other: _____ [Not applicable]	
(d)		[drop-down list of counterparty names] Other: _____ [Not applicable]	
(e)		[drop-down list of counterparty names] Other: _____ [Not applicable]	

23. Identify the five counterparties that have the greatest mark-to-market net counterparty credit exposure to the *reporting fund*, measured in U.S. dollars.

(For purposes of this question, you should treat affiliated *entities as a single group to the extent exposures may be contractually or legally set-off or netted across those entities and/or one affiliate guarantees or may otherwise be obligated to satisfy the obligations of another.* CCPs *should not be regarded as counterparties for purposes of this question.)*

(In your response, you should take into account: (i) mark-to-market gains and losses on derivatives; and (ii) any loans or loan commitments.)

(However, you should not take into account: (i) margin posted to the counterparty; or (ii) holdings of debt or equity securities issued by the counterparty.)

	Legal name of the counterparty (or, if multiple affiliated entities, counterparties)	Indicate below if the counterparty is affiliated with a major financial institution	Exposure (% of *reporting fund's net asset value*)
(a)		[drop-down list of counterparty names] Other: _____ [Not applicable]	
(b)		[drop-down list of counterparty names] Other: _____ [Not applicable]	
(c)		[drop-down list of counterparty names] Other: _____ [Not applicable]	
(d)		[drop-down list of counterparty names] Other: _____ [Not applicable]	

Form PF Section 1c	Information about the *hedge funds* you advise (to be completed by all Form PF filers that advise *hedge funds*)	Page 11 of 55

(e)		[drop-down list of counterparty names] Other:_____ [Not applicable]	

24. Provide the following information regarding your use of trading and clearing mechanisms during the *reporting period*.

(Provide good faith estimates of the mode in which instruments were traded and cleared by the reporting fund, *and not the market as a whole. For purposes of this question, a "trade" includes any transaction, whether entered into on a bilateral basis or through an exchange, trading facility or other system and whether long or short. With respect to clearing, transactions for which margin is held in a customer omnibus account at a* CCP *should be considered cleared by a* CCP. *Tri-party* repo *applies where* repo *collateral is held at a custodian (not including a* CCP*) that acts as a third party agent to both the* repo *buyer and the* repo *seller.)*

(The total in each part of this question should add up to 100%. Enter "NA" in each part of this question for which the reporting fund *engaged in no relevant trades.)*

	%
(a) Estimated % (in terms of *value*) of securities (other than derivatives) that were traded by the *reporting fund*:	
On a regulated exchange	
OTC	
(b) Estimated % (in terms of trade volumes) of derivatives that were traded by the *reporting fund*:	
On a regulated exchange or swap execution facility	
OTC	
(c) Estimated % (in terms of trade volumes) of *derivatives* that were traded by the *reporting fund* and:	
Cleared by a *CCP*	
Bilaterally transacted (i.e., not cleared by a *CCP*)	
(d) Estimated % (in terms of *value*) of *repo* trades that were entered into by the *reporting fund* and:	
Cleared by a *CCP*	
Bilaterally transacted (i.e., not cleared by a *CCP*)	
Constitute a tri-party *repo*	

25. What percentage of the *reporting fund's net asset value* relates to transactions that are not described in any of the categories listed in items (a) through (d) of Question 24?

Form PF Section 2a	Aggregated information about ***hedge funds*** that you advise (to be completed by *large private fund advisers* only)	Page 12 of 55

Section 2a: Aggregated information about *hedge funds* that you advise

Item A. Exposure of *hedge fund* assets

26. Aggregate *hedge fund* exposures.

(Give a dollar value *for long and short positions as of the last day in each month of the* reporting period, *by* sub-asset class, *including all exposure whether held physically, synthetically or through derivatives. Enter "NA" in each space for which there are no relevant positions.)*

(Include any closed out and OTC *forward positions that have not yet expired/matured. Do not net positions within* sub-asset classes. *Positions held in side-pockets should be included as positions of the* hedge funds. *Provide the absolute value of short positions. Each position should only be included in a single* sub-asset class.*)*

(Where "duration/WAT/10-year eq." is required, provide at least one of the following with respect to the position and indicate which measure is being used: bond duration, weighted average tenor or 10-year bond equivalent. Duration and weighted average tenor should be entered in terms of years to two decimal places.)

	1st Month		2nd Month		3rd Month	
	LV	*SV*	*LV*	*SV*	*LV*	*SV*
Listed equity						
Issued by financial institutions						
Other *listed equity*.....						
Unlisted equity						
Issued by financial institutions						
Other *unlisted equity*.....						
Listed equity derivatives						
Related to financial institutions						
Other *listed equity derivatives*						
Derivative exposures to unlisted equities						
Related to financial institutions						
Other *derivative exposures to unlisted equities*.....						
Corporate bonds issued by financial institutions (other than *convertible bonds*)						
Investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Non-investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						

Form PF Section 2a	Aggregated information about ***hedge funds*** that you advise (to be completed by *large private fund advisers* only)	Page 13 of 55

Corporate bonds not issued by financial institutions (other than *convertible bonds*)						
Investment grade						
☐ Duration ☐ WAT ☐ 10-year eq.						
Non-investment grade						
☐ Duration ☐ WAT ☐ 10-year eq.						
Convertible bonds issued by financial institutions						
Investment grade						
☐ Duration ☐ WAT ☐ 10-year eq.						
Non-investment grade						
☐ Duration ☐ WAT ☐ 10-year eq.						
Convertible bonds not issued by financial institutions						
Investment grade						
☐ Duration ☐ WAT ☐ 10-year eq.						
Non-investment grade						
☐ Duration ☐ WAT ☐ 10-year eq.						
Sovereign bonds and municipal bonds						
U.S. treasury securities						
☐ Duration ☐ WAT ☐ 10-year eq.						
Agency securities						
☐ Duration ☐ WAT ☐ 10-year eq.						
GSE bonds						
☐ Duration ☐ WAT ☐ 10-year eq.						
Sovereign bonds issued by *G10* countries other than the U.S.						
☐ Duration ☐ WAT ☐ 10-year eq.						
Other *sovereign bonds* (including supranational bonds)						
☐ Duration ☐ WAT ☐ 10-year eq.						
U.S. state and local bonds						
☐ Duration ☐ WAT ☐ 10-year eq.						
Loans						
Leveraged loans						

Form PF Section 2a	Aggregated information about ***hedge funds*** that you advise (to be completed by *large private fund advisers* only)	Page 14 of 55

☐ Duration ☐ WAT ☐ 10-year eq..						
Other loans (not including *repos*).....						
☐ Duration ☐ WAT ☐ 10-year eq..						
Repos.....						
☐ Duration ☐ WAT ☐ 10-year eq.						
ABS/structured products						
MBS						
☐ Duration ☐ WAT ☐ 10-year eq..						
ABCP						
☐ Duration ☐ WAT ☐ 10-year eq..						
CDO/CLO.....						
☐ Duration ☐ WAT ☐ 10-year eq..						
Other ABS.....						
☐ Duration ☐ WAT ☐ 10-year eq..						
Other structured products						
Credit derivatives						
Single name CDS						
Index CDS						
Exotic CDS.....						
Foreign exchange derivatives (investment)						
Foreign exchange derivatives (hedging).....						
Non-U.S. currency holdings.....						
Interest rate derivatives.....						
Commodities (derivatives)						
Crude oil.....						
Natural gas						
Gold.....						
Power.....						
Other commodities.....						
Commodities (physical)						
Crude oil.....						
Natural gas						

Form PF Section 2a	Aggregated information about ***hedge funds*** that you advise (to be completed by *large private fund advisers* only)	Page 15 of 55

Gold						
Power						
Other commodities						
Other derivatives						
Physical real estate						
Investments in internal private funds						
Investments in external private funds						
Investments in registered investment companies						
Cash and cash equivalents						
Certificates of deposit						
☐ Duration ☐ WAT ☐ 10-year eq.						
Other deposits						
Money market funds						
Other *cash and cash equivalents* (excluding government securities)						
Investments in funds for cash management purposes (other than *money market funds*)						
Investments in other sub-asset classes						

27. For each month of the *reporting period*, provide the *value* of turnover during the month in each of the asset classes listed below for the *hedge funds* that you advise.

(The value *of turnover should be the sum of the absolute* values *of transactions in the relevant asset class during the period.)*

	1st Month	2nd Month	3rd Month
Listed equity			
Corporate bonds (other than *convertible bonds*)			
Convertible bonds			
Sovereign bonds and municipal bonds			
U.S. treasury securities			
Agency securities			
GSE bonds			
Sovereign bonds issued by *G10* countries other than the U.S.			
Other *sovereign bonds* (including supranational bonds)			

U.S. state and local bonds			
Futures			

28. (a) Provide a geographical breakdown of the investments held by the *hedge funds* that you advise (by percentage of the total *net asset value* of these *hedge funds*).

(See Instruction 15 for information on calculating the numerator for purposes of this Question.)

	Region	**% of *NAV***
(i)	Africa	
(ii)	Asia and Pacific (other than the Middle East)	
(iii)	Europe (*EEA*)	
(iv)	Europe (other than *EEA*)	
(v)	Middle East	
(vi)	North America	
(vii)	South America	
(viii)	Supranational	

(b) Provide the value of investments in the following countries held by the *hedge funds* that you advise (by percentage of the total *net asset value* of these *hedge funds*).

(See Instruction 15 for information on calculating the numerator for purposes of this Question.)

	Country	**% of *NAV***
(i)	Brazil	
(ii)	China (including Hong Kong)	
(iii)	India	
(iv)	Japan	
(v)	Russia	
(vi)	United States	

Form PF Section 2b	Information about *qualifying hedge funds* that you advise (to be completed by *large private fund advisers* only)	Page 17 of 55

Section 2b: Information about *qualifying hedge funds* that you advise.

You must complete a separate Section 2b for each *qualifying hedge fund* that you advise. However, with respect to *master-feeder arrangements* and *parallel fund structures* that collectively comprise *qualifying hedge funds*, you may report collectively or separately about the component funds as provided in the General Instructions.

Item A. *Reporting fund* identifying information

29. (a) Name of the *reporting fund* ..... [ ]

(b) *Private fund* identification number of the *reporting fund* ..... [ ]

Item B. *Reporting fund* exposures and trading

Check this box if you advise only one *hedge fund*. If you check this box, you may skip Question 30. ☐

30. *Reporting fund* exposures.

(Give a dollar value *for long and short positions as of the last day in each month of the* reporting period, *by* sub-asset class, *including all exposure whether held physically, synthetically or through derivatives. Enter "NA" in each space for which there are no relevant positions.)*

(Include any closed out and OTC *forward positions that have not yet expired/matured. Do not net positions within* sub-asset classes. *Positions held in side-pockets should be included as positions of the* hedge funds. *Provide the absolute value of short positions. Each position should only be included in a single* sub-asset class.*)*

(Where "duration/WAT/10-year eq." is required, provide at least one of the following with respect to the position and indicate which measure is being used: bond duration, weighted average tenor or 10-year bond equivalent. Duration and weighted average tenor should be entered in terms of years to two decimal places.)

	1st Month		2nd Month		3rd Month	
	LV	*SV*	*LV*	*SV*	*LV*	*SV*
Listed equity						
Issued by financial institutions						
Other *listed equity*.....						
Unlisted equity						
Issued by financial institutions						
Other *unlisted equity*.....						

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Listed equity derivatives						
Related to financial institutions						
Other *listed equity derivatives*						
Derivative exposures to unlisted equities						
Related to financial institutions						
Other *derivative exposures to unlisted equities*.....						
Corporate bonds issued by financial institutions (other than *convertible bonds*)						
Investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Non-investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Corporate bonds not issued by financial institutions (other than *convertible bonds*)						
Investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Non-investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Convertible bonds issued by financial institutions						
Investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Non-investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Convertible bonds not issued by financial institutions						
Investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Non-investment grade						
☐ Duration ☐ WAT ☐ 10-year eq..						
Sovereign bonds and municipal bonds						
U.S. treasury securities.....						
☐ Duration ☐ WAT ☐ 10-year eq..						

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Agency securities						
☐ Duration ☐ WAT ☐ 10-year eq.						
GSE bonds						
☐ Duration ☐ WAT ☐ 10-year eq.						
Sovereign bonds issued by *G10* countries other than the U.S.						
☐ Duration ☐ WAT ☐ 10-year eq.						
Other *sovereign bonds* (including supranational bonds)						
☐ Duration ☐ WAT ☐ 10-year eq.						
U.S. state and local bonds						
☐ Duration ☐ WAT ☐ 10-year eq.						
Loans						
Leveraged loans						
☐ Duration ☐ WAT ☐ 10-year eq.						
Other loans (not including *repos*)						
☐ Duration ☐ WAT ☐ 10-year eq.						
Repos						
☐ Duration ☐ WAT ☐ 10-year eq.						
ABS/structured products						
MBS						
☐ Duration ☐ WAT ☐ 10-year eq.						
ABCP						
☐ Duration ☐ WAT ☐ 10-year eq.						
CDO/CLO						
☐ Duration ☐ WAT ☐ 10-year eq.						
Other ABS						
☐ Duration ☐ WAT ☐ 10-year eq.						
Other structured products						
Credit derivatives						
Single name CDS						
Index CDS						
Exotic CDS						
Foreign exchange derivatives (investment)						
Foreign exchange derivatives (hedging)						
Non-U.S. currency holdings						

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Interest rate derivatives						
Commodities (derivatives)						
Crude oil						
Natural gas						
Gold						
Power						
Other commodities						
Commodities (physical)						
Crude oil						
Natural gas						
Gold						
Power						
Other commodities						
Other derivatives						
Physical real estate						
Investments in internal private funds						
Investments in external private funds						
Investments in registered investment companies						
Cash and cash equivalents						
Certificates of deposit						
☐ Duration ☐ WAT ☐ 10-year eq.						
Other deposits						
Money market funds						
Other *cash and cash equivalents* (excluding government securities)						
Investments in funds for cash management purposes (other than *money market funds*)						
Investments in other sub-asset classes						

31. What is the *reporting fund's* base currency?
[drop-down of currencies]
Other: _____

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32. Provide the following information regarding the liquidity of the *reporting fund's* portfolio.

(Specify the percentage by value *of the* reporting fund's *positions that may be liquidated within each of the periods specified below. Each investment should be assigned to only one period and such assignment should be based on the shortest period during which you believe that such position could reasonably be liquidated at or near its carrying value. Use good faith estimates for liquidity based on market conditions over the* reporting period *and assuming no fire-sale discounting. In the event that individual positions are important contingent parts of the same trade, group all those positions under the liquidity period of the least liquid part (so, for example, in a convertible bond arbitrage trade, the liquidity of the short should be the same as the* convertible bond*). Exclude* cash and cash equivalents.*)*

(The total should add up to approximately 100%.)

	% of portfolio capable of being liquidated within
1 day or less	
2 days – 7 days	
8 days – 30 days	
31 days – 90 days	
91 days – 180 days	
181 days – 365 days	
Longer than 365 days	

	1st Month	2nd Month	3rd Month
33. *Value* of *reporting fund's unencumbered cash*			
34. Total number of open positions (approximate), determined on the basis of each position and not the issuer or counterparty			

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35. For each open position of the *reporting fund* that represents 5% or more of the *reporting fund's net asset value*, provide the information requested below.

		% of *net asset value*	*Sub-asset class*
(a) First month of the *reporting period*			
	(i) Position		[drop-down of asset classes]
	(ii) Position		[drop-down of asset classes]
(b) Second month of the *reporting period*			
	(i) Position		[drop-down of asset classes]
	(ii) Position		[drop-down of asset classes]
(c) Third month of the *reporting period*			
	(i) Position		[drop-down of asset classes]
	(ii) Position		[drop-down of asset classes]

36. For each of the top five counterparties listed in your response to Question 22 with respect to the *reporting fund*, provide the following information regarding the collateral and other credit support that the counterparty has posted to the *reporting fund*.

(For purposes of Questions 36, 37 and 38, include as collateral assets purchased in connection with repos *and collateral posted under an arrangement pursuant to which the secured party has loaned securities to the pledgor.* Repos *and* reverse-repos *with the same counterparty may be netted to the extent secured by the same type of collateral.)*

(a) Counterparty [1, 2, 3, 4, 5]:

(i) *value* of collateral posted in the form of *cash and cash equivalents*	
(ii) *value* of collateral posted in the form of securities (other than *cash and cash equivalent* instruments).....	
(iii) *value* of other collateral and credit support posted (including face amount of letters of credit and similar third party credit support).....	

37. For each of the top five counterparties listed in your response to Question 23 with respect to the *reporting fund*, provide the following information regarding the collateral and other credit support that the *reporting fund* has posted to the counterparty.

(a) Counterparty [1, 2, 3, 4, 5]:

(i) *value* of collateral posted in the form of *cash and cash equivalents*	
(ii) *value* of collateral posted in the form of securities (other than *cash and cash equivalent* instruments).....	
(iii) *value* of other collateral and credit support posted (including face amount of letters of credit and similar third party credit support).....	

38. (a) Of the total amount of collateral and other credit support that counterparties have posted to the *reporting fund*, what percentage:

(i) may be rehypothecated?	
(ii) has the *reporting fund* rehypothecated?	
(b) Of the total amount of collateral and other credit support that the *reporting fund* has posted to counterparties, what percentage may be rehypothecated?	

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39. During the *reporting period*, did the *reporting fund* clear any transactions directly through a *CCP*?

☐ Yes ☐ No

Item C. *Reporting fund* risk metrics

40. (a) During the *reporting period*, did you regularly calculate the *VaR* of the *reporting fund*?

(Please respond without regard to whether you reported the result of this calculation internally or to investors.)

☐ Yes ☐ No

(b) If you responded "yes" to Question 40(a), provide the following information.

(If you regularly calculate the VaR *of the* reporting fund *using multiple combinations of confidence interval, horizon and historical observation period, complete a separate response to this Question 40(b) for each such combination.)*

(i) Confidence interval used (e.g., 100%-alpha%) *(as a percentage)* ..... [ ]

(ii) Time horizon used *(in number of days)*..... [ ]

(iii) What weighting method was used to calculate *VaR*?

☐ None ☐ Exponential ☐ Other: _____

(iv) If you responded "exponential" to Question 40(b)(iii), provide the weighting factor used *(as a decimal to two places)*..... [ ]

(v) What method was used to calculate *VaR*?

☐ Historical simulation ☐ Monte Carlo simulation

☐ Parametric ☐ Other:

(vi) Historical lookback period used *(in number of years; enter "NA" if none used)*..... [ ]

(vii) *VaR* at the end of the 1st month of the *reporting period (as a % of NAV)*..... [ ]

(viii) *VaR* at the end of the 2nd month of the *reporting period (as a % of NAV)*..... [ ]

(ix) *VaR* at the end of the 3rd month of the *reporting period (as a % of NAV)*..... [ ]

41. Are there any risk metrics other than (or in addition to) *VaR* that you consider to be important to the *reporting fund's* risk management?

(Select all that you consider relevant. Please respond without regard to whether you reported the metric internally or to investors. If none, "None.")

[drop-down of risk metrics]

Other: _____

42. For each of the market factors identified below, determine the effect of the specified changes on the *reporting fund's* portfolio and provide the results.

(You may omit a response to any market factor that you do not regularly consider in formal testing in connection with the reporting fund's *risk management. If you omit any market factor, check either the box in the first column indicating that you believe that this market factor is not relevant to the* reporting fund's *portfolio or the box in the second column indicating that this market factor is relevant but not formally tested. For this purpose, "formal testing" means that the adviser has models or other systems capable of simulating the effect of a market factor on the fund's portfolio, not that the specific assumptions outlined in the question were used in testing.)*

(For each market factor, separate the effect on your portfolio into long and short components where (i) the long component represents the aggregate result of all positions whose valuation changes in the same direction as the market factor under a given stress scenario and (ii) the short component represents the aggregate result of all positions whose valuation changes in the opposite direction from the market factor under a given stress scenario.)

(Assume that changes in a market factor occur instantaneously and that all other factors are held constant. If the specified change in any market factor would make that factor less than zero, use zero instead.)

(Please note the following regarding the market factors identified below:

(i) A change in "equity prices" means that the prices of all equities move up or down by the specified amount, without regard to whether the equities are listed on any exchange or included in any index;

(ii) "Risk free interest rates" means rates of interest accruing on sovereign bonds *issued by governments having the highest credit quality, such as* U.S. treasury securities*;*

(iii) A change in "credit spreads" means that all spreads against risk free interest rates change by the specified amount;

(iv) A change in "currency rates" means that the values of all currencies move up or down by the specified amount relative to the reporting fund's *base currency;*

(v) A change in "commodity prices" means that the prices of all physical commodities move up or down by the specified amount;

(vi) A change in "option implied volatilities" means that the implied volatilities of all the options that the reporting fund *holds increase or decrease by the specified number of percentage points; and*

(vii) A change in "default rates" means that the rate at which debtors default on all instruments of the specified type increases or decreases by the specified number of percentage points.)

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Not relevant	Relevant/not formally tested	Market factor – changes in market factor	Effect on long components of portfolio (as % of *NAV*)	Effect on short components of portfolio (as % of *NAV*)
☐	☐	Equity prices:		
		Equity prices increase 5%		
		Equity prices decrease 5%		
		Equity prices increase 20%		
		Equity prices decrease 20%		
☐	☐	Risk free interest rates (changes represent a parallel shift in the yield curve):		
		Risk free interest rates increase 25*bp*		
		Risk free interest rates decrease 25*bp*		
		Risk free interest rates increase 75*bp*		
		Risk free interest rates decrease 75*bp*		
☐	☐	Credit spreads:		
		Credit spreads increase 50*bp*		
		Credit spreads decrease 50*bp*		
		Credit spreads increase 250*bp*		
		Credit spreads decrease 250*bp*		
☐	☐	Currency rates:		
		Currency rates increase 5%		
		Currency rates decrease 5%		
		Currency rates increase 20%		
		Currency rates decrease 20%		
☐	☐	Commodity prices:		
		Commodity prices increase 10%		
		Commodity prices decrease 10%		
		Commodity prices increase 40%		
		Commodity prices decrease 40%		

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☐	☐	Option implied volatilities:		
		Implied volatilities increase 4 percentage points		
		Implied volatilities decrease 4 percentage points.....		
		Implied volatilities increase 10 percentage points		
		Implied volatilities decrease 10 percentage points....		
☐	☐	Default rates (*ABS*):		
		Default rates increase 1 percentage point.....		
		Default rates decrease 1 percentage point.....		
		Default rates increase 5 percentage points		
		Default rates decrease 5 percentage points		
☐	☐	Default rates (*corporate bonds* and *CDS*):		
		Default rates increase 1 percentage point.....		
		Default rates decrease 1 percentage point.....		
		Default rates increase 5 percentage points		
		Default rates decrease 5 percentage points		

Item D. Financing information

43. For each month of the *reporting period*, provide the following information regarding the *value* of the *reporting fund's borrowings*, the types of creditors and the collateral posted to secure its *borrowings*.

(For each type of borrowing, *information is requested regarding the percentage borrowed from specified types of creditors. In each case, the total percentages allocated among these types of creditors should add up to 100%.)*

(Do not net out amounts that the reporting fund *loans to creditors or the value of collateral pledged to creditors.)*

	1st Month	2nd Month	3rd Month
(a) Dollar amount of *unsecured borrowing*			
(i) Percentage borrowed from *U.S. financial institutions*.....			
(ii) Percentage borrowed from *non-U.S. financial institutions*			
(iii) Percentage borrowed from U.S. creditors that are not financial institutions			
(iv) Percentage borrowed from non-U.S. creditors that are not financial institutions			

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(b) *Secured borrowing.*

(Classify secured borrowing *according to the legal agreement governing the borrowing (e.g., Global Master Repurchase Agreement for* reverse repo *and Prime Brokerage Agreement for prime brokerage). Please note that for* reverse repo borrowings, *the amount should be the net amount of cash borrowed (after taking into account any initial margin/independent amount, 'haircut' and repayments). Positions under a Global Master Repurchase Agreement should not be netted.)*

(i) Dollar amount via prime brokerage			
(A) *value* of collateral posted in the form of *cash and cash equivalents*			
(B) *value* of collateral posted in the form of securities (other than *cash and cash equivalent* instruments)			
(C) *value* of other collateral and credit support posted (including face amount of letters of credit and similar third party credit support)			
(D) percentage borrowed from *U.S. financial institutions*			
(E) percentage borrowed from *non-U.S. financial institutions*			
(F) percentage borrowed from U.S. creditors that are not financial institutions			
(G) percentage borrowed from non-U.S. creditors that are not financial institutions			
(ii) Dollar amount via *reverse repo (for purposes of items (A) through (D) below, include as collateral any assets sold in connection with the* reverse repo *as well as any variation margin)*			
(A) *value* of collateral posted in the form of *cash and cash equivalents*			
(B) *value* of collateral posted in the form of securities (other than *cash and cash equivalent* instruments)			
(C) *value* of other collateral and credit support posted (including face amount of letters of credit and similar third party credit support)			
(D) percentage borrowed from *U.S. financial institutions*			
(E) percentage borrowed from *non-U.S. financial institutions*			
(F) percentage borrowed from U.S. creditors that are not financial institutions			
(G) percentage borrowed from non-U.S. creditors that are not financial institutions			

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(iii) Dollar amount of other *secured borrowings*			
(A) *value* of collateral posted in the form of *cash and cash equivalents*			
(B) *value* of collateral posted in the form of securities (other than *cash and cash equivalent* instruments)			
(C) *value* of other collateral and credit support posted (including face amount of letters of credit and similar third party credit support)			
(D) percentage borrowed from *U.S. financial institutions*			
(E) percentage borrowed from *non-U.S. financial institutions*			
(F) percentage borrowed from U.S. creditors that are not financial institutions			
(G) percentage borrowed from non-U.S. creditors that are not financial institutions			

	1st Month	2nd Month	3rd Month
44. For each month of the *reporting period*, provide the aggregate *value* of all derivatives positions of the *reporting fund (enter "NA" if no outstanding derivatives positions at the end of the relevant period)*			

45. For each month of the *reporting period*, provide the following information regarding the *reporting fund's* derivative positions that were not cleared by a *CCP* and the collateral posted to secure those positions.

(If the reporting fund *is a net receiver of collateral, provide the collateral value as a negative number.)*

	1st Month	2nd Month	3rd Month
(a) Aggregate net mark-to-market value of all derivatives positions of the *reporting fund* that were not cleared by a *CCP (enter "NA" if no relevant derivatives positions outstanding at the end of the relevant period)*			
(b) Net *value* of collateral posted by or to the *reporting fund* in respect of these positions in the form of *cash and cash equivalents*			
(c) Net *value* of collateral posted by or to the *reporting fund* in respect of these positions in the form of securities (other than *cash and cash equivalent* instruments)			
(d) Net *value* of other collateral and credit support posted by or to the *reporting fund* in respect of these positions (including face amount of letters of credit and similar third party credit support			

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46. Financing liquidity:

(a) Provide the aggregate dollar amount of *borrowing* by and cash financing available to the *reporting fund* (including all drawn and undrawn, committed and uncommitted lines of credit as well as any term financing) ..... [ ]

(b) Divide the amount reported in response to Question 46(a) among the periods specified below depending on the longest period for which the creditor is contractually committed to provide such financing.

(If a creditor (or syndicate or administrative/collateral agent) is permitted to vary unilaterally the economic terms of the financing or to revalue posted collateral in its own discretion and demand additional collateral, then the financing should be deemed uncommitted for purposes of this question. Uncommitted financing should be included under "1 day or less.")

(The total should add up to 100%.)

	% of total financing
1 day or less	
2 days – 7 days.....	
8 days – 30 days	
31 days – 90 days	
91 days – 180 days	
181 days – 365 days.....	
Longer than 365 days.....	

47. Identify each creditor, if any, to which the *reporting fund* owed an amount in respect of *borrowings* equal to or greater than 5% of the *reporting fund's net asset value* as of the *data reporting date*. For each such creditor, provide the amount owed to that creditor.

(This question does not require the precise legal name of the creditor; if the creditor belongs to an affiliated *group that is included in the list below, select that group and do not enter the creditor's name in the space for "other.")*

Name of creditor	Dollar amount owed to each creditor
[drop-down list of creditor/counterparty names] Other: _____	
[repeat drop-down list of creditor/counterparty names] Other: _____	
[repeat drop-down list of creditor/counterparty names] Other: _____	

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Item E. Investor information

48. (a) As of the *data reporting date*, what percentage of the *reporting fund's net asset value*, if any, is subject to a "side-pocket" arrangement? [ ]

(This question relates to whether assets are currently in a side-pocket and not the potential for assets to be moved to a side-pocket.)

(b) Have additional assets been placed in a side-pocket since the end of the prior *reporting period*?

(Check "NA" if you reported no assets under Question 48(a) in the current period and/or the prior period.)

☐ Yes ☐ No ☐ NA

49. Provide the following information regarding the *reporting fund's* restrictions on investor withdrawals and redemptions.

(For Questions 49 and 50, please note that the standards for imposing suspensions and restrictions on withdrawals/redemptions may vary among funds. Make a good faith determination of the provisions that would likely be triggered during conditions that you view as significant market stress.)

(a) Does the *reporting fund* provide investors with withdrawal/redemption rights in the ordinary course?

☐ Yes ☐ No

(If you responded "yes" to Question 49(a), then you must respond to Questions 49(b)-(e).)

As of the *data reporting date*, what percentage of the *reporting fund's net asset value*, if any:

(b)	May be subjected to a suspension of investor withdrawals/redemptions by an adviser or fund governing body *(this question relates to an adviser's or governing body's right to suspend and not just whether a suspension is currently effective)*.....	
(c)	May be subjected to material restrictions on investor withdrawals/redemptions (e.g., "gates") by an adviser or fund governing body *(this question relates to an adviser's or governing body's right to impose a restriction and not just whether a restriction has been imposed)*	
(d)	Is subject to a suspension of investor withdrawals/redemptions *(this question relates to whether a suspension is currently effective and not just an adviser's or governing body's right to suspend)*.....	
(e)	Is subject to a material restriction on investor withdrawals/redemptions (e.g., a "gate") *(this question relates to whether a restriction has been imposed and not just an adviser's or governing body's right to impose a restriction)*.....	

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50. Investor liquidity (as a % of *net asset value*):

(Divide the reporting fund's net asset value *among the periods specified below depending on the shortest period within which investors are entitled, under the fund documents, to withdraw invested funds or receive redemption payments, as applicable. Assume that you would impose gates where applicable but that you would not completely suspend withdrawals/redemptions and that there are no redemption fees. Please base on the notice period before the valuation date rather than the date proceeds would be paid to investors.)*

(The total should add up to approximately 100%.)

	% of *NAV* locked for
1 day or less	
2 days – 7 days	
8 days – 30 days	
31 days – 90 days	
91 days – 180 days	
181 days – 365 days	
Longer than 365 days	

Form PF Section 3	Information about *liquidity funds* that you advise (to be completed by *large private fund advisers* only)	Page 32 of 55

Section 3: Information about *liquidity funds* that you advise.

You must complete a separate Section 3 for each *liquidity fund* that you advise. However, with respect to *master-feeder arrangements* and *parallel fund structures*, you may report collectively or separately about the component funds as provided in the General Instructions.

Item A. *Reporting fund* identifying and operational information

51. (a) Name of the *reporting fund* .....
    (b) *Private fund* identification number of the *reporting fund* .....
52. (a) Does the *reporting fund* seek to maintain a stable price per share?
    ☐ Yes ☐ No
    (b) If yes, state the price the *reporting fund* seeks to maintain.....

Item B. *Reporting fund* assets

53. Provide the following information for each month of the *reporting period.*

	1st Month	2nd Month	3rd Month
(a) Net asset value of *reporting fund* as reported to current and prospective investors			
(b) Net asset value per share of *reporting fund* as reported to current and prospective investors *(to the nearest hundredth of a cent)*			
(c) Net asset value per share of *reporting fund (to the nearest hundredth of a cent; exclude the value of any capital support agreement or similar arrangement)*			
(d) *WAM* of *reporting fund (in days)*			
(e) *WAL* of *reporting fund (in days)*			
(f) *7-day gross yield* of *reporting fund (to the nearest hundredth of one percent*			
(g) Dollar amount of the *reporting fund's* assets that are *daily liquid assets*			
(h) Dollar amount of the *reporting fund's* assets that are *weekly liquid assets*			
(i) Dollar amount of the *reporting fund's* assets that have a *maturity* greater than 397 days			
(j) cash			

Form PF Section 3	Information about *liquidity funds* that you advise (to be completed by *large private fund advisers* only)	Page 33 of 55

54. Provide the total gross subscriptions (including dividend reinvestments) and total gross redemptions for each month of the *reporting period.*

1st Month	2nd Month	3rd Month

Item C. Financing information

55. (a) Is the amount of total *borrowing* reported in response to Question 12 equal to or greater than 5% of the *reporting fund's net asset value*?

☐ Yes ☐ No

(b) If you responded "yes" to Question 55(a) above, divide the dollar amount of total *borrowing* reported in response to Question 12 among the periods specified below depending on the type of *borrowing*, the type of creditor and the latest date on which the reporting fund may repay the principal amount of the *borrowing* without defaulting or incurring penalties or additional fees.

(If a creditor (or syndicate or administrative/collateral agent) is permitted to vary unilaterally the economic terms of the financing or to revalue posted collateral in its own discretion and demand additional collateral, then the borrowing *should be deemed to have a maturity of 1 day or less for purposes of this question. For amortizing loans, each amortization payment should be treated separately and grouped with other* borrowings *based on its payment date.)*

(The total amount of borrowings *reported below should equal approximately the total amount of* borrowing *reported in response to Question 12.)*

	1 day or less	2 days to 7 days	8 days to 30 days	31 days to 397 days	Greater than 397 days
(i) *Unsecured borrowing*					
(A) *U.S. depository institutions*					
(B) U.S. creditors that are not *U.S. depository institutions*					
(C) Non-U.S. creditors					
(ii) *Secured borrowing*					
(A) *U.S. depository institutions*					
(B) U.S. creditors that are not *U.S. depository institutions*					
(C) Non-U.S. creditors					

56. (a) Does the *reporting fund* have in place one or more committed liquidity facilities?

☐ Yes ☐ No

(b) If you responded "yes" to Question 56(a), provide the aggregate dollar amount of commitments under the liquidity facilities ☐

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Item D. Investor information

57. Specify the number of outstanding shares or units of the *reporting fund's* stock or similar securities. [ ]

58. Is the *reporting fund* established as a cash management vehicle for other funds or accounts that you or your *affiliates* manage that are not cash management vehicles?

☐ Yes ☐ No

59. Provide the following information regarding investor concentration.

(For purposes of this question, if you know that two or more beneficial owners of the reporting fund *are* affiliated *with each other, you should treat them as a single beneficial owner.)*

(a) Specify the percentage of the *reporting fund's* equity that is beneficially owned by the beneficial owner having the largest equity interest in the *reporting fund.* [ ]

(b) For each investor that beneficially owns 5% or more of the reporting fund's equity, provide the following information:

(i) Investor Category	(ii) Investor's percent of equity of the *reporting fund* on the *data reporting date*
[Drop-down menu of investor categories in Question 16]	
[Drop-down menu of investor categories in Question 16]	
Et cetera.	

60. Provide a good faith estimate, as of the *data reporting date*, of the percentage of the *reporting fund's* outstanding equity that was purchased using *securities lending collateral.* [ ]

61. Provide the following information regarding the restrictions on withdrawals and redemptions by investors in the *reporting fund.*

(For Questions 61 and 62, please note that the standards for imposing suspensions and restrictions on withdrawals/redemptions may vary among funds. Make a good faith determination of the provisions that would likely be triggered during conditions that you view as significant market stress.)

As of the *data reporting date*, what percentage of the *reporting fund's net asset value*, if any:

(a) May be subjected to a suspension of investor withdrawals/redemptions by an adviser or fund governing body *(this question relates to an adviser's or governing body's right to suspend and not just whether a suspension is currently effective).* [ ]

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(b) May be subjected to material restrictions on investor withdrawals/redemptions (e.g., "gates") by an adviser or fund governing body *(this question relates to an adviser's or governing body's right to impose a restriction and not just whether a restriction been imposed),*	
(c) Is subject to a suspension of investor withdrawals/redemptions *(this question relates to whether a suspension is currently effective and not just an adviser's or governing body's right to suspend).*	
(d) Is subject to a material restriction on investor withdrawals/redemptions (e.g., a "gate") *(this question relates to whether a restriction has been imposed and not just an adviser's or governing body's right to impose a restriction).*	

62. Investor liquidity (as a % of *net asset value*):

(Divide the reporting fund's net asset value *among the periods specified below depending on the shortest period within which investors are entitled, under the fund documents, to withdraw invested funds or receive redemption payments, as applicable. Assume that you would impose gates where applicable but that you would not completely suspend withdrawals/redemptions and that there are no redemption fees. Please base on the notice period before the valuation date rather than the date proceeds would be paid to investors. The total should add up to 100%.)*

	% of *NAV* locked for
1 day or less	
2 days – 7 days	
8 days – 30 days	
31 days – 90 days	
91 days – 180 days	
181 days – 365 days	
Longer than 365 days	

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Item E. Portfolio Information

63. For each security held by the *reporting fund*, provide the following information for each month of the *reporting period*. Provide information separately for the initial acquisition of a security and any subsequent acquisitions of the security.

(a) Name of the issuer or the name of counterparty in a *repo*.....

(b) Title of the issue.....

(c) CUSIP.....

(d) *LEI*, if any.....

(e) In addition to CUSIP and *LEI*, provide at least one of the following other identifiers, if any:

(i) ISIN.....

(ii) CIK.....

(iii) Other unique identifier (indicate identifier and type of identifier)...

(f) Security acquisition:

(i) Provide the trade date on which the *reporting fund* acquired the security.....

(ii) Provide the yield of security as of the trade date(s).....

(g) The category of investment that most closely identifies the instrument

(Select from among the following categories of investment: U.S. Treasury Debt; U.S. Government Agency Debt (if categorized as coupon-paying notes); U.S. Government Agency Debt (if categorized as no-coupon-discount notes); Non-U.S. Sovereign, Sub-Sovereign and Supra-National debt; Certificate of Deposit; Non- Negotiable Time Deposit; Variable Rate Demand Note; Other Municipal Security; Asset Backed Commercial Paper; Other Asset Backed Securities; U.S. Treasury Repo Agreement, if collateralized only by U.S. Treasuries (including Strips) and cash; U.S. Government Agency Repo Agreement, collateralized only by U.S. Government Agency securities, U.S. Treasuries, and cash; Other Repo Agreement, if any collateral falls outside Treasury, Government Agency and cash; Insurance Company Funding Agreement; Investment Company; Financial Company Commercial Paper; Non-Financial Company Commercial Paper; or Tender Option Bond. If Other Instrument, include a brief description.)

(h) For repos, specify whether the repo is "open" (*i.e.*, the repo has no specified end date and, by its terms, will be extended or "rolled" each business day (or at another specified period) unless the investor chooses to terminate it), and provide the following information about the securities subject to the repo (*i.e.*, the collateral):

(i) Is the *repo* "open?" [] yes or [] no

(ii) Is the *repo* centrally cleared? [] yes or [] no

(iii) If the *repo* is centrally cleared, identify the CCP.....

(iv) Is the *repo* settled on a tri-party platform? [] yes or [] no

(v) Name of the collateral issuer .....

(vi) CUSIP.....

(vii) *LEI*, if any .....

(viii) Maturity date .....

(ix) Coupon or yield.....

(x) The principal amount, to the nearest cent.....

(xi) Value of the collateral, to the nearest cent.....

(xii) The category of investment that most closely represents the collateral .....

(Select from among the following categories for the collateral: Asset-Backed Securities; Agency Collateralized Mortgage Obligations; Agency Debentures and Agency Strips; Agency Mortgage-Backed Securities; Private Label Collateralized Mortgage Obligations; Corporate Debt Securities; Equities; Money Market; U.S. Treasuries (including strips); Cash; Other Instrument. If Other Instrument, include a brief description, including, if applicable, whether it is a collateralized debt obligation, municipal debt, whole loan, or international debt).

(i) If the rating assigned by a *credit rating agency* played a substantial role in the *reporting fund's* (or its adviser's) evaluation of the quality, maturity or liquidity of the security, provide the name of each *credit rating agency* and the rating each assigned to the security.

(j) The maturity date used to calculate *WAM*.....

(k) The maturity date used to calculate *WAL*.....

(l) The ultimate legal maturity date (*i.e.*, the date on which, in accordance with the terms of the security without regard to any interest rate readjustment or *demand feature*, the principal amount must unconditionally be paid).....

(m) If the security has a *demand feature* on which the *reporting fund* (or its adviser) is relying when evaluating the quality, maturity, or liquidity of the security, provide the following information:

(If the security does not have such a demand feature, *enter "NA.")*

(i) Identity of the *demand feature* issuer(s) .....

(ii) If the rating assigned by a *credit rating agency* played a substantial role in the *reporting fund's* (or its adviser's) evaluation of the quality, maturity or liquidity of the *demand feature*, its issuer, or the security to which it relates, provide the name of each *credit rating agency* and the rating assigned by each *credit rating agency* .....

(iii) The period remaining until the principal amount of the security may be recovered through the *demand feature*.....

(iv) The amount (*i.e.*, percentage) of fractional support provided by each *demand feature* issuer.....

(v) Whether the *demand feature* is a *conditional demand feature*.....

(n) If the security has a *guarantee* (other than an unconditional letter of credit reported in response to Question 63(l) above) on which the *reporting fund* (or its adviser) is relying when evaluating the quality, maturity, or liquidity of the security, provide the following information:

(If the security does not have such a guarantee, *enter "NA.")*

(i) Identity of the *guarantor(s)* .....

(ii) If the rating assigned by a *credit rating agency* played a substantial role in the *reporting fund's* (or its adviser's) evaluation of the quality, maturity or liquidity of the *guarantee*, the *guarantor*, or the security to which the *guarantee* relates, provide the name of each *credit rating agency* and the rating assigned by each *credit rating agency*.....

(iii) The amount (*i.e.*, percentage) of fractional support provided by each *guarantor*.....

(o) If the security has any enhancements, other than those identified in response to Questions 63(l) and (m) above, on which the *reporting fund* (or its adviser) is relying when evaluating the quality, maturity, or liquidity of the security, provide the following information:

(If the security does not have such an enhancement, enter "NA.")

(i) Identity of the enhancement provider(s) .....

(ii) The type of enhancement(s) .....

(iii) If the rating assigned by a *credit rating agency* played a substantial role in the *reporting fund's* (or its adviser's) evaluation of the quality, maturity or liquidity of the enhancement, its provider, or the security to which it relates, provide the name of each *credit rating agency* used and the rating assigned by the credit rating agency.....

(iv) The amount (*i.e.*, percentage) of fractional support provided by each enhancement provider .....

(p) The yield of the security as of the reporting date:.....

(q) The total *value* of the *reporting fund's* position in the security, and separately, if the *reporting fund* uses the amortized cost method of valuation, the amortized cost value, in both cases to the nearest cent:

(i) Including the value of any sponsor support.....

(ii) Excluding the value of any sponsor support.....

(r) The percentage of the *reporting fund's* net assets invested in the security, to the nearest hundredth of a percent.....

(s) Is the security categorized as a level 3 asset or liability in Question 14?.....

(t) Is the security a *daily liquid asset*?.....

(u) Is the security a *weekly liquid asset*?.....

(v) Is the security an *illiquid security*?.....

(w) Explanatory notes. Disclose any other information that may be material to other disclosures related to the portfolio security. *(If none, leave blank.)*..

Item F. Disposition of Portfolio Securities

64. Disclose the amount (to the nearest cent) of portfolio securities the *reporting fund* sold or disposed of during each month of the *reporting period* by category of investment. Do not include portfolio securities that the fund held until maturity.

Month	Category of Investment	Amount
First Month	[Drop-down menu of the category of investment]	
Second Month	[Drop-down menu of the category of investment]	
Third Month	[Drop-down menu of the category of investment]	

Category of Investment: *U.S. Treasury Debt; U.S. Government Agency Debt (if categorized as coupon-paying notes); U.S. Government Agency Debt (if categorized as no-coupon-discount notes); Non-U.S. Sovereign, Sub-Sovereign and Supra-National debt; Certificate of Deposit; Non- Negotiable Time Deposit; Variable Rate Demand Note; Other Municipal Security; Asset Backed Commercial Paper; Other Asset Backed Securities; U.S. Treasury Repo, if collateralized only by U.S. Treasuries (including Strips) and cash; U.S. Government Agency Repo, collateralized only by U.S. Government Agency securities, U.S. Treasuries, and cash; Other Repo, if any collateral falls outside Treasury, Government Agency and cash; Insurance Company Funding Agreement; Investment Company; Financial Company Commercial Paper; Non-Financial Company Commercial Paper; or Tender Option Bond. If Other Instrument, include a brief description..*

Item G. Parallel Money Market Funds

65. If the *reporting fund* pursues substantially the same investment objective and strategy and invests side by side in substantially the same positions as a *money market fund* advised by you or any of your *related persons*, provide the *money market fund's* EDGAR series identifier. *(If neither you nor any of your* related persons *advise such a* money market fund, *enter "NA.")*

Section 4: Information about *private equity funds* that you advise.

You must complete a separate Section 4 for each *private equity fund* that you advise. However, with respect to *master-feeder arrangements* and *parallel fund structures*, you may report collectively or separately about the component funds as provided in the General Instructions.

Item A. *Reporting fund* identifying information

66. (a) Name of the *reporting fund* ..... [ ]

(b) *Private fund* identification number of the *reporting fund* ..... [ ]

Item B. Certain information regarding the *reporting fund*

67. How many *controlled portfolio companies* are owned by the *reporting fund*?

68. Indicate the investment strategy below that best describes the *reporting fund's* investment strategy by percent of deployed capital, during the *reporting period*. If the *reporting fund* engages in more than one strategy, provide a good faith estimate of the percentage of the *reporting fund's* deployed capital represented by each strategy.

(Select the investment strategy or strategies that best describe the reporting fund*'s strategies, even if the categories below do not precisely match your characterization of the* reporting fund*'s strategy. If you report all or part of the* reporting fund*'s strategy as "Other", explain in Question 4. The strategies listed are mutually exclusive (i.e., do not report the same portion of deployed capital in multiple strategies). The total should add to 100%.)*

Strategy	% of capital
□ Private Credit – Direct Lending/Mid Market Lending	
□ Private Credit – Distressed Debt	
□ Private Credit – Junior/Subordinate Debt	
□ Private Credit – Mezzanine Financing	
□ Private Credit - Senior Debt	
□ Private Credit – Senior Subordinated Debt	
□ Private Credit – Special Situations	
□ Private Credit – Venture Debt	
□ Private Credit – Other	

☐ Private Equity – Early Stage	
☐ Private Equity – Expansion/Late Stage	
☐ Private Equity – Buyout	
☐ Private Equity – Distressed	
☐ Private Equity – Growth	
☐ Private Equity –Private Investment in Public Equity	
☐ Private Equity –Secondaries	
☐ Private Equity – Turnaround	
☐ Real Estate	
☐ Annuity and Life Insurance Policies	
☐ Litigation Finance	
☐ *Digital Assets*	
☐ *General Partner Stakes Investing*	
☐ Other	

69. Identify, by ISO country code, each country to which the *reporting fund's* investments in portfolio companies represent exposure of 10% or more of the *reporting fund's net asset value.*

(See Instruction 15 for information on calculating the numerator for purposes of this Question. You should categorize investments based on concentrations of risk and economic exposures.

Country	ISO code	% of NAV

70. *(Information on Restructuring/Recapitalization of a Portfolio Company)*

(a) During the *reporting period*, did the *reporting fund* restructure or recapitalize a portfolio company following the *reporting fund's* investment period.

☐ Yes ☐ No

(b) If you responded "yes" to Question 70(a), please provide the following:

Legal name of portfolio company:	
Effective date of restructuring or recapitalization:	

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71. *(Investments in Different Levels of a Single Portfolio Company's Capital Structure by Related Funds)*

(a) During the *reporting period*, did the *reporting fund* have an investment in one class, series or type of securities (*e.g.*, debt, equity, etc.) of a portfolio company while another fund advised by you or any of your related persons concurrently held investments in different classes, series or type of securities (*e.g.*, debt, equity, etc.) of the same portfolio company?

☐ Yes ☐ No

(b) If you responded "yes" to Question 71(a), please provide the following:

Legal name of portfolio company:	
Description of class, series or type of securities held (*e.g.*, class A common stock):	

Item C. Reporting fund and controlled portfolio company financing;

72. (a) Does the *reporting fund* borrow or have the ability to borrow at the fund-level as an alternative or complement to financing of portfolio companies? If so, check "yes' and complete subsection (b) of this question. Otherwise, check "no'

☐ Yes ☐ No

(b) For each type of *borrowing* or other cash financing available to the *reporting fund*, provide the total dollar amount available and the average amount borrowed over the reporting period.

Type of Financing	Total amount available (in dollars)	Average borrowed over the reporting period (in dollars)
☐ Credit secured by the investments of the *reporting fund*		
☐ Credit secured by *unfunded commitments*		
☐ Credit secured by a combination of *unfunded commitments* and investments of the *reporting fund.*		
☐ Other (explain in Question 4)		

73. (a) Do you or any of your *related persons* guarantee, or are you or any of your *related persons* otherwise obligated to satisfy, the obligations of any portfolio company in which the *reporting fund* invests?

(You are not required to respond "yes" simply because a portfolio company is a primary obligor and is also your related person.*)*

☐ Yes ☐ No

(b) If you responded "yes" to Question 73(a) above, report the total dollar *value* of all such guarantees and other obligations..... ☐

74. (a) Do you or any of your *related persons* provide financing or otherwise extend credit to any portfolio

company in which the *reporting fund* invests? *(In responding to this question, do not report any guarantee arrangement reported in Question 73).*

☐ Yes ☐ No

(b) If you responded "yes" to Question 74(a) above, report the total dollar *value* of all such financing or other extension of credit ..... _____

75. What is the weighted average debt-to-equity ratio of the *controlled portfolio companies* in which the *reporting fund* invests *(expressed as a decimal to the tenths place)*? [ ]

(Weighting should be based on gross assets of each controlled portfolio company *as a percentage of the aggregate gross assets of the* reporting fund's controlled portfolio companies.*)*

76. What is the highest debt-to-equity ratio of any *controlled portfolio company* in which the reporting fund invests *(expressed as a decimal to the tenths place)*? [ ]

77. What is the lowest debt-to-equity ratio of any *controlled portfolio company* in which the reporting fund invests *(expressed as a decimal to the tenths place)*? [ ]

78. What is the aggregate gross asset value of the *reporting fund's controlled portfolio companies*? [ ]

79. What is the aggregate principal amount of *borrowings* categorized as current liabilities on the most recent balance sheets of the *reporting fund's controlled portfolio companies*? [ ]

80. What is the aggregate principal amount of *borrowings* categorized as long-term liabilities on the most recent balance sheets of the *reporting fund's controlled portfolio companies*? [ ]

81. What percentage of the aggregate *borrowings* of the *reporting fund's controlled portfolio companies* is payment-in-kind (PIK) or zero-coupon debt? [ ]

82. What percentage of the aggregate *borrowings* of the *reporting fund's controlled portfolio companies* is at a floating rather than fixed rate? _____

83. During the *reporting period*, did the *reporting fund* or any of its *controlled portfolio companies* experience an event of default under any of its indentures, loan agreements or other instruments evidencing obligations for borrowed money? If so, check "yes" and complete subsections (a) of this question. Otherwise, check "no".

(Do not include a potential event of default (i.e., an event that would constitute an event of default with the giving of notice, the passage of time or otherwise) unless it has become an event of default.)

☐ Yes ☐ No

(a) Identify the nature of the default event (check all that apply):

- ☐ Payment default of the *reporting fund*
- ☐ Payment default of a *controlled portfolio company*
- ☐ A default relating to a failure to uphold terms under the applicable borrowing agreement, other than a failure to make regularly scheduled payments.

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84. (a) Does any *controlled portfolio company* of the *reporting fund* have in place one or more bridge loans or commitments (subject to customary conditions) for a bridge loan?

☐ Yes ☐ No

(b) If you responded "yes" to Question 84(a), identify each *person* that has provided all or part of any bridge loan or commitment to the relevant *controlled portfolio company*. For each such *person*, provide the applicable outstanding amount or commitment amount.

Legal Name of Counterparty	*LEI, if any*	Indicate below if the counterparty is affiliated with a major financial institution	Outstanding amount of financing, if drawn	Amount of commitment, if undrawn
		[repeat drop-down list of creditor/counterparty names] Other:		
		[repeat drop-down list of creditor/counterparty names] Other:		
		[repeat drop-down list of creditor/counterparty names] Other:		

Item D: Portfolio company investment exposures

85. (a) Is any of the *reporting fund's controlled portfolio companies* a *financial industry portfolio company*?

☐ Yes ☐ No

(b) If you responded "yes" to Question 85(a), then for each of the *reporting fund's controlled portfolio companies* that constitutes a *financial industry portfolio company*, provide the following information.

Legal Name	Address of principal office (include city, state and country)	*NAICS code*	*LEI*, if any	Debt-to-equity ratio of portfolio company	Gross asset value of portfolio company	% of *reporting fund's* gross assets invested in this portfolio company	% of portfolio company beneficially owned by the *reporting fund*

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86. Provide a breakdown of the *reporting fund's* investments in portfolio companies by industry, based on the *NAICS codes* of the companies.
(The total should add up to 100%.)

NAICS code	**% of *reporting fund's* total portfolio company investments**

87. If you or any of your *related persons* (other than the *reporting fund*) invest in any companies that are portfolio companies of the *reporting fund*, provide the aggregate dollar amount of these investments. [ ]

Section 5: Current report for large hedge fund advisers.

Upon the occurrence of any one or more of the events specified in Items B to J of this section 5, you must file a current report responding to questions required by the applicable Item(s) (a "*current report*") in the required number of business days as set forth below for each Item. Respond to the best of your knowledge on the date of your *current report.* You may provide an additional explanation of the facts and circumstances relating to the event, including the causes and or proposed resolution in explanatory notes under Item K of this section 5.

In this section 5, references to *most recent net asset value* mean the *net asset value* reported as of the *data reporting date.*

☐ Check here if you are filing an amendment to a previously filed current report. Provide the filing date of the current report you are amending [Drop-down list of Month, Day, Year].

Item A: Information about you and the reporting fund

5-1 Provide your name and the other identifying information requested below.

(This should be your full legal name.)

Legal name	SEC 801-Number	NFA ID Number, if any	Large trader ID, if any	Large trader ID suffix, if any

5-2(a) Name of the *reporting fund*	
5-2(b) Private fund identification number of the *reporting fund*	
5-2(c) NFA identification number of the reporting fund, if applicable	
5-2(d) *LEI* of the reporting fund, if any	

5-3 Signatures of authorized representative (*see Instruction 11 to Form PF*)

I, the undersigned, sign this Section 5 on behalf of, and with the authority of, the *firm.* In addition, I sign this Section 5 on behalf of, and with the authority of, each of the *related persons* identified in Question 1(b) (other than any *related person* for which another individual has signed this Section 5 below).

Name of individual:	
Signature:	
Title	
Email address	
Telephone contact number (include area code and, if outside the United States, country code):	
Date	

Signature on behalf of *related persons:*
I, the undersigned, sign this Section 5 on behalf of, and with the authority of, the *related person(s)* identified below.
Name of each *related person* on behalf of which this individual is signing:

Name of individual:	

Signature:	
Title	
Email address	
Telephone contact number (include area code and, if outside the United States, country code):	
Date	

Item B. Extraordinary Investment Losses

If the *reporting fund* experiences a cumulative loss equal to or greater than 20% of *most recent net asset value* over a rolling 10 business day period, provide the following information (*if the loss continues, do not file another current report until the next 10 business day loss period beginning on or after the end date stated at 5-5 below).*

5-4 Beginning date of the 10 business day loss period:	
5-5 End date of the 10 business day loss period:	
5-6 Dollar amount of loss over the 10 business day loss period:	

A *current report* responding to this Item must be filed within one business day after occurrence of a *reporting event* contemplated in this Item B.

Item C. Margin, Collateral or Equivalent Increase

If there is a cumulative increase in the total dollar value of margin, collateral, or an equivalent posted by the *reporting fund* of more than 20% of the *reporting fund's most recent net asset value* over a rolling 10 *business day* period, provide the following information (if the total value of margin, collateral or an equivalent posted by the reporting fund continues to increase, do not file another current report until on or after the next 10 business day period beginning after the end date stated at 5-8 below*)*:

5-7 Beginning date of the 10 business day period during which the increase was measured:	
5-8 End date of the 10 business day period during which the increase was measured:	
5-9 Provide the cumulative dollar value amount of the increase in margin, collateral or an equivalent posted by the *reporting fund* during the 10 business day period during which the increase was measured:	

5-10 Counterparty or counterparties requiring increased margin, collateral or equivalent. *(If multiple counterparties are involved list them in order of the dollar amount of cumulative increase required by each counterparty.)*

Legal name of the counterparty	Counterparty LEI, if any
(a)	
(b)	
(c)	

5-11 Check one or more of the following to describe your current understanding of circumstances relating to the margin increase(s) (check all that apply):

- ☐ The increase is a result of exchange requirements or known regulatory action affecting the counterparty.
- ☐ A counterparty or counterparties independently increased the *reporting fund's* margin, collateral or equivalent requirements.
- ☐ The *reporting fund* established a new relationship or new business with one or more counterparties.
- ☐ The increase is attributable to new investment positions, investment approach or strategy and/or portfolio turnover of the reporting fund.
- ☐ The increase is related to a deteriorating position or positions in the *reporting fund's* portfolio or other credit trigger under applicable counterparty agreements.
- ☐ Other

A *current report* responding to this Item C must be filed within one business day after occurrence of a *reporting event* contemplated in this Item C.

Item D. Notice of Margin Default or Determination of Inability to Meet a Call for Margin, Collateral or Equivalents

Provide the following information if you either (1) receive notification that the *reporting fund* is in default on a call for margin, collateral or an equivalent, resulting in a deficit that the *reporting fund* will not be able to cover or address by adding additional funds (in situations where there is a contractually agreed upon cure period an adviser would not be required to file an Item D current report until the expiration of the cure period unless the fund would not expect to be able to meet call during such cure period), provide the following information; or (2) if you determine that the *reporting fund* is unable to meet a call for increased margin, collateral or an equivalent, including in situations where there is a dispute regarding the amount or appropriateness of the margin call.

(*You are not required to file a current report in situations where you dispute the amount and appropriateness of a call for increased margin, collateral or an equivalent, provided the reporting fund has sufficient assets to meet the greatest of the disputed amount.*)

(If you make this determination for more than one counterparty on the same day, provide the information required by 5-12 to 5-15 for each counterparty affected).

5-12 Date of the notification or determination:	
5-13 Dollar amount of margin, collateral or equivalent involved:	

5-14 Counterparty:

Legal name of the counterparty	Counterparty *LEI, if any*

5-15 Check one or more of the following to describe your current understanding of the circumstances relating to the default or your determination that the *reporting fund* is unable to meet a call for increased margin, collateral or an equivalent:

- ☐ A counterparty increased margin, collateral or equivalent requirements for the *reporting fund* contributed to the default or inability to meet a call for increased margin, collateral or an equivalent.
- ☐ Losses in the value of the *reporting fund's* portfolio or other credit trigger under applicable counterparty agreements contributed to the default or inability to meet a call for increased margin, collateral or an equivalent.

☐ A default or settlement failure of a counterparty contributed to the default or inability to meet a call for increased margin, collateral or an equivalent.

☐ Other

A *current report* responding to this Item D must be filed within one business day after you make a determination described by Item D.

Item E. Counterparty Default

If a counterparty to the *reporting fund* (1) does not meet a call for margin, collateral or equivalent or fails to make any other payment, in the time and form contractually required (taking into account any contractually agreed cure period), and (2) the amount involved is greater than 5% of the *most recent net asset value* of the *reporting fund,* provide the following information.

(If you make this determination for more than one counterparty on the same day, provide the information required by 5-16 to 5-18 for each counterparty affected).

5-16 Date of default: ☐

5-17 Dollar amount of default: ☐

5-18 Counterparty:

Legal name of the counterparty	Counterparty LEI, if any

A *current report* responding to this Item E must be filed within one business day after occurrence of a default contemplated in this Item E.

Item F. Material Change in Relationship with Prime Broker

If the relationship between the *reporting fund* and any of its prime brokers undergoes a material change, provide the following information.

5-19 Date of the material change: ☐

5-20 Prime Broker:

Legal name of the prime broker	Prime broker LEI, if any

5-21 Check one or more of the following to describe your current understanding of the change to the prime broker relationship:

☐ The changes concern material trading limits or investment restrictions on the *reporting fund* including requests to reduce positions, or unwind positions completely (material changes in margin, collateral or an equivalent requirements other than those already reported in Item C and D).

☐ The prime broker relationship was terminated.

If you checked the above box that the prime broker relationship was terminated, please check the below if applicable:

☐ The prime broker terminated the relationship for default or breach of the agreement.
☐ The *reporting fund* terminated the relationship for default or breach of the agreement.

A *current report* responding to this Item F must be filed within one business day after occurrence of a material change contemplated in this Item F.

Item G. Changes in Unencumbered Cash

If the *value* of the *reporting fund's unencumbered cash* (calculated daily using the same methodology you use to calculate unencumbered cash value in Question 33) declines by more than 20% of the *reporting fund's most recent net asset value* over a rolling 10 *trading day* period, provide the following information in Item 5 22-24 below (*If the decrease continues, do not file another* current report *until there is a new 10 consecutive business day period for a decrease that meets the applicable threshold beginning on or after the end date stated at 5-22 below):*

5-22 Last day of the rolling 10 business day period:	
5-23 Dollar amount of *unencumbered cash* on the 10th business day:	

5-24 Check one or more of the following to describe your current understanding of the circumstances relating to any change(s) in unencumbered cash:

☐ The change is attributable to redemption activity for the *reporting fund.*
☐ The change is attributable to new investment positions, strategy and/or portfolio turnover.
☐ The change is related to losses in the value of the fund's portfolio.
☐ The change is related to a call for margin, collateral, or an equivalent.
☐ Other

A *current report* responding to this Item G must be filed within one business day after last day of the rolling 10 business day *period* for an event described by this Item G.

Item H. Operations Event

In this Item H, an "*operations event*" means that the *reporting fund* or *private fund adviser* experiences a *significant disruption or degradation* of the *reporting fund's key operations*, whether as a result of an event at a service provider to the *reporting fund*, the *reporting fund*, or the adviser. For this purpose, "*key operations*" means operations necessary for (i) the investment, trading, valuation, reporting, and risk management of the *reporting fund*; and (ii) the operation of the *reporting fund* in accordance with the federal securities laws and regulations.
If there is an *operations event*, provide the following:

5-25 Date of the *operations event*, or date on which you estimate the event first occurred:	
5-26 Date *operations event* was discovered (discovery date may be same or different than the date of the event reported in 5-25):	

5-27 Check one or more of the following to describe your current understanding of circumstances relating to the *operations event* (check all that apply and provide supplementary information in Item K if desired):

☐ An *operations event* at a service provider to the *reporting fund* or the *private fund adviser* caused the *operations event* (in whole or in part) *(if applicable, provide the following information).*

(a) Legal Name of Service Provider:	
(b) LEI, if any:	
(c) Identify services provided by the third party (e.g., fund accounting, administration, sub-adviser, accounting, custodial, other):	[drop-down menu]

☐ *An operations event* that occurred internally at the *reporting fund* or *reporting fund* adviser or a *related person.*
☐ *An operations event* that occurred related to a natural disaster or other *force majeure* event not within the control of the *private fund adviser.*
☐ Other

5-28 Has the adviser initiated a disaster recovery or business continuity plan relating to the operations event and the continued operation of the adviser or the *reporting fund*?

☐ Yes ☐ No

5-29 Check one or more of the following to describe your current understanding of the impact of the operations event on the normal operations of *reporting fund (check all that apply)*:
☐ Disruption or degradation of trading of the *reporting fund's* portfolio assets
☐ Disruption or degradation of the valuation of the *reporting fund's* portfolio assets
☐ Disruption or degradation of your management of the *reporting fund's* investment risk
☐ Disruption or degradation of your ability to comply with applicable laws, rules, and regulations
☐ Other

A *current report* responding to this Item H must be filed within one business day after you discover an *operations event* contemplated in this Item H. If technical or other difficulties resulting from the *operations event* prevent you from timely filing a *current report,* you may file as soon as practicable provided that you explain the technical or other difficulty that prevented timely filing in Item K of the *current report.*

Item I. Withdrawals and Redemptions

If you receive cumulative requests for redemption from the *reporting fund* equal to or more than 50% of the *most recent net asset value* (after netting against subscriptions and other contributions from investors received and contractually committed), provide the following information:

5-30 Date on which the net redemption requests exceeded 50% of the *most recent net asset value*:	
5-31 Net value of redemptions paid from the *reporting fund* between the last *data reporting date* and the date of this *current report*:	
5-32 Percentage of fund's *most recent net asset value* for which redemptions have been requested:	

5-33 Have you notified investors that the *reporting fund* will liquidate?

☐ Yes ☐ No

A *current report* responding to Item I must be filed within one business day after occurrence of a *reporting event* contemplated in this Item I.

Form PF Section 5	Current report for large hedge fund advisers (to be completed by large hedge fund advisers with current reports)	Page 52 of 55

Item J. Unable to Satisfy Redemptions or Suspension of Redemptions

If (1) the *reporting fund* is unable to pay redemption requests, or (2) suspended redemptions; and the suspension is in place for more than 5 consecutive business days, provide the following information:

5-34 Date on which the *reporting fund* was unable to pay or suspended redemptions:	
5-35 Percentage of fund's *most recent net asset value* for which redemptions have been requested and not yet paid on the date of this *current report*:	

5-36 Have you notified investors that the *reporting fund* will liquidate?

☐ Yes ☐ No

A *current report* responding to this Item J must be filed within one business day after the halt has been declared for 5 consecutive business days as described by this Item J.

Item K. Explanatory Notes

You may provide any information you believe would be helpful in understanding the information reported in response to any Item in this section 5 of this form. Identify the related question for each comment *(use a drop-down menu so that notes are received in a structured format).*

Form PF Section 6	**Current report for advisers to private equity funds** (to be completed by *all advisers to private equity funds* with current reports)	Page 53 of 55

Section 6: Current report for advisers to *private equity funds*.

Upon the occurrence of any one or more of the events specified in Items B to D of this section 6, you must file a current report responding to questions required by the applicable Item(s) (a "*current report*") in the required number of business days as set forth below for each Item. Respond to the best of your knowledge on the date of your *current report*. You may provide an additional explanation of the facts and circumstances relating to the event, including the causes and/or proposed resolution in explanatory notes under Item E of this section 6.

In this section 6, references to *most recent net asset value* mean the *net asset value* reported as of the *data reporting date*.

☐ Check here if you are filing an amendment to a previously filed current report. Provide the filing date of the current report you are amending [Drop-down list of Month, Day, Year].

Item A: Information about you and the reporting fund

6-1 Provide the identifying information requested below.

Full legal name	SEC 801-Number	NFA ID Number, if any	Large trader ID, if any	Large trader ID suffix, if any

6-2(a) Name of the *reporting fund*	
6-2(b) Private fund identification number of the *reporting fund*	
6-2(c) NFA identification number of the *reporting fund*, if any	
6-2(d) *LEI* of the *reporting fund*, if any	

6-3 Signatures of authorized representative (*see Instruction 11 to Form PF*)

I, the undersigned, sign this Section 6 on behalf of, and with the authority of, the *firm*. In addition, I sign this Section 6 on behalf of, and with the authority of, each of the *related persons* identified in Question 1(b) (other than any *related person* for which another individual has signed this Section 6 below).

Name of individual:	
Signature:	
Title	
Email address	
Telephone contact number (include area code and, if outside the United States, country code):	
Date	

Signature on behalf of *related persons:*
I, the undersigned, sign this Section 6 on behalf of, and with the authority of, the *related person(s)* identified below.

Name of individual:	
Signature:	
Title	
Email address	
Telephone contact number (include area code and, if outside the United States,	

country code):	
Date	

Item B. Adviser-Led Secondary Transactions.

If the *reporting fund* completes an *adviser-led secondary transaction*, provide the following:

6-4 Completion date of transaction:	
6-5 Description of transaction:	

A *current report* responding to this Item B must be filed within one business day of completion of the transaction described by this Item B.

Item C. General Partner or Limited Partner Clawback.

If the *reporting fund* effectuates (i) a *general partner clawback* or (ii) a *limited partner clawback or clawbacks* in excess of an aggregate amount equal to 10 percent of a fund's aggregate capital commitments, provide the following:

6-6 Effective date:	
6-7 Type of clawback (General Partner/Limited Partner):	
6-8 Reason for clawback:	

A *current report* responding to this Item C must be filed within one business day of effectuation of the clawback described by this Item C.

Item D. General Partner Removal, Termination of the Investment Period or Termination of Fund.

Upon receipt by the *reporting fund* or its adviser or affiliate of notification that fund investors have removed the adviser or its affiliate as the general partner or similar control person of the *reporting fund*, elected to terminate the *reporting fund's* investment period, or elected to terminate the *reporting fund*, in each case, as contemplated by the *reporting fund's* governing documents (each, a "*removal event*") provide the following:

6-9 Effective date of *removal event*:	
6-10 Description of *removal event*:	

A *current report* responding to this Item D must be filed within one business day of the effective date of the *removal event* as contemplated by this Item D.

Item E. Explanatory Notes

You may provide any information you believe would be helpful in understanding the information reported in response to any Item in this Section 6 of this form. Identify the related question for each comment *(use a drop-down menu so that notes are received in a structured format).*

Form PF Section 7	**Request for temporary hardship exemption** (to be completed by *private fund advisers* requesting exemption)	Page 55 of 55

Section 7: Request for temporary hardship exemption.

You must complete Section 7 if you are requesting a temporary hardship exemption pursuant to *SEC* rule 204(b)-1(f).

(a) For which type of Form PF filing are you requesting a temporary hardship exemption?

i. If you are not a *large hedge fund adviser* or *large liquidity fund adviser*: Initial filing

☐ *Annual update*

☐ Final filing

ii. If you are a *large hedge fund adviser* or *large liquidity fund adviser*: Initial filing

☐ *Quarterly update*

☐ Filing to transition to annual reporting

☐ Final filing

(b) Provide the following information regarding your request for a temporary hardship exemption (attach a separate page if additional space is needed).

i. Describe the nature and extent of the temporary technical difficulties when you attempt to submit the filing to the Form PF filing system on the IARD:

ii. Describe the extent to which you previously have submitted documents in electronic format with the same hardware and software that you are unable to use to submit this filing:

iii. Describe the burden and expense of employing alternative means (e.g., a service provider) to submit the filing in electronic format in a timely manner:

iv. Provide any other reasons that a temporary hardship exemption is warranted:

GLOSSARY OF TERMS

ABCP	Asset backed commercial paper, including (but not limited to) structured investment vehicles, single-seller conduits and multi-seller conduit programs. Do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
ABS	Securities derived from the pooling and repackaging of cash flow producing financial assets.
Adviser-led secondary transaction	Any transaction initiated by the adviser or any of its related persons that offers private fund investors the choice to: (i) sell all or a portion of their interests in the private fund; or (ii) convert or exchange all or a portion of their interests in the private fund for interests in another vehicle advised by the adviser or any of its related persons.
Advisers Act	U.S. Investment Advisers Act of 1940, as amended.
Affiliate	With respect to any *person*, any other *person* that directly or indirectly *controls*, is *controlled* by or is under common *control* with such person. The term *affiliated* means that two or more *persons* are *affiliates*.
Agency securities	Any security issued by a *person* controlled or supervised by and acting as an instrumentality of the government of the United States pursuant to authority granted by the Congress of the United States and guaranteed as to principal or interest by the United States. Include bond derivatives.
Annual update	An update of this Form PF with respect to any fiscal year.
Borrowings	*Secured borrowings* and *unsecured borrowings*, collectively.
bp	Basis points.
Cash and cash equivalents	Cash (including U.S. and non-U.S. currencies), cash equivalents and government securities. For purposes of this definition: • cash equivalents are: (i) bank deposits, certificates of deposit, bankers acceptances and similar bank instruments held for investment purposes; (ii) the net cash surrender value of an insurance policy; and (iii) investments in *money market funds*; and • government securities are: (i) *U.S. treasury securities*; (ii) *agency securities*; and (iii) any certificate of deposit for any of the foregoing.

CCP	Central clearing counterparties (or central clearing houses) (for example, CME Clearing, The Depository Trust & Clearing Corporation, Fedwire and LCH Clearnet Limited).
CDO/CLO	Collateralized debt obligations and collateralized loan obligations (including, in each case, cash flow and synthetic) other than *MBS*. Do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
CDS	Credit default swaps, including any *LCDS*.
CEA	U.S. Commodity Exchange Act, as amended.
CFTC	U.S. Commodity Futures Trading Commission.
Combined money market and liquidity fund assets under management	With respect to any adviser, the sum of: (i) such adviser's *liquidity fund assets under management*; and (ii) such adviser's *regulatory assets under management* that are attributable to *money market funds* that it advises.
Committed capital	Any commitment pursuant to which a *person* is obligated to acquire an interest in, or make capital contributions to, the *private fund*.
Commodities	Has the meaning provided in the *CEA*. Include *ETFs* that hold commodities. For questions regarding *commodity* derivatives, provide the *value* of all exposure to *commodities* that you do not hold physically, whether held synthetically or through derivatives (whether cash or physically settled).
Commodity pool	A "commodity pool," as defined in section 1a(10) of the *CEA*.
Conditional demand feature	Has the meaning provided in *rule 2a-7*.
Control	Has the meaning provided in *Form ADV*. The term *controlled* has a corresponding meaning.
Controlled portfolio company	With respect to any *private equity fund*, a portfolio company that is *controlled* by the *private equity fund*, either alone or together with the *private equity fund's affiliates* or other *persons* that are, as of the *data reporting date*, part of a club or consortium including the *private equity fund*.
Convertible bonds	Convertible *corporate bonds* (not yet converted into shares or cash). Include bond derivatives, but do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
Corporate bonds	Bonds, debentures and notes, including commercial paper, issued by corporations and other non-governmental entities.

	Do not include preferred equities. Include bond derivatives, but do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
CPO	A "commodity pool operator," as defined in section 1a(11) of the *CEA*.
Credit derivatives	*Single name CDS*, *index CDS* and *exotic CDS*.
Credit rating agency	Any nationally recognized statistical rating organizations, as that term is defined in section 3(a)(62) of the Securities Exchange Act of 1934
Crude oil	For questions regarding crude oil derivatives, provide the *value* of all exposure to crude oil that you do not hold physically, whether held synthetically or through derivatives (whether cash or physically settled).
CTA	A "commodity trading advisor," as defined in section 1a(12) of the *CEA*.
Current report	A *current report* provided pursuant to the items listed in Sections 5 and 6 of Form PF.
Daily liquid assets	Has the meaning provided in *rule 2a-7*.
Data reporting date	In the case of an initial filing, the *data reporting date* is the last calendar day of your most recently completed fiscal year (or, if you are a *large hedge fund adviser* or *large liquidity fund adviser*, your most recently completed fiscal quarter). In the case of an *annual update*, the *data reporting date* is the last calendar day of your most recently completed fiscal year. In the case of a *quarterly update*, the *data reporting date* is the last calendar day of your most recently completed fiscal quarter.
Demand feature	Has the meaning provided in *rule 2a-7*.
Dependent parallel managed account	With respect to any *private fund*, any related *parallel managed account* other than a *parallel managed account* that individually (or together with other *parallel managed accounts* that pursue substantially the same investment objective and strategy and invest side by side in substantially the same positions) has a *gross asset value* greater than the *gross asset value* of such *private fund* (or, if such *private fund* is a *parallel fund*, the *gross asset value* of the *parallel fund structure* of which it is a part).
Derivative exposures to unlisted equities	All synthetic or derivative exposures to equities, including preferred equities, that are not listed on a regulated exchange. Include single stock futures, equity index futures, dividend swaps, total return swaps (contracts for difference), warrants and rights.

EEA	The European Economic Area. As of the effective date of this Form PF, the *EEA* is comprised of: (i) the European Union member states, which are Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom; and (ii) Iceland, Liechtenstein and Norway.
Digital asset	An asset that is issued and/or transferred using distributed ledger or blockchain technology ("distributed ledger technology"), including, but not limited to, so-called "virtual currencies," "coins," and "tokens."
ETF	Exchange-traded fund.
Exempt reporting adviser	Has the meaning provided in *Form ADV*.
Exotic CDS	*CDS*s referencing bespoke baskets or tranches of *CDOs*, *CLOs* and other structured investment vehicles, including credit default tranches.
Feeder fund	See *master-feeder arrangement*.
Financial industry portfolio company	Any of the following: (i) a nonbank financial company, as defined in the Financial Stability Act of 2010; or (ii) any bank, savings association, bank holding company, financial holding company, savings and loan holding company, credit union or other similar company regulated by a federal, state or foreign banking regulator, including the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the National Credit Union Administration or the Farm Credit Administration.
Firm	The *private fund adviser* completing or amending this Form PF.
Foreign exchange derivative	Any derivative whose underlying asset is a currency other than U.S. dollars or is an exchange rate. Cross-currency interest rate swaps should be included in *foreign exchange derivatives* and excluded from *interest rate derivatives*. Only one currency side of every transaction should be counted.
Form ADV	Form ADV, as promulgated and amended by the *SEC*.
Form ADV Section 7.B.1	Section 7.B.1 of Schedule D to *Form ADV*.
General partner clawback	Any obligation of the general partner, its related persons, or their respective owners or interest holders to restore or otherwise return performance-based compensation to the fund pursuant to the fund's governing agreements.

General partner stakes investing	An investment strategy that acquires non-controlling interests in alternative investment managers and other entities that provide advisory services to, or receive compensation from, private funds.
G10	The Group of Ten. As of the effective date of this Form PF, the *G10* is comprised of: Belgium, Canada, France, Germany, Italy, Japan, the Netherlands, Sweden, Switzerland, the United Kingdom and the United States.
Gold	For questions regarding gold derivatives, provide the *value* of all exposure to gold that you do not hold physically, whether held synthetically or through derivatives (whether cash or physically settled).
Government entity	Has the meaning provided in *Form ADV*.
Gross asset value	Value of gross assets, calculated in accordance with Part 1A, Instruction 6.e(3) of *Form ADV*.
Gross notional value	The gross nominal or notional value of all transactions that have been entered into but not yet settled as of the *data reporting date*. For contracts with variable nominal or notional principal amounts, the basis for reporting is the nominal or notional principal amounts as of the *data reporting date*.
GSE bonds	Notes, bonds and debentures issued by private entities sponsored by the U.S. federal government but not guaranteed as to principal and interest by the U.S. federal government. Include bond derivatives, but do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
Guarantee	For purposes of Question 63, has the meaning provided in paragraph (a)(16)(i) of *rule 2a-7*.
Guarantor	For purposes of Question 63, the provider of any *guarantee*.
Hedge fund	Any *private fund* (other than a *securitized asset fund*): (a) with respect to which one or more investment advisers (or *related persons* of investment advisers) may be paid a performance fee or allocation calculated by taking into account unrealized gains (other than a fee or allocation the calculation of which may take into account unrealized gains solely for the purpose of reducing such fee or allocation to reflect net unrealized losses); (b) that may borrow an amount in excess of one-half of its *net asset value* (including any *committed capital*) or may have gross notional exposure in excess of twice its *net asset value* (including any *committed capital*); or

	(c) that may sell securities or other assets short or enter into similar transactions (other than for the purpose of hedging currency exposure or managing duration). Solely for purposes of this Form PF, any *commodity pool* about which you are reporting or required to report on Form PF is categorized as a *hedge fund*. For purposes of this definition, do not net long and short positions. Include any borrowings or notional exposure of another person that are guaranteed by the *private fund* or that the *private fund* may otherwise be obligated to satisfy.
Hedge fund assets under management	With respect to any adviser, *hedge fund assets under management* are the portion of such adviser's *regulatory assets under management* that are attributable to *hedge funds* that it advises.
Illiquid security	Has the meaning provided in *rule 2a-7*.
Index CDS	*CDSs* referencing a standardized basket of credit entities, including *CDS* indices and indices referencing leveraged loans.
Investment grade	A security is *investment grade* if it is sufficiently liquid that it can be sold at or near its carrying value within a reasonably short period of time and is subject to no greater than moderate credit risk.
Interest rate derivative	Any derivative whose underlying asset is the obligation to pay or the right to receive a given amount of money accruing interest at a given rate. Cross- currency interest rate swaps should be included in foreign exchange derivatives and excluded from *interest rate derivatives*. This information must be presented in terms of 10-year bond-equivalents.
Investments in external private funds	Investments in *private funds* that neither you nor your *related persons* advise (other than cash management funds).
Investments in internal private funds	Investments in *private funds* that you or any of your *related persons* advise (other than cash management funds).
Investments in other sub-asset classes	Any investment not included in another *sub-asset class*.
Investments in registered investment companies	Investments in registered investment companies (other than cash management funds, such as money market funds, and *ETFs*). *ETFs* should be categorized based on the assets that the fund holds and should not be included in this category.
Key operations	For purposes of responding to Sections 5, means the operations necessary for (i) the investment, trading, valuation, reporting, and risk management of the *reporting fund*; and (ii) the operation of the *reporting fund* in accordance with the federal securities laws and regulations.

Large hedge fund adviser	Any *private fund adviser* that is required to file Section 2a of Form PF. See Instruction 3 to determine whether you are required to file this section.
Large liquidity fund adviser	Any *private fund adviser* that is required to file Section 3 of Form PF.
Large private equity adviser	Any *private fund adviser* that is required to file Section 4 of Form PF. See Instruction 3 to determine whether you are required to file this section.
Large private fund adviser	Any *large hedge fund adviser*, *large liquidity fund adviser* or *large private equity adviser*.
LEI	With respect to any company, the "legal entity identifier" assigned by or on behalf of an internationally recognized standards setting body and required for reporting purposes by the U.S. Department of the Treasury's Office of Financial Research or a financial regulator. In the case of a financial institution, if a "legal entity identifier" has not been assigned, then provide the RSSD ID assigned by the National Information Center of the Board of Governors of the Federal Reserve System, if any.
LCDS	Loan credit default swaps.
Leveraged loans	Loans that are made to entities whose senior unsecured long term indebtedness is *non-investment grade*. This may include loans made in connection with the financing structure of a leveraged buyout. Do not include any positions held via LCDS (these should be recorded in the CDS category).
Liquidity fund	Any *private fund* that seeks to generate income by investing in a portfolio of short term obligations in order to maintain a stable *net asset value* per unit or minimize principal volatility for investors.
Liquidity fund assets under management	With respect to any adviser, *liquidity fund assets under management* are the portion of such adviser's *regulatory assets under management* that are attributable to *liquidity funds* it advises (including *liquidity funds* that are also *hedge funds*).
Limited partner clawback	An obligation of a fund's investors to return all or any portion of a distribution made by the fund to satisfy a liability, obligation, or expense of the fund pursuant to the fund's governing agreements.
Listed equity	Direct beneficial ownership of equities, including preferred equities, listed on a regulated exchange. Do not include synthetic or derivative exposures to equities. *ETFs* should be categorized based on the assets that the fund holds and should only be included in *listed equities* if the fund holds *listed equities* (e.g., a commodities *ETF* should be categorized based on the commodities it holds).

Listed equity derivatives	All synthetic or derivative exposures to equities, including preferred equities, listed on a regulated exchange. Include single stock futures, equity index futures, dividend swaps, total return swaps (contracts for difference), warrants and rights.
LV	*Value* of long positions, measured as specified in Instruction 15.
Master fund	See *master-feeder arrangement.*
Master-feeder arrangement	An arrangement in which one or more funds (*"feeder funds"*) invest all or substantially all of their assets in a single *private fund* (*"master fund"*). A fund would also be a *feeder fund* investing in a *master fund* for purposes of this definition if it issued multiple classes (or series) of shares or interests and each class (or series) invests substantially all of its assets in a single *master fund.*
Maturity	The maturity of the relevant asset, determined without reference to the maturity shortening provisions contained in paragraph (i) of *rule 2a-7* regarding interest rate readjustments.
MBS	Mortgage backed securities, including residential, commercial and agency. Do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
Money market fund	Has the meaning provided in *rule 2a-7.*
Most recent net asset value	The *net asset value* reported as of the *data reporting date* at the end of the *reporting fund's* most recent *reporting period.*
NAICS code	With respect to any company, the six-digit North American Industry Classification System code that best describes the company's primary business activity and principal source of revenue. If the company reports a business activity code to the U.S. Internal Revenue Service, you may rely on that code for this purpose.
Natural gas	For questions regarding natural gas derivatives, provide the *value* of all exposure to natural gas that you do not hold physically, whether held synthetically or through derivatives (whether cash or physically settled).
Net assets under management	*Net assets under management* are your *regulatory assets under management* minus any outstanding indebtedness or other accrued but unpaid liabilities.
Net asset value or *NAV*	With respect to any *reporting fund*, the gross assets reported in response to Question 8 minus any outstanding indebtedness or other accrued but unpaid liabilities.
NFA	The National Futures Association.

Non-investment grade	A security is *non-investment grade* if it is not an *investment grade* security.
Non-U.S. financial institution	Any of the following: (i) a financial institution chartered outside the United States; (ii) a financial institution that is separately incorporated or otherwise organized outside the United States but has a parent that is a financial institution chartered in the United States; or (iii) a branch or agency that resides in the United States but has a parent that is a financial institution chartered outside the United States.
Operations event	Means for purposes of sections 5 that the *reporting fund* or *adviser* experiences a *significant disruption or degradation* of the *reporting fund's key operations*, whether as a result of an event at a service provider to the *reporting fund*, the *reporting fund*, or the adviser.
OTC	With respect to any instrument, the trading of that instrument over the counter.
Other ABS	*ABS* products that are not covered by another *sub-asset class*. Do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
Other commodities	*Commodities* other than *crude oil*, *natural gas*, *gold* and *power*. All types of oil and energy products (aside from *crude oil* and *natural gas*), including (but not limited to) ethanol, heating oil propane and gasoline, should be included in this category. For questions regarding *other commodity* derivatives, provide the *value* of all exposure to *other commodities* that you do not hold physically, whether held synthetically or through derivatives (whether cash or physically settled).
Other derivatives	Any derivative not included in another *sub-asset class*.
Other loans	All loans other than *leveraged loans*. *Other loans* includes (but is not limited to) bilateral or syndicated loans to corporate entities. Do not include any positions held via *LCDS* (these should be recorded in the *CDS* category) or certificates of deposit.
Other private fund	Any *private fund* that is not a *hedge fund, liquidity fund, private equity fund, real estate fund, securitized asset fund* or *venture capital fund*.
Other structured products	Any *structured products* not included in another *sub-asset class*. Do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
Parallel fund	See *parallel fund structure*.
Parallel fund structure	A structure in which one or more *private funds* (each, a "*parallel fund*") pursues substantially the same investment objective and strategy and

	invests side by side in substantially the same positions as another *private fund*.
Parallel managed account	With respect to any *private fund*, a *parallel managed account* is any managed account or other pool of assets that you advise and that pursues substantially the same investment objective and strategy and invests side by side in substantially the same positions as the identified *private fund*.
Performance-based Compensation	Allocations, payments, or distributions of capital based on the *reporting fund*'s (or any of its *portfolio investment's*) capital gains and/or capital appreciation.
Person	Has the meaning provided in *Form ADV*.
Portfolio investments	Any entity or issuer in which the *reporting fund* has directly or indirectly invested.
Power	For questions regarding power derivatives, provide the *value* of all exposure to power that you do not hold physically, whether held synthetically or through derivatives (whether cash or physically settled).
Principal office and place of business	Has the meaning provided in *Form ADV*.
Private equity fund	Any *private fund* that is not a *hedge fund, liquidity fund, real estate fund, securitized asset fund* or *venture capital fund* and does not provide investors with redemption rights in the ordinary course.
Private equity fund assets under management	With respect to any adviser, *private equity fund assets under management* are the portion of such adviser's *regulatory assets under management* that are attributable to *private equity funds* it advises.
Private fund	Any issuer that would be an investment company as defined in section 3 of the Investment Company Act of 1940 but for section 3(c)(1) or 3(c)(7) of that Act. If any *private fund* has issued two or more series (or classes) of equity interests whose values are determined with respect to separate portfolios of securities and other assets, then each such series (or class) should be regarded as a separate *private fund*. This only applies with respect to series (or classes) that you manage as if they were separate funds and not a fund's side pockets or similar arrangements.
Private fund adviser	Any investment adviser that (i) is registered or required to register with the *SEC* (including any investment adviser that is also registered or required to register with the *CFTC* as a *CPO* or *CTA*) and (ii) advises one or more *private funds*.

Private fund assets under management	With respect to any adviser, *private fund assets under management* are the portion of such adviser's *regulatory assets under management* that are attributable to *private funds* it advises.
Qualifying hedge fund	Any *hedge fund* that has a *net asset value* (individually or in combination with any *feeder funds, parallel funds* and/or *dependent parallel managed accounts*) of at least $500 million as of the last day of any month in the fiscal quarter immediately preceding your most recently completed fiscal quarter.
Quarterly update	An update of this Form PF with respect to any fiscal quarter.
Real estate fund	Any *private fund* that is not a *hedge fund*, that does not provide investors with redemption rights in the ordinary course and that invests primarily in real estate and real estate related assets.
Regulatory assets under management	Regulatory assets under management, calculated in accordance with Part 1A, Instruction 5.b of *Form ADV*.
Related person	Has the meaning provided in *Form ADV*.
Repo	Any purchase of securities coupled with an agreement to sell the same (or similar) securities at a later date at an agreed upon price. Do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
Reporting event	Any event that triggers the requirement to complete and file a *current report* pursuant to the items in Sections 5 and 6 of Form PF.
Reporting period	With respect to an *annual update*, the twelve month period ending on the *data reporting date*. With respect to a *quarterly update*, the three month period ending on the *data reporting date*.
Reporting fund	A *private fund* as to which you must report information on Form PF. Typically, each *private fund* is a *reporting fund*. However, if you are reporting aggregate information for any *master-feeder arrangement* or *parallel fund structure*, only the *master fund* or the largest *parallel fund* in the structure (as applicable) should be identified as a *reporting fund*. See Instructions 3 and 5.
Reverse repo	Any sale of securities coupled with an agreement to repurchase the same (or similar) securities at a later date at an agreed upon price.
Risk limiting conditions	The conditions specified in paragraphs (d) of *rule 2a-7*.
Rule 2a-7	Rule 2a-7 promulgated by the *SEC* under the Investment Company Act of 1940.

SEC	U.S. Securities and Exchange Commission.
Secured borrowing	Obligations for borrowed money in respect of which the borrower has posted collateral or other credit support. For purposes of this definition, *reverse repos* are *secured borrowings*.
Securities lending collateral	Cash pledged to the *reporting fund's* beneficial owners as collateral in respect of securities lending arrangements.
Securitized asset fund	Any *private fund* whose primary purpose is to issue asset backed securities and whose investors are primarily debt-holders.
Separately operated	For purposes of this Form, a *related person* is *separately operated* if you are not required to complete Section 7.A. of Schedule D to *Form ADV* with respect to that *related person*.
7-day gross yield	Based on the 7 days ended on the *data reporting date*, calculate the *liquidity fund*'s yield by determining the net change, exclusive of capital changes and income other than investment income, in the value of a hypothetical pre-existing account having a balance of one share at the beginning of the period and dividing the difference by the value of the account at the beginning of the base period to obtain the base period return, and then multiplying the base period return by (365/7) with the resulting yield figure carried to the nearest hundredth of one percent. The 7-day gross yield should not reflect a deduction of shareholders fees and fund operating expenses.
Significant disruption or degradation	For purposes of Section 5, in instances where the *reporting fund's key operations* are reasonably measurable, this means a 20% disruption or degradation of normal volume or capacity.
Single name CDS	*CDSs* referencing a single entity.
Sovereign bonds	Any notes, bonds and debentures issued by a national government (including central governments, other governments and central banks but excluding U.S. state and local governments), whether denominated in a local or foreign currency. Include bond derivatives, but do not include any positions held via *CDS* (these should be recorded in the *CDS* category).
Structured products	Pre-packaged investment products, typically based on derivatives and including structured notes.
Sub-asset class	Each sub-asset class identified in Questions 26 and 30.
SV	*Value* of short positions, measured as specified in Instruction 15.
Unlisted equity	Direct beneficial ownership of equities, including preferred equities, that are not listed on a regulated exchange. Do not include synthetic or derivative exposures to equities.

U.S. financial institution	Any of the following: (i) a financial institution chartered in the United States (whether federally-chartered or state-chartered); (ii) a financial institution that is separately incorporated or otherwise organized in the United States but has a parent that is a financial institution chartered outside the United States; or (iii) a branch or agency that resides outside the United States but has a parent that is a financial institution chartered in the United States.
U.S. depository institution	Any U.S. domiciled depository institution, including any of the following: (i) a depository institution chartered in the United States, including any federally-chartered or state-chartered bank, savings bank, cooperative bank, savings and loan association, or an international banking facility established by a depositary institution chartered in the United States; (ii) banking offices established in the United States by a financial institution that is not organized or chartered in the United States, including a branch or agency located in the United States and engaged in banking not incorporated separately from its financial institution parent, United States subsidiaries established to engage in international business, and international banking facilities; (iii) any bank chartered in any of the following United States affiliated areas: U.S. territories of American Samoa, Guam, and the U.S. Virgin Islands; the Commonwealth of the Northern Mariana Islands; the Commonwealth of Puerto Rico; the Republic of the Marshall Islands; the Federated States of Micronesia; and the Trust Territory of the Pacific Islands (Palau); or (iv) a credit union (including a natural person or corporate credit union).
U.S. treasury securities	Direct obligations of the U.S. Government. Include *U.S. treasury security* derivatives.
Unencumbered cash	The fund's *cash and cash equivalents* plus the *value* of overnight *repos* used for liquidity management where the assets purchased are *U.S. treasury securities* or *agency securities* minus the sum of the following (without duplication): (i) *cash and cash equivalents* transferred to a collateral taker pursuant to a title transfer arrangement; and (ii) *cash and cash equivalents* subject to a security interest, lien or other encumbrance (this could include *cash and cash equivalents* in an account subject to a control agreement).
Unfunded commitments	*Committed capital* that has not yet been contributed to the *private equity fund* by investors.
United States person	Has the meaning provided in rule 203(m)-1 under the Advisers Act, which includes any natural person that is resident in the United States.
Unsecured borrowing	Obligations for borrowed money in respect of which the borrower has not posted collateral or other credit support.
Value	See Instruction 15.

VaR	For a given portfolio, the loss over a target horizon that will not be exceeded at some specified confidence level.
Venture capital fund	Any *private fund* meeting the definition of venture capital fund in rule 203(l)-1 of the *Advisers Act*.
WAL	Weighted average portfolio life of a *liquidity fund* calculated taking into account the maturity shortening provisions contained in paragraph (i) of *rule 2a-7*, but determined without reference to the exceptions in paragraph (i) of *rule 2a-7* regarding interest rate readjustments with the dollar-weighted average based on the percentage of each security's market value in the portfolio.
WAM	Weighted average portfolio maturity of a *liquidity fund* calculated taking into account the maturity shortening provisions contained in paragraph (i) of *rule 2a-7* with the dollar-weighted average based on the percentage of each security's market value in the portfolio.
Weekly liquid assets	Has the meaning provided in *rule 2a-7*. Include *daily liquid assets*. As a result, the value of *weekly liquid assets* should equal or exceed the value of *daily liquid assets*.

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