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Contents

Federal Register

Vol. 87, No. 34

Friday, February 18, 2022

Agency for Healthcare Research and Quality
NOTICES
Request for Information:
Proposed Patient-Centered Outcomes Research Trust Fund Strategic Framework, 9360–9362

Agriculture Department
See Farm Service Agency
See Forest Service
See The U.S. Codex Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9307–9308

Alcohol and Tobacco Tax and Trade Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9420–9423

Census Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Current Population Survey, School Enrollment Supplement, 9311–9312
Meetings:
Census Scientific Advisory Committee, 9311
National Advisory Committee, 9312–9313

Centers for Disease Control and Prevention
NOTICES
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panel, 9362

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Low Income Household Water Assistance Program Reports, 9364–9365
Regional Partnership Grants National Cross-Site Evaluation and Evaluation Technical Assistance, 9363–9364

Coast Guard
RULES
Safety Zone:
Coast Guard Island, Alameda, CA, 9244–9245

Commerce Department
See Census Bureau
See International Trade Administration
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 9327–9328

Defense Department
See Navy Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certain Federal Acquisition Regulation Part 9 Requirements, 9357–9359
Government Property, 9353–9354
Service Contracting, 9356
Subcontract Consent and Contractors' Purchasing System Review, 9354–9355
Travel Costs, 9356–9357
Value Engineering Requirements, 9359–9360

Defense Nuclear Facilities Safety Board
NOTICES
Performance Review Board Members, 9329–9330

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Connecting Adults to Success: Career Navigator Training Study, 9337
Program for the International Assessment of Adult Competencies Cycle II 2022 Main Study, 9330–9331
Applications for New Awards:
Indian Education Discretionary Grant Programs; Native Youth Community Program, 9331–9337

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
Advanced Scientific Computing Advisory Committee, 9339–9340
Environmental Management Site-Specific Advisory Board, Nevada, 9338
Environmental Management Site-Specific Advisory Board, Northern New Mexico, 9338
Environmental Management Site-Specific Advisory Board, Paducah, 9340
Environmental Management Site-Specific Advisory Board, Savannah River Site, 9338–9339

Environmental Protection Agency
RULES
Pesticide Tolerance; Exemptions, Petitions, Revocations, etc.:
Fluopyram, 9245–9250
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Hazardous Remediation Waste Management Requirements Contaminated Media, 9346–9347
New Source Performance Standards for Surface Coating of Large Appliances, 9346
Environmental Impact Statements; Availability, etc.:
Weekly Receipt, 9345–9346

Farm Service Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Agricultural Foreign Investment Disclosure Act Report, 9310
Servicing Minor Program Loans, 9309–9310

Federal Aviation Administration
PROPOSED RULES
Airworthiness Directives:
Airbus Helicopters, 9277–9280
Viking Air Limited (Type Certificate Previously Held by Bombardier Inc. and de Havilland, Inc.) Airplanes; Correction, 9274–9276
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Airspace Authorizations in Controlled Airspace, 9414–9415
Aviation Insurance, 9413–9414
Petition for Exemption; Summary:
Columbia Helicopters, 9412
Longhorn Helicopters, Inc. dba, Helicopter Institute, 9414
Proposed Release of Airport Property for Non-Aeronautical Use:
Pocahontas Municipal Airport, Pocahontas, AR, 9413

Federal Communications Commission
RULES
Auction of Construction Permits for Full Power Television Stations:
Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 112, 9250–9270

Federal Energy Regulatory Commission
NOTICES
Application:
Southern California Edison Co., 9343–9344
Combined Filings, 9340–9342
Initial Market–Based Rate Filings Including Requests for Blanket Section 204 Authorizations:
Powell River Energy, Inc., 9342–9343
Petition for Waiver:
Black Hills Shoshone Pipeline, LLC, 9341–9342
Request under Blanket Authorization:
Northern Natural Gas Co., 9344–9345

Federal Highway Administration
PROPOSED RULES
Drug Offender's Driver's License Suspension, 9297–9303
NOTICES
Environmental Impact Statements; Availability, etc.:
Proposed Highway Project; Cities of Chesapeake and Suffolk, VA, 9415–9419

Federal Motor Carrier Safety Administration
NOTICES
Exemption Application:
Parts and Accessories Necessary for Safe Operation; Pi Variables, Inc., 9419–9420

Federal Reserve System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9348–9349
Change in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 9347–9348

Federal Trade Commission
NOTICES
Horseracing Integrity and Safety Authority Assessment Methodology, 9349–9353

Fish and Wildlife Service
NOTICES
Charter Renewal:
Hunting and Wildlife Conservation Council; Request for Nominations, 9374–9375
Endangered and Threatened Species:
Receipt of an Incidental Take Permit Application and Low-Effect Habitat Conservation Plan for the Big Tujunga Dam Project, Los Angeles County Department of Public Works, Los Angeles County, CA, 9373–9374

Food and Drug Administration
RULES
Medical Devices:
Cardiovascular Devices; Classification of the Percutaneous Catheter for Creation of an Arteriovenous Fistula for Hemodialysis Access, 9240–9242
Clinical Chemistry and Clinical Toxicology Devices; Classification of the Integrated Continuous Glucose Monitoring System, 9237–9239
Ophthalmic Devices; Classification of the Electromechanical Tear Stimulator, 9242–9244
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Center for Devices and Radiological Health Appeals Processes, 9365–9366
Guidance:
Product-Specific Guidances, 9366–9368

Forest Service
NOTICES
Meetings:
Modoc County Resource Advisory Committee, 9310–9311

General Services Administration
PROPOSED RULES
Federal Management Regulation:
Replacement of Personal Property Pursuant to the Exchange/Sale Authority, 9303–9306
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certain Federal Acquisition Regulation Part 9 Requirements, 9357–9359
Government Property, 9353–9354
Service Contracting, 9356
Subcontract Consent and Contractors' Purchasing System Review, 9354–9355
Travel Costs, 9356–9357
Value Engineering Requirements, 9359–9360

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration

See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Rural Communities Opioid Response Program Performance Measures, 9368–9369

Homeland Security Department
See Coast Guard
See U.S. Customs and Border Protection

Interior Department
See Fish and Wildlife Service
See Land Management Bureau

International Trade Administration
NOTICES
Amended Dates and Deadlines:
Trade Mission to Central America in Conjunction with The Trade Americas and the US-UK Financial Innovation Partnership Trade Mission, 9317–9318
Amendment for Clean Air Trade Mission to India, 9316–9317
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Circular Welded Carbon-Quality Steel Pipe from Oman, Pakistan, and the United Arab Emirates, 9315–9316
Scope Ruling Applications Filed, 9314–9315
Meetings:
Environmental Technologies Trade Advisory Committee, 9319–9320
Recruitment for the Clean EDGE Asia Business Development Mission to Indonesia and Vietnam, 9320–9322
Request for Applications:
United States-Brazil CEO Forum, 9313–9314
Requests for Nominations:
U.S. Section to the United States-India CEO Forum, 9318–9319

International Trade Commission
NOTICES
Complaint:
Certain Power Semiconductors, and Mobile Devices and Computers Containing Same, 9382–9383
Investigations; Determinations, Modifications, and Rulings, etc.:
Certain Networking Devices, Computers, and Components Thereof and Systems Containing the Same, 9382
Certain Toner Supply Containers and Components Thereof, 9379–9380
Certain Vaporizer Cartridges and Components Thereof, 9380–9382
Lemon Juice from Brazil and South Africa, 9378
Steel Nails from India, Oman, Sri Lanka, Thailand, and Turkey, 9378–9379

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9384–9386
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Leased/Charter/Contract Personnel Expedited Clearance Request, 9384
Proposed Consent Decree:
Clean Water Act, Emergency Planning and Community Right-to-Know Act, and Comprehensive Environmental Response, Compensation and Liability Act, 9386

Labor Department
See Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Occupational Safety and Health Act Variance Regulations, 9386–9387
Standard on Blasting Operations and the Use of Explosives, 9387

Land Management Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Leasing of Solid Minerals Other than Coal and Oil Shale, 9375–9376
Intent to Amend the California Desert Conservation Area Plan for the Morongo Highway 62 Communication Site Project, San Bernardino County, CA, 9376–9377

National Aeronautics and Space Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certain Federal Acquisition Regulation Part 9 Requirements, 9357–9359
Government Property, 9353–9354
Service Contracting, 9356
Subcontract Consent and Contractors' Purchasing System Review, 9354–9355
Travel Costs, 9356–9357
Value Engineering Requirements, 9359–9360

National Institute of Standards and Technology
NOTICES
Meetings:
National Construction Safety Team Advisory Committee, 9322–9323

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 9369–9371

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone off Alaska:
Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska, 9273
Pacific Island Fisheries:
Rebuilding Plan for Guam Bottomfish, 9271–9273
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Licensing of Private Remote-Sensing Space Systems, 9323–9324
Meetings:
New England Fishery Management Council, 9324
Pacific Fishery Management Council, 9324–9326

National Science Foundation
NOTICES
Meetings; Sunshine Act, 9390–9391

Navy Department
NOTICES
Environmental Impact Statements; Availability, etc.:
Land Acquisition for the Washington Navy Yard, Washington, DC, 9328–9329

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Domestic Licensing of Source Material, 9392–9393
General Licensee Registration, 9396–9397
Environmental Impact Statements; Availability, etc.:
Kairos Energy, LLC; Kairos Test Reactor, 9394–9396
Exemption:
Multiple; in Response to COVID–19 Public Health Emergency, 9391–9392
NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center Independent Spent Fuel Storage Installation, 9393–9394

Occupational Safety and Health Administration
NOTICES
Nationally Recognized Testing Laboratories:
TUV SUD America, Inc.; Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards, 9387–9389

Patent and Trademark Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Patents for Humanity Program, 9326–9327

Personnel Management Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Death Benefits under the Federal Employees' Retirement System, etc., 9397–9398

Postal Regulatory Commission
NOTICES
New Postal Products, 9398

Securities and Exchange Commission
PROPOSED RULES
Whistleblower Program Rules, 9280–9297
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9403
Order Granting Petition for Review:
New York Stock Exchange, LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc., 9404
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe BZX Exchange, Inc., 9399
Cboe EDGX Exchange, Inc., 9399–9403
New York Stock Exchange, LLC, 9398

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 9404–9405
Disaster Declaration:
Kentucky; Amendment No. 5, 9405
Meetings:
Advisory Committee on Veterans Business Affairs, 9405

State Department
NOTICES
Culturally Significant Object Being Imported for Exhibition:
Igshaan Adams: Desire Lines, 9405–9406
Winslow Homer: Crosscurrents, 9406

Surface Transportation Board
NOTICES
Control:
Canadian Pacific Railway Ltd., Canadian Pacific Railway Co., Soo Line Railroad Co., et al.; Kansas City Southern, The Kansas City Southern Railway Co., Gateway Eastern Railway Co. et al., 9406–9412

The U.S. Codex Office
NOTICES
Meetings:
Codex Alimentarius Commission, Committee on Fresh Fruits and Vegetables, 9308–9309

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration

Treasury Department
See Alcohol and Tobacco Tax and Trade Bureau

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Customs-Trade Partnership against Terrorism Program and Customs-Trade Partnership against Terrorism Trade Compliance Program, 9371–9373

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

14 CFR

Proposed Rules:

39 (2 documents) 9274, 9277

17 CFR

Proposed Rules:

240 9280

21 CFR

862 9237
870 9240
886 9242

23 CFR

Proposed Rules:

192 9297

33 CFR

165 9244

40 CFR

180 9245

41 CFR

Proposed Rules:

102–39 9303

47 CFR

1 9250
73 9250

50 CFR

665 9271
679 9273

Rules and Regulations

Federal Register
Vol. 87, No. 34
Friday, February 18, 2022

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. FDA–2021–N–1343]

Medical Devices; Clinical Chemistry and Clinical Toxicology Devices; Classification of the Integrated Continuous Glucose Monitoring System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is classifying the integrated continuous glucose monitoring system into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the integrated continuous glucose monitoring system's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

DATES: This order is effective February 18, 2022. The classification was applicable on March 27, 2018.

FOR FURTHER INFORMATION CONTACT: Ryan Lubert, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3574, Silver Spring, MD 20993–0002, 240–402–6357, *Ryan.Lubert@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the integrated continuous glucose monitoring system as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On December 8, 2017, FDA received Dexcom, Inc.'s request for De Novo classification of the Dexcom G6 Continuous Glucose Monitoring System. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable

assurance of the safety and effectiveness of the device.

Therefore, on March 27, 2018, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 862.1355.[1] We have named the generic type of device ''integrated continuous glucose monitoring system (iCGM),'' and it is intended to automatically measure glucose in bodily fluids continuously or frequently for a specified period of time. iCGM systems are designed to reliably and securely transmit glucose measurement data to digitally connected devices, including automated insulin dosing systems, and are intended to be used alone or in conjunction with these digitally connected medical devices for the purpose of managing a disease or condition related to glycemic control.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—INTEGRATED CONTINUOUS GLUCOSE MONITORING SYSTEM RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Clinical action based on falsely high or falsely low inaccurate glucose values or inaccurate alerts may lead to inappropriate treatment decisions.	General Controls and special controls (1) (21 CFR 862.1355(b)(1)), (2) (21 CFR 862.1355(b)(2)), (3) (21 CFR 862.1355(b)(3)), (4) (21 CFR 862.1355(b)(4)), (5) (21 CFR 862.1355(b)(5)), (6) (21 CFR 862.1355(b)(6)), and (7) (21 CFR 862.1355(b)(7)).
Clinical action in pediatric patients based on falsely high or falsely low inaccurate values or inaccurate alerts due to poorer or different performance in pediatric populations.	General Controls and special controls (1) (21 CFR 862.1355(b)(1)), (2) (21 CFR 862.1355(b)(2)), (3) (21 CFR 862.1355(b)(3)), (4) (21 CFR 862.1355(b)(4)), (5) (21 CFR 862.1355(b)(5)), (6) (21 CFR 862.1355(b)(6)), and (7) (21 CFR 862.1355(b)(7)).
The inability to make appropriate treatment decisions when glucose values are unavailable due to sensor signal dropout or loss of communication with digitally connected devices.	General Controls and special controls (1)(vii) (21 CFR 862.1355(b)(1)(vii)), (2) (21 CFR 862.1355(b)(2)), (3) (21 CFR 862.1355(b)(3)), (6) (21 CFR 862.1355(b)(6)), and (7) (21 CFR 862.1355(b)(7)).
Patient harm due to insecure transmission of data	General Controls and special control (2) (21 CFR 862.1355(b)(2)).
Use of an iCGM as part of another digitally connected medical device system, such as an automated insulin dosing (AID) system, when the iCGM has inadequate analytical or clinical performance to support the intended use of the digitally connected device.	General Controls and special controls (2) (21 CFR 862.1355(b)(2)), (6) (21 CFR 862.1355(b)(6)), and (7) (21 CFR 862.1355(b)(7)).

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in the guidance document ''De Novo Classification Process (Evaluation of Automatic Class III Designation)'' have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality systems regulations, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801 and 809, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 862

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 862 is amended as follows:

PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

■ 1. The authority citation for part 862 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 862.1355 to subpart B to read as follows:

§ 862.1355 Integrated continuous glucose monitoring system.

(a) *Identification.* An integrated continuous glucose monitoring system (iCGM) is intended to automatically measure glucose in bodily fluids continuously or frequently for a specified period of time. iCGM systems are designed to reliably and securely transmit glucose measurement data to digitally connected devices, including automated insulin dosing systems, and are intended to be used alone or in conjunction with these digitally connected medical devices for the purpose of managing a disease or condition related to glycemic control.

[1] FDA notes that the **ACTION** caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Design verification and validation must include the following:

(i) Robust clinical data demonstrating the accuracy of the device in the intended use population.

(ii) The clinical data must include a comparison between iCGM values and blood glucose values in specimens collected in parallel that are measured on an FDA-accepted laboratory-based glucose measurement method that is precise and accurate, and that is traceable to a higher order (*e.g.,* an internationally recognized reference material and/or method).

(iii) The clinical data must be obtained from a clinical study designed to fully represent the performance of the device throughout the intended use population and throughout the measuring range of the device.

(iv) Clinical study results must demonstrate consistent analytical and clinical performance throughout the sensor wear period.

(v) Clinical study results in the adult population must meet the following performance requirements:

(A) For all iCGM measurements less than 70 milligrams/deciliter (mg/dL), the percentage of iCGM measurements within ±15 mg/dL of the corresponding blood glucose value must be calculated, and the lower one-sided 95 percent confidence bound must exceed 85 percent.

(B) For all iCGM measurements from 70 mg/dL to 180 mg/dL, the percentage of iCGM measurements within ±15 percent of the corresponding blood glucose value must be calculated, and the lower one-sided 95 percent confidence bound must exceed 70 percent.

(C) For all iCGM measurements greater than 180 mg/dL, the percentage of iCGM measurements within ±15 percent of the corresponding blood glucose value must be calculated, and the lower one-sided 95 percent confidence bound must exceed 80 percent.

(D) For all iCGM measurements less than 70 mg/dL, the percentage of iCGM measurements within ±40 mg/dL of the corresponding blood glucose value must be calculated, and the lower one-sided 95 percent confidence bound must exceed 98 percent.

(E) For all iCGM measurements from 70 mg/dL to 180 mg/dL, the percentage of iCGM measurements within ±40 percent of the corresponding blood glucose value must be calculated, and the lower one-sided 95 percent confidence bound must exceed 99 percent.

(F) For all iCGM measurements greater than180 mg/dL, the percentage of iCGM measurements within ±40 percent of the corresponding blood glucose value must be calculated, and the lower one-sided 95 percent confidence bound must exceed 99 percent.

(G) Throughout the device measuring range, the percentage of iCGM measurements within ±20 percent of the corresponding blood glucose value must be calculated, and the lower one-sided 95 percent confidence bound must exceed 87 percent.

(H) When iCGM values are less than 70 mg/dL, no corresponding blood glucose value shall read above 180 mg/dL.

(I) When iCGM values are greater than 180 mg/dL, no corresponding blood glucose value shall read less than 70 mg/dL.

(J) There shall be no more than 1 percent of iCGM measurements that indicate a positive glucose rate of change greater than 1 mg/dL per minute (/min) when the corresponding true negative glucose rate of change is less than −2 mg/dL/min as determined by the corresponding blood glucose measurements.

(K) There shall be no more than 1 percent of iCGM measurements that indicate a negative glucose rate of change less than −1 mg/dL/min when the corresponding true positive glucose rate of change is greater than 2 mg/dL/min as determined by the corresponding blood glucose measurements.

(vi) Data demonstrating similar accuracy and rate of change performance of the iCGM in the pediatric population as compared to that in the adult population, or alternatively a clinical and/or technical justification for why pediatric data are not needed, must be provided and determined by FDA to be acceptable and appropriate.

(vii) Data must demonstrate that throughout the claimed sensor life, the device does not allow clinically significant gaps in sensor data availability that would prevent any digitally connected devices from achieving their intended use.

(2) Design verification and validation must include a detailed strategy to ensure secure and reliable means of iCGM data transmission to provide real-time glucose readings at clinically meaningful time intervals to devices intended to receive the iCGM glucose data.

(3) Design verification and validation must include adequate controls established during manufacturing and at product release to ensure the released product meets the performance specifications as defined in paragraphs (b)(1) and (b)(2) of this section.

(4) The device must demonstrate clinically acceptable performance in the presence of clinically relevant levels of potential interfering substances that are reasonably present in the intended use population, including but not limited to endogenous substances and metabolites, foods, dietary supplements, and medications.

(5) The device must include appropriate measures to ensure that disposable sensors cannot be used beyond its claimed sensor wear period.

(6) Design verification and validation must include results obtained through a usability study that demonstrates that the intended user can use the device safely and obtain the expected glucose measurement accuracy.

(7) The labeling required under § 809.10(b) of this chapter must include a separate description of the following sensor performance data observed in the clinical study performed in conformance with paragraph (b)(1) of this section for each intended use population, in addition to separate sensor performance data for each different iCGM insertion or use sites (*e.g.,* abdomen, arm, buttock):

(i) A description of the accuracy in the following blood glucose concentration ranges: less than 54 mg/dL, 54 mg/dL to less than 70 mg/dL, 70 to 180 mg/dL, greater than 180 to 250 mg/dL, and greater than 250 mg/dL.

(ii) A description of the accuracy of positive and negative rate of change data.

(iii) A description of the frequency and duration of gaps in sensor data.

(iv) A description of the true, false, missed, and correct alert rates and a description of the available glucose concentration alert settings, if applicable.

(v) A description of the observed duration of iCGM life for the device.

Dated: February 11, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03504 Filed 2–17–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2021–N–1029]

Medical Devices; Cardiovascular Devices; Classification of the Percutaneous Catheter for Creation of an Arteriovenous Fistula for Hemodialysis Access

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the percutaneous catheter for creation of an arteriovenous fistula for hemodialysis access into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the percutaneous catheter for creation of an arteriovenous fistula for hemodialysis access' classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

DATES: This order is effective February 18, 2022. The classification was applicable on June 22, 2018.

FOR FURTHER INFORMATION CONTACT: Carmen Gacchina Johnson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2120, Silver Spring, MD 20993–0002, 240–402–5244, *Carmen.Gacchina@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the percutaneous catheter for creation of an arteriovenous fistula for hemodialysis access as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 established the first procedure for De Novo classification (Pub. L. 105–115). Section 607 of the Food and Drug Administration Safety and Innovation Act modified the De Novo application process by adding a second procedure (Pub. L. 112–144). A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On February 3, 2016, FDA received TVA Medical, Inc.'s request for De Novo classification of the everlinQ endoAVF System. Subsequently, on January 10, 2017, FDA received Avenu Medical, Inc.'s similar request for De Novo classification of the Ellipsys Vascular Access System. FDA reviewed both requests in order to classify the devices under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the requests, we determined that the devices can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the devices.

Therefore, on June 22, 2018, FDA issued orders to both requesters classifying their devices into class II. In this final order, FDA is codifying the classification of the devices by adding 21 CFR 870.1252.[1] We have named the generic type of device percutaneous catheter for creation of an arteriovenous

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

fistula for hemodialysis access, and it is identified as a single use percutaneous catheter system that creates an arteriovenous fistula in the arm of patients with chronic kidney disease who need hemodialysis.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—PERCUTANEOUS CATHETER FOR CREATION OF AN ARTERIOVENOUS FISTULA FOR HEMODIALYSIS ACCESS RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Unintended vascular or tissue injury	Non-clinical performance testing, Animal testing, Clinical performance testing, and Labeling.
Adverse hemodynamic effects	Non-clinical performance testing, Animal testing, Clinical performance testing, and Labeling.
Failure to create a durable fistula that is usable for hemodialysis	Animal testing and Clinical performance testing.
Use of the device adversely impacts future vascular access sites	Clinical performance testing and Labeling.
Adverse tissue reaction	Biocompatibility evaluation and Labeling.
Infection	Sterilization validation, Shelf life testing, and Labeling.
Electrical malfunction or interference leading to electrical shock, device failure, or inappropriate activation.	Non-clinical performance testing, Electrical safety testing, and Electromagnetic compatibility (EMC) testing.
Software malfunction leading to device failure or inappropriate activation.	Software verification, validation, and hazard analysis.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. We encourage sponsors to consult with us if they wish to use a non-animal testing method they believe is suitable, adequate, validated, and feasible. We will consider if such an alternative method could be assessed for equivalency to an animal test method. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in the guidance document ''De Novo Classification Process (Evaluation of Automatic Class III Designation)'' have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 870.1252 to subpart B to read as follows:

§ 870.1252 Percutaneous catheter for creation of an arteriovenous fistula for hemodialysis access.

(a) *Identification.* This device is a single use percutaneous catheter system that creates an arteriovenous fistula in the arm of patients with chronic kidney disease who need hemodialysis.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing must evaluate:

(i) The ability to safely deliver, deploy, and remove the device;

(ii) The ability of the device to create an arteriovenous fistula;

(iii) The ability of the arteriovenous fistula to attain a blood flow rate and diameter suitable for hemodialysis;

(iv) The ability of the fistula to be used for vascular access for hemodialysis;

(v) The patency of the fistula; and

(vi) The rates and types of all adverse events.

(2) Animal testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be assessed:

(i) Delivery, deployment, and retrieval of the device;

(ii) Compatibility with other devices labeled for use with the device;

(iii) Patency of the fistula;

(iv) Characterization of blood flow at the time of the fistula creation procedure and at chronic followup; and

(v) Gross pathology and histopathology assessing vascular injury and downstream embolization.

(3) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:

(i) Simulated-use testing in a clinically relevant bench anatomic model to assess the delivery, deployment, activation, and retrieval of the device;

(ii) Tensile strengths of joints and components;

(iii) Accurate positioning and alignment of the device to achieve fistula creation; and

(iv) Characterization and verification of all dimensions.

(4) Electrical performance, electrical safety, and electromagnetic compatibility (EMC) testing must be performed for devices with electrical components.

(5) Software verification, validation, and hazard analysis must be performed for devices that use software.

(6) All patient-contacting components of the device must be demonstrated to be biocompatible.

(7) Performance data must demonstrate the sterility of the device components intended to be provided sterile.

(8) Performance data must support the shelf life of the device by demonstrating continued sterility, package integrity, and device functionality over the identified shelf life.

(9) Labeling for the device must include:

(i) Instructions for use;

(ii) Identification of system components and compatible devices;

(iii) Expertise needed for the safe use of the device;

(iv) A detailed summary of the clinical testing conducted and the patient population studied; and

(v) A shelf life and storage conditions.

Dated: February 11, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03496 Filed 2–17–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 886

[Docket No. FDA–2022–N–0104]

Medical Devices; Ophthalmic Devices; Classification of the Electromechanical Tear Stimulator

AGENCY: Food and Drug Administration, HHS.

ACTION: Final amendment; final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the electromechanical tear stimulator into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the electromechanical tear stimulator's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices.

DATES: This order is effective February 18, 2022 . The classification was applicable on May 1, 2020.

FOR FURTHER INFORMATION CONTACT: Leonid Livshitz, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1234, Silver Spring, MD 20993–0002, 301–796–6975, *Leonid.Livshitz@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the electromechanical tear stimulator as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act (see 21 U.S.C. 360c(i)) to a predicate device that does not require premarket approval. We determine whether a new device is substantially equivalent to a predicate device by means of the procedures for premarket notification under section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) established the first procedure for De Novo classification. Section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) modified the De Novo application process by adding a second procedure. A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA is required to classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see section 513(f)(2)(B)(i) of the FD&C Act). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application to market a substantially equivalent device (see section 513(i) of the FD&C Act, defining ''substantial equivalence''). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On May 15, 2019, FDA received Olympic Ophthalmics, Inc.'s request for De Novo classification of the iTEAR100 Neurostimulator. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the

safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on May 01, 2020, FDA issued an order to the requester classifying the device into class II. In this final order, FDA is codifying the classification of the device by adding 21 CFR 886.5305.[1] We have named the generic type of device electromechanical tear stimulator, and it is identified as a non-implantable device intended to increase tear production via mechanical stimulation.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—ELECTROMECHANICAL TEAR STIMULATOR RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Tissue damage due to over stimulation/under stimulation or mechanical injury, device breakage.	Clinical performance testing; Non-clinical performance testing; Software verification, validation, and hazard analysis; and Labeling.
Adverse tissue reaction	Biocompatibility evaluation, and Labeling.
Electrical shock or burn	Electrical, thermal, and mechanical safety testing; Software verification, validation, and hazard analysis; and Labeling.
Interference with other devices	Electromagnetic compatibility (EMC) testing; Software verification, validation, and hazard analysis; and Labeling.
Pain, headache, or discomfort	Clinical performance testing, and Non-clinical performance testing.
Insufficient tear production	Clinical performance testing.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. In order for a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k) of the FD&C Act.

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The collections of information in 21 CFR part 860, subpart D, regarding De Novo classification have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 820, regarding quality system regulation, have been approved under OMB control number 0910–0073; and the collections of information in 21 CFR parts 801, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 886

Medical devices, Ophthalmic goods and services.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 886 is amended as follows:

PART 886—OPHTHALMIC DEVICES

■ 1. The authority citation for part 886 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

■ 2. Add § 886.5305 to subpart F to read as follows:

§ 886.5305 Electromechanical tear stimulator.

(a) *Identification.* An electromechanical tear stimulator is a non-implantable device intended to increase tear production via mechanical stimulation.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing under anticipated conditions of use must evaluate tear production and all adverse events, including tissue damage, pain, headache, and discomfort.

(2) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following must be conducted:

(i) An assessment of mechanical output specifications, including vibration amplitude and frequency, pressure and force, and acoustic (noise level) properties;

(ii) Mechanical safety testing to validate safeguards related to the pressure aspects of the device; and

(iii) Use life testing.

(3) Performance data must demonstrate the electrical safety, thermal safety, and electromagnetic compatibility (EMC) of all electrical components of the device.

(4) All patient-contacting components of the device must be demonstrated to be biocompatible.

(5) Software verification, validation, and hazard analysis must be performed.

[1] FDA notes that the ''ACTION'' caption for this final order is styled as ''Final amendment; final order,'' rather than ''Final order.'' Beginning in December 2019, this editorial change was made to indicate that the document ''amends'' the Code of Federal Regulations. The change was made in accordance with the Office of Federal Register's (OFR) interpretations of the Federal Register Act (44 U.S.C. chapter 15), its implementing regulations (1 CFR 5.9 and parts 21 and 22), and the Document Drafting Handbook.

(6) Physician and patient labeling must include:

(i) A detailed summary of the device's technical parameters;

(ii) Instructions for use, including an explanation of all user-interface components and information regarding proper device placement;

(iii) Information related to electromagnetic compatibility classification;

(iv) Instructions on how to clean and maintain the device;

(v) A summary of the clinical performance testing conducted with the device;

(vi) Language to direct end users to contact the device manufacturer and MedWatch if they experience any adverse events with this device; and

(vii) Information on how the device operates and the typical sensations experienced during treatment.

Dated: February 14, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03540 Filed 2–17–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2022–0126]

RIN 1625–AA00

Safety Zone; Coast Guard Island, Alameda, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all waters of the Alameda Estuary, from surface to bottom, within 250 feet of the pier along the southwest side of Coast Guard Island in support of a munitions transfer on February 20, 2022. The safety zone is necessary to protect personnel, vessels, and the marine environment from the dangers associated with live munitions. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port San Francisco.

DATES: This rule is effective from 8 a.m. through 2 p.m. on February 20, 2022.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2022–0126 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Anthony Solares, Sector San Francisco Waterways Safety Management, U.S. Coast Guard; telephone 415–399–3585, email *Anthony.I.Solares@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
CGC Coast Guard Cutter

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because munitions must be transferred for operational readiness. It is impracticable to publish an NPRM because we must establish this safety zone by February 20, 2022.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the munitions transfer near Alameda, CA beginning February 20, 2022.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port (COTP) San Francisco has determined that potential hazards associated with the munitions transfer starting February 20, 2022 will be a safety concern for anyone within a 250-foot radius of the pier along the southwest side of Coast Guard Island. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the munitions transfer.

IV. Discussion of the Rule

This rule establishes a safety zone from 8 a.m. until 2 p.m. on February 20, 2022. The safety zone will cover all waters of the Alameda Estuary, from surface to bottom, within 250 feet of the pier along the southwest side of Coast Guard Island. The safety zone is necessary to ensure the safety of people, vessels, and the marine environment for the duration of the munitions transfer. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone which would impact a small designated area of the Alameda Estuary for only six hours. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting only six hours that will prohibit entry within 250 feet of the pier along the southwest side of Coast Guard Island. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T11–089 to read as follows:

§ 165.T11–089 Safety Zone; Safety Zone; Coast Guard Island, Alameda, CA.

(a) *Location.* The following area is a safety zone: All waters of the Alameda Estuary, from surface to bottom, within 250 feet of the pier along the southwest side of Coast Guard Island.

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

(2) To seek permission to enter, contact the COTP or the COTP's representative by phone at 415–399–3547. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(c) *Enforcement period.* This section will be enforced from 8 a.m. to 2 p.m. on February 20, 2022.

Dated: February 14, 2022.

Taylor Q. Lam,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2022–03542 Filed 2–17–22; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2020–0607; FRL–9454–01–OCSPP]

Fluopyram; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends tolerances for residues of fluopyram in or on cereal grain crop group 15 (except corn and rice), rapeseed subgroup 20A, and multiple animal commodities, which are identified and discussed later in this document. This regulation also establishes an import tolerance for residues of fluopyram in or on coffee. Bayer CropScience requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 18, 2022. Objections and requests for hearings must be received on or before April 19, 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–2020–0607, 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 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: 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 EPA's tolerance regulations at 40 CFR part 180 through the Office of the Federal Register's e-CFR site at *https://www.ecfr.gov/current/title-40.*

C. How 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–2020–0607 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 19, 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–2020–0607, 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. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 25, 2021 (86 FR 11488) (FRL–10020–47), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 0F8855) by Bayer CropScience, 800 N Lindbergh Blvd., St. Louis, MO 63167. The petition requested that 40 CFR 180.661(a)(1) be amended by establishing a tolerance for residues of the fungicide fluopyram, *N*-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide, in or on the following raw agricultural commodity: Coffee at 0.03 parts per million (ppm). The petition also requested to amend tolerances in 40 CFR 180.661(a)(1) for residues of the fungicide fluopyram in or on the following raw agricultural commodities: Grain, cereal, group 15, except corn and rice at 0.5 ppm; and Rapeseed subgroup 20A at 0.3 ppm. In addition, the petition requested to amend tolerances in 40 CFR 180.661(a)(2) for residues of the fungicide fluopyram in or on the following animal commodities: Cattle, fat at 0.60 ppm; Cattle, meat at 0.60 ppm; Cattle, meat byproducts at 6.0 ppm; Egg at 0.06 ppm; Goat, fat at 0.60 ppm; Goat, meat at 0.60 ppm; Goat, meat byproducts at 6.0 ppm; Hog, fat at 0.01 ppm; Hog, meat at 0.01 ppm; Hog, meat byproducts at 0.06 ppm; Horse, fat at 0.60 ppm; Horse, meat at 0.60 ppm; Horse, meat byproducts at 6.0 ppm; Poultry, fat at 0.03 ppm; Poultry, meat at 0.03 ppm; Poultry, meat byproducts at 0.10 ppm; Sheep, fat at 0.60 ppm; Sheep, meat at 0.60 ppm; and Sheep, meat byproducts at 6.0 ppm. That document referenced a summary of the petition prepared by Bayer CropScience, the registrant, which is available in the docket, *https://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA is establishing and amending, in accordance with section 408(d)(4)(a)(i), tolerances that vary in some respects from what the petitioner requested. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(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 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 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. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fluopyram including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fluopyram follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemakings of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemakings and republishing the same sections is unnecessary. EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a number of tolerance rulemakings for fluopyram, in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to fluopyram and established tolerances for residues of that chemical. EPA is incorporating previously published sections from those rulemakings as described further in this rulemaking, as they remain unchanged.

Toxicological profile. For a discussion of the Toxicological Profile of fluopyram, see Unit III.A. of the July 1, 2019, rulemaking (84 FR 31208) (FRL–9994–36).

Toxicological points of departure/ Levels of concern. For a summary of the Toxicological Points of Departure/ Levels of Concern used for the safety assessment, see Unit III.B. of the July 1, 2019, rulemaking.

Exposure assessment. Much of the exposure assessment remains the same, although updates have occurred to accommodate exposures from the petitioned-for tolerances. The updates are discussed in this section; for a description of the rest of the EPA approach to and assumptions for the exposure assessment, see Unit III.C. of the July 1, 2019, rulemaking.

EPA's dietary exposure assessments have been updated to include: The reduced exposure from the revised uses (lower maximum application rates) of fluopyram on cereal grain crop group 15 (except corn and rice) and rapeseed subgroup 20A; the reduced anticipated residues in livestock commodities; and the additional exposure associated with the import tolerance on coffee. For the acute dietary exposure assessment, EPA used the highest average field trial concentrations for coffee, cereal grain group 15, and rapeseed 20A. All other commodities used tolerance-level residues. The acute analysis used 100 percent crop treated (PCT) for all commodities. For the chronic dietary exposure assessment, EPA used field trial mean residue values and incorporated the same PCT data that were used in the July 1, 2019, rulemaking for existing uses, as well as chronic refined inputs to the livestock anticipated residues of field trial median data. EPA assumed 100 PCT for coffee, cereal grain crop group 15 (except corn and rice), and rapeseed subgroup 20A.

Anticipated residue and percent crop treated (PCT) information. Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.
- *Condition c:* Data are available on pesticide use and food consumption in a particular area, and the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the average PCT for existing uses for the chronic dietary exposure assessment as follows: Almonds, 20%; apples, 25%; apricots, 5%; artichoke, 15%; broccoli, 2.5%; cabbage, 2.5%; carrots, 1%; cauliflower, 1%; cherries, 25%; cotton, 1%; dry beans and peas, 1%; grapefruit, 10%; grapes, raisins, 1%; table grapes, 5%; wine grapes; 20%; lemons, 1%; lettuce, 1%; onions, 1%; oranges, 15%; peaches, 1%; peanuts, 2.5%; pears, 5%; peppers, 5%; pistachios, 15%; potatoes, 20%; strawberries, 10%; tomatoes, 1%; walnuts, 10%; and watermelons, 15%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and California Department of Pesticide Regulation (CalDPR) Pesticide Use Reporting (PUR) for the chemical/crop combination for the most recent 10 years. EPA uses an average PCT for chronic dietary risk analysis and a maximum PCT for acute dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than 1% or less than 2.5%. In those cases, the Agency would use <1% or <2.5% as the average PCT value, respectively. The maximum PCT figure is the highest observed maximum value reported within the recent 10 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%, except where the maximum PCT is less than 2.5%, in which case, the Agency uses <2.5% as the maximum PCT.

The Agency believes that the three conditions discussed earlier have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account

through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which fluopyram may be applied in a particular area.

Drinking water, non-occupational, and cumulative exposures. Drinking water exposures and residential (non-occupational) exposures are not impacted by the revised uses and import tolerance in this action, and thus have not changed from the July 1, 2019, rulemaking. Fluopyram is currently registered for use on golf course turf, residential lawns, fruit trees, nut trees, ornamentals and gardens that could result in residential exposures. The most conservative residential risk estimates that were used in the aggregate assessment are adult handler inhalation exposures from treating lawns with a hose-end spray and incidental oral hand-to-mouth post-application exposure to treated lawns for children aged 1 to less than 2 years old. EPA's conclusions concerning cumulative risk remain unchanged from the July 1, 2019, rulemaking.

Safety factor for infants and children. EPA continues to conclude that there is reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor. See Unit III.D. of the July 1, 2019, rulemaking for a discussion of the Agency's rationale for that determination.

Aggregate risks and determination of safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic population adjusted (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists.

Acute dietary risks are below the Agency's level of concern of 100% of the aPAD; they are 24% of the aPAD for children 1 to 2 years old, the population group receiving the greatest exposure. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are 78% of the cPAD for children 1 to 2 years old, the population group receiving the greatest exposure.

As explained in the July 1, 2019, rule, the Agency analyzed short-term inhalation exposure to residential handlers and short-term incidental oral hand-to-mouth post-application exposure to children 1 to 2 years old on treated lawns. Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 1,500 for both adults (using a residential handler exposure scenario) and post-application exposure to children 1 to 2 years old. Because EPA's level of concern for fluopyram is an MOE of 100 or below, these MOEs are not of concern.

As stated in the July 1, 2019, rule, fluopyram is not registered for any use patterns that would result in intermediate-term residential exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has been assessed under the appropriately protective cPAD, EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for fluopyram.

Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, fluopyram is not expected to pose a cancer risk to humans.

Therefore, based on the risk assessments and information described above, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to fluopyram residues. More detailed information can be found at *https://www.regulations.gov* in the document titled ''Fluopyram. Human Health Risk Assessment for the Revision of Permanent Tolerances and Registration for Use on Cereal Grain Crop Group 15 and Rapeseed Subgroup 20A, and for the Establishment of Permanent Tolerance without U.S. Registration for Residues in/on Coffee Commodities'' in docket ID number EPA–HQ–OPP–2020–0607.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the July 1, 2019, rulemaking.

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 established MRLs for fluopyram in or on canola at 1 ppm and rye grain and wheat grain both at 0.9 ppm. EPA is not harmonizing the U.S. tolerances for rapeseed subgroup 20A and crop group 15 (except rice and corn) with the Codex MRLs for canola, rye grain, or wheat grain because the U.S. tolerances are being harmonized with the Canadian MRLs as part of a joint review with the U.S.'s major trading partner.

The Codex has also established MRLs for fluopyram in or on milk at 0.8 ppm, cattle fat at 1.5 ppm, cattle meat at 1.5 ppm, cattle meat byproducts at 8 ppm, hog fat at 1.5 ppm, hog meat at 1.5 ppm, hog meat byproducts at 8 ppm, eggs at 2 ppm, poultry fat at 1 ppm, poultry meat at 1.5 ppm and poultry, kidney and poultry, liver at 5 ppm. To be consistent with Canada, EPA is not harmonizing the U.S. tolerances for milk, cattle fat, cattle meat, cattle meat byproducts, hog fat, hog meat, hog meat byproducts, eggs, poultry fat, poultry meat, and poultry meat byproducts with the Codex MRLs above. The U.S. and Canada are jointly reviewing the revised use pattern in the fluopyram petition. Because the maximum application rates for livestock feed items (rapeseed subgroup 20A and cereal grains group 15 (except corn and rice)) are being reduced in both countries, the tolerances on both plant and livestock commodities are being decreased in both countries.

Codex has not established an MRL for residues of fluopyram in or on coffee commodities.

C. Response to Comments

Two comments were submitted to the docket in response to the February 25, 2021 Notice of Filing. Although the Agency recognizes that some individuals believe that pesticides should be banned on agricultural commodities, the existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish tolerances when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors the FFDCA requires EPA to consider, EPA has determined that the fluopyram tolerances are safe. The commenters have provided no information indicating that a safety determination cannot be supported.

D. Revisions to Petitioned-For Tolerances

The commodity definition for coffee is revised to coffee, green beans and the tolerance is established at 0.03 ppm to reflect the OECD rounding class.

Livestock tolerances are revised based upon expected secondary residues using the more reasonably balanced diet (MRBD) calculations and incorporating observed transfer factors. The petition states that the proposed cattle tolerances should be extended to all ruminants; however, those tolerances should be individually revised. Therefore, tolerances are amended for cattle, meat at 0.3 ppm; cattle, fat at 0.3 ppm; cattle, meat byproducts at 3 ppm; horse, meat at 0.3 ppm; horse, fat at 0.3 ppm; horse, meat byproducts at 3 ppm; goat, meat at 0.3 ppm; goat, fat at 0.3 ppm; goat, meat byproducts at 3 ppm; sheep, meat at 0.3 ppm; sheep, fat at 0.3 ppm; sheep, meat byproducts at 3 ppm; and hog, meat byproducts at 0.04 ppm. Tolerances are amended for egg at 0.03 ppm; poultry, meat at 0.02 ppm; poultry, fat at 0.01 ppm; and poultry, meat byproducts at 0.06 ppm. The Agency is also amending the tolerance for milk at 0.15 ppm.

V. Conclusion

Therefore, a tolerance is established for residues of fluopyram, *N*-[2-[3-chloro-5-(trifluoromethyl)-2-pyridinyl]ethyl]-2-(trifluoromethyl)benzamide, in or on coffee, green beans at 0.03 ppm, and existing tolerances are amended to the following levels: Grain, cereal, group 15, except corn and rice at 0.5 ppm; rapeseed subgroup 20A at 0.3 ppm; cattle, fat at 0.3 ppm; cattle, meat at 0.3 ppm; cattle, meat byproducts at 3 ppm; egg at 0.03 ppm; goat, fat at 0.3 ppm; goat, meat at 0.3 ppm; goat, meat byproducts at 3 ppm; hog, fat at 0.01 ppm; hog, meat at 0.01 ppm; hog, meat byproducts at 0.04 ppm; horse, fat at 0.3 ppm; horse, meat at 0.3 ppm; horse, meat byproducts at 3 ppm; milk at 0.15 ppm; poultry, fat at 0.01 ppm; poultry, meat at 0.02 ppm; poultry, meat byproducts at 0.06 ppm; sheep, fat at 0.3 ppm; sheep, meat at 0.3 ppm; sheep, meat byproducts at 3 ppm. For transparency, the following list identifies the established tolerances that are being amended to the levels listed above: Grain, cereal, group 15, except corn and rice at 4.0 ppm; rapeseed subgroup 20A at 5.0 ppm; cattle, fat at 0.70 ppm; cattle, meat at 0.80 ppm; cattle, meat byproducts at 7.5 ppm; egg at 0.08 ppm; goat, fat at 0.70 ppm; goat, meat at 0.80 ppm; goat, meat byproducts at 7.5 ppm; hog, fat at 0.20 ppm; hog, meat at 0.02 ppm; hog, meat byproducts at 0.20 ppm; horse, fat at 0.70 ppm; horse, meat at 0.80 ppm; horse, meat byproducts at 7.5 ppm; milk at 0.40 ppm; poultry, fat at 0.04 ppm; poultry, meat at 0.04 ppm; poultry, meat byproducts at 0.20 ppm; sheep, fat at 0.70 ppm; sheep, meat at 0.80 ppm; and sheep, meat byproducts at 7.5 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances 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 tolerances 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).

VII. 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 11, 2022.

Catherine Aubee,

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 § 180.661:

■ a. Amend paragraph (a)(1) by:

■ i. Designating the table as Table 1 to Paragraph (a)(1)'';

■ ii. Adding in alphabetical order the entry ''Coffee, green beans''; and

■ iii. Revising the entries ''Grain, cereal, group 15, except corn and rice'' and ''Rapeseed subgroup 20A'';

■ b. Amend paragraph (a)(2) by:

■ i. Designating the table as Table 2 to Paragraph (a)(2); and

■ ii. Revising newly designated Table 2.

The additions and revisions read as follows:

§ 180.661 Fluopyram; tolerances for residues.

(a) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
* * * * *	
Coffee, green beans[2]	0.03
* * * * *	
Grain, cereal, group 15, except corn and rice	0.5
* * * * *	
Rapeseed subgroup 20A	0.3
* * * * *	

* * * * *

[2] There are no U.S. registrations on coffee, green beans as of February 18, 2022.

(2) * * *

TABLE 2 TO PARAGRAPH (a)(2)

Commodity	Parts per million
Cattle, fat	0.3
Cattle, meat	0.3
Cattle, meat byproducts	3
Egg	0.03
Goat, fat	0.3
Goat, meat	0.3
Goat, meat byproducts	3
Hog, fat	0.01
Hog, meat	0.01
Hog, meat byproducts	0.04
Horse, fat	0.3
Horse, meat	0.3
Horse, meat byproducts	3
Milk	0.15
Poultry, fat	0.01
Poultry, meat	0.02
Poultry, meat byproducts	0.06

TABLE 2 TO PARAGRAPH (a)(2)—Continued

Commodity	Parts per million
Sheep, fat	0.3
Sheep, meat	0.3
Sheep, meat byproducts	3

* * * * *

[FR Doc. 2022–03385 Filed 2–17–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[AU Docket No. 21–449; DA 22–125; FR ID 71977]

Auction of Construction Permits for Full Power Television Stations; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 112

AGENCY: Federal Communications Commission.

ACTION: Final action; requirements and procedures.

SUMMARY: This document summarizes the procedures, deadlines, and upfront payment and minimum opening bid amounts for the upcoming auction of construction permits for full power television (TV) stations. The *Auction 112 Procedures Public Notice* summarized here is intended to familiarize potential applicants with details of the procedures, terms, and conditions governing participation in Auction 112, as well as an overview of the post-auction application and payment processes.

DATES: Applications to participate in Auction 112 must be submitted before 6:00 p.m. Eastern Time (ET) on March 30, 2022. Upfront payments for Auction 112 must be received by 6:00 p.m. ET on May 6, 2022. Bidding in Auction 112 is scheduled to start on June 7, 2022.

FOR FURTHER INFORMATION CONTACT:

General Auction 112 Information: FCC Auctions Hotline at 888–225–5322, option two; or 717–338–2868.

Auction 112 Legal Information: Mary Lovejoy or Andrew McArdell at (202) 418–0660.

Licensing Information: Shaun Maher at (202) 418–2324 or Kevin Harding at (202) 418–7077.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communication Commission's (Commission or FCC) document, *Auction 112 Procedures Public Notice,* in AU Docket No. 21–449; DA 21–125, released on February 10, 2022. The complete text of this document, including attachments and any related documents, is available on the Commission's website at *http://www.fcc.gov/auction/112* or by using the search function for on the Commission's Electronic Comment Filing System (ECFS) web page at *www.fcc.gov/ecfs.* Alternative formats are available to persons with disabilities by sending an email to *FCC504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

I. General Information

A. Introduction

1. By the *Auction 112 Procedures Public Notice,* the Office of Economics and Analytics (OEA) and the Media Bureau (MB) establish the procedures and minimum opening bid amounts to be used for Auction 112, an auction of construction permits for full power television (TV) stations. Bidding in this auction is scheduled to start on June 7, 2022. The *Auction 112 Procedures Public Notice* provides details regarding the procedures, terms, conditions, dates, and deadlines governing participation in Auction 112 bidding, as well as an overview of the post-auction application and payment processes.

B. Background and Relevant Authority

2. On November 19, 2021, OEA and MB released a public notice seeking comment on competitive bidding procedures to be used in Auction 112. One party filed comments in response to the *Auction 112 Comment Public Notice,* 86 FR 68203, December 1, 2021, and one party filed a reply. In the *Auction 112 Procedures Public Notice,* OEA and MB resolve all open issues raised in the *Auction 112 Comment Public Notice.* Auction 112 will proceed pursuant to the procedures described in the *Auction 112 Procedures Public Notice,* which have been adopted in accordance with 47 U.S.C. 309(j)(3).

3. Other Commission rules and decisions provide the underlying authority for the procedures OEA and MB adopt for Auction 112. Auction 112 applicants must familiarize themselves thoroughly with the Commission's general competitive bidding rules, including Commission decisions in proceedings regarding competitive bidding procedures, application requirements, and obligations of Commission licensees. Prospective applicants should also familiarize themselves with the Commission's television broadcast service and

competitive bidding requirements contained in part 73 of the Commission's rules, as well as Commission orders concerning competitive bidding for broadcast construction permits. Applicants must also be thoroughly familiar with the procedures, terms and conditions contained in the *Auction 112 Procedures Public Notice* and any future public notices that may be released in this proceeding.

4. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in its public notices at any time and will issue public notices to convey any new or supplemental information to applicants. Pursuant to the Commission's rules, OEA and MB also retain the authority to implement further procedures during the course of this auction. It is the responsibility of all applicants to remain current with all Commission rules and with all public notices pertaining to Auction 112.

C. Construction Permits To Be Offered in Auction 112

5. Auction 112 will offer 27 construction permits for TV stations. The construction permits that will be available in Auction 112 are listed in Attachment A to the *Auction 112 Procedures Public Notice.*

6. The construction permits that will be available in Auction 112 are for channel allotments contained in the Table of Television Allotments (TV Table) and assigned at the indicated communities for which there currently is not a licensee. Each construction permit awarded will be for one of the allotted-but-unlicensed channels currently contained in the TV Table.

D. Auction Specifics

1. Auction Title and Start Date

7. This auction of construction permits for TV stations will be referred to as ''Auction 112.'' Bidding in Auction 112 is scheduled to begin on Tuesday, June 7, 2022. Pre-auction dates and deadlines are listed below.

8. The initial schedule for bidding rounds will be announced by public notice at least one week before the bidding starts in Auction 112. Unless otherwise announced, bidding on all construction permits will be conducted on each business day until bidding has stopped on all construction permits.

2. Auction Dates and Deadlines

9. The following dates and deadlines apply to Auction 112:

Auction Tutorial Available (via internet)	No later than February 25, 2022.
Short-Form Application (FCC Form 175) Filing Window Opens	March 17, 2022, 12:00 p.m. ET.
Short-Form Application (FCC Form 175) Filing Window Deadline	March 30, 2022, 6:00 p.m. ET.
Upfront Payments (via wire transfer)	May 6, 2022, 6:00 p.m. ET.
Mock Auction	June 3, 2022.
Bidding Begins in Auction 112	June 7, 2022.

3. Requirements for Participation

10. Those wishing to participate in Auction 112 must:

- Submit a short-form application (FCC Form 175) electronically prior to 6:00 p.m. ET on March 30, 2022, following the electronic filing procedures set forth in the FCC Form 175 Instructions.
- Submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by 6:00 p.m. ET on May 6, 2022, following the procedures and instructions set forth in Attachment B to the *Auction 112 Procedures Public Notice.*
- Comply with all provisions outlined in the *Auction 112 Procedures Public Notice* and applicable Commission rules.

II. Applying To Participate in Auction 112

A. General Information Regarding Short-Form Applications

11. A short-form application, or FCC Form 175, provides information that the Commission uses to determine whether the applicant has the legal, technical, and/or financial qualifications to participate in a Commission auction for licenses or permits. The short-form application is the first part of the Commission's two-phased auction application process. In the first phase, a party seeking to participate in Auction 112 must file a short-form application in which it certifies, under penalty of perjury, that it is qualified to participate. Eligibility to participate in Auction 112 is determined based on an applicant's short-form application and certifications and on the applicant's upfront payment. After bidding closes, in the second phase of the process, each winning bidder in Auction 112 must file a more comprehensive post-auction, long-form application FCC Form 2100, Schedule A, in the Media Bureau's Licensing and Management System (LMS) for the construction permits it wins in the auction.

12. A party seeking to participate in Auction 112 must file an FCC Form 175 electronically via the Auction Application System prior to 6:00 p.m. ET on March 30, 2022, following the procedures prescribed in the FCC Form 175 Instructions. If an applicant claims eligibility for a bidding credit, then the information provided in its FCC Form 175 will be used to determine whether the applicant is eligible for the claimed bidding credit. Below OEA and MB describe more fully the information disclosures and certifications required in the short-form application. Each Auction 112 applicant will be subject to the Commission's rule prohibiting certain communications. An applicant is subject to the prohibition beginning at the deadline for filing short-form applications—6:00 p.m. ET on March 30, 2022.

13. An Auction 112 applicant bears full responsibility for submitting an accurate, complete, and timely short-form application. Pursuant to the Commission's competitive bidding rules, an applicant must make a series of certifications under penalty of perjury on its FCC Form 175 related to the information provided in its application and its participation in the auction, and an applicant must confirm that it is legally, technically, financially, and otherwise qualified to hold a permit. Additionally, each participant in Auction 112 must certify that it has read the *Auction 112 Procedures Public Notice* and familiarized itself both with the auction procedures and with the requirements for obtaining a construction permit for a television broadcast station. If an Auction 112 applicant fails to make the required certifications in its FCC Form 175 by the filing deadline, then its application will be deemed unacceptable for filing and cannot be corrected after the filing deadline.

14. An applicant should note that submitting an FCC Form 175 (and any amendments thereto) constitutes a representation by the certifying official that he or she is an authorized representative of the applicant with authority to bind the applicant, that he or she has read the form's instructions

and certifications, and that the contents of the application, its certifications, and any attachments are true and correct. Submitting a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

15. Applicants are cautioned that, because the required information submitted in FCC Form 175 bears on each applicant's qualifications, requests for confidential treatment will not be routinely granted. The Commission generally has held that it may publicly release confidential business information where the party has put that information at issue in a Commission proceeding or where the Commission has identified a compelling public interest in disclosing the information. In this regard, the Commission specifically has held that information submitted in support of receiving bidding credits in auction proceedings should be made available to the public.

16. No individual or entity may file more than one short-form application. If a party submits multiple short-form applications for an auction, then only one application may form the basis for that party to become qualified to bid in that auction.

17. Similarly, and consistent with the Commission's general prohibition on joint bidding agreements, a party generally is permitted to participate in a Commission auction only through a single bidding entity. Accordingly, the filing of applications in Auction 112 by multiple entities controlled by the same individual or set of individuals generally will not be permitted. Consistent with this requirement, a broadcaster interested in bidding on more than one construction permit cannot use two or more subsidiary entities to bid separately on construction permits in separate markets, regardless of whether each subsidiary were to select different construction permits on its short-form application. Likewise, if an entity, individual, or set of individuals hold controlling interests in multiple entities that are interested in participating in Auction 112, regardless of whether those entities have other, non-shared controlling or non-controlling interests, those entities must participate in the auction through a single bidding entity and only that bidding entity may file an auction application. In that regard, the bidding entity must disclose in its short-form application any joint ventures or other agreements or arrangements with any commonly controlled, non-applicant entities related to bidding in Auction 112. As noted by the Commission in adopting the prohibition on applications by commonly controlled entities, this rule, in conjunction with the prohibition against joint bidding agreements, protects the competitiveness of the Commission's auctions.

18. OEA and MB discuss below additional details regarding certain information required to be submitted in the FCC Form 175. An applicant should consult the Commission's rules to ensure that, in addition to the materials described below, all required information is included in its short-form application. To the extent the information in the *Auction 112 Procedures Public Notice* does not address an applicant's specific operating structure, or if the applicant needs additional information or guidance concerning the described disclosure requirements, the applicant should review the educational materials for Auction 112 (see the Education section of the Auction 112 website at *www.fcc.gov/auction/112*) and use the contact information provided in the *Auction 112 Procedures Public Notice* to consult with Commission staff to better understand the information that it must submit in its short-form application.

B. Certification That Applicant Has Read the Procedures Public Notice and Familiarized Itself With Requirements

19. In the *Auction 112 Comment Public Notice,* OEA and MB sought comment on a proposal to require each participant in Auction 112 to certify in its short-form application, under penalty of perjury, that it has read the public notice adopting procedures for the auction and that it has familiarized itself both with the auction procedures and with the requirements for obtaining a construction permit for a TV station. As with other certifications required to be made in an auction application, a failure to make the certification would render the application unacceptable for filing, and the applicant will not be found qualified to bid. OEA and MB proposed this requirement to help ensure that each applicant has reviewed the procedures to become a qualified bidder and participate in the auction process and that it has investigated and assessed technical and business factors that may be relevant to its use of the licenses being offered. OEA and MB expressed the belief that this requirement would promote an applicant's successful participation and minimize its risk of defaulting on its auction obligations. No parties filed comments addressing this proposal, and OEA and MB adopt it in the *Auction 112 Procedures Public Notice.*

20. This certification is designed to bolster applicants' efforts to educate themselves about the procedures for auction participation and to ensure that, prior to submitting their short-form applications, applicants understand their obligation to stay abreast of relevant, forthcoming information. Familiarity with the Commission's rules and procedures governing Auction 112 may also help bidders avoid the consequences to them associated with defaults, which also cause harm to other applicants and the public by reducing the efficiency of the auction process and reducing the likelihood that the license will be assigned to the bidder that values it the most. This certification, along with the other certifications required pursuant to 47 CFR 1.2105(a), will promote submission of applications that meet the Commission's requirements, thereby leading to a more efficient application process.

21. A substantively similar requirement was recently instituted for Auction 110, a Commission auction of flexible-use licenses in the 3.45–3.55 GHz band. That requirement furthered a long-standing policy under which the Commission expressly places a burden upon each applicant to be thoroughly familiar with the procedures, terms, and conditions contained in the relevant Procedures Public Notice and any future public notices that may be released in the auction proceeding. While the certification OEA and MB add refers to information regarding auction procedures and licensing that is available at the time of certification, potential auction applicants are on notice that their educational efforts must continue even after their short-form applications are filed. Commission staff routinely makes available detailed educational materials, such as interactive, online tutorials and technical guides, to enhance interested parties' comprehension of the pre-bidding and bidding processes and to help minimize the need for applicants to engage outside engineers, legal counsel, or other auction experts.

22. For these reasons, OEA and MB will require each Auction 112 applicant to certify as follows in its short-form application: That the applicant has read the public notice adopting procedures for the auction and that it has familiarized itself both with the auction procedures and with the requirements for obtaining a construction permit for a television broadcast station.

23. An applicant must provide this certification under penalty of perjury, consistent with 47 CFR 1.2105(a).

C. Authorized Bidders

24. An applicant must designate at least one authorized bidder, and no more than three, in its FCC Form 175. The Commission's rules prohibit an individual from serving as an authorized bidder for more than one auction applicant or being listed as an authorized bidder in more than one FCC Form 175 application.

D. Permit Selection

25. An applicant must select on its FCC Form 175 all of the construction permits on which it may want to bid. An applicant must carefully review and verify its construction permit selections before the FCC Form 175 filing deadline because permit selections cannot be changed after the initial auction application filing deadline. The FCC Auction Bidding System (bidding system) will not accept bids on construction permits that were not selected on the bidder's FCC Form 175.

E. Disclosure of Agreements and Bidding Arrangements

26. An applicant must provide in its FCC Form 175 a brief description of, and identify each party to, any partnerships, joint ventures, consortia or agreements, arrangements, or understandings of any kind relating to the TV construction permits being auctioned, including any agreements that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific licenses on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party. In connection with the agreement disclosure requirement, the applicant must certify under penalty of perjury in its FCC Form 175 that it has described, and identified each party to, any such agreements, arrangements, or understandings to which it (or any party that controls it or that it controls) is a party. If, after the FCC Form 175 filing deadline, an auction applicant enters into any agreement relating to the licenses being auctioned, then it is subject to these same disclosure obligations. Each applicant must maintain the accuracy and completeness of the information in its pending auction application.

27. For purposes of making the required agreement disclosures on the FCC Form 175, if parties agree in principle on all material terms prior to the application filing deadline, then each party to the agreement that is submitting an auction application must provide a brief description of, and identify the other party or parties to, the agreement on its respective FCC Form 175, even if the agreement has not been reduced to writing. Parties that have not agreed in principle by the FCC Form 175 filing deadline should not describe, or include the names of parties to, the discussions on their applications.

28. The Commission's rules generally prohibit joint bidding and other arrangements involving auction applicants (including any party that controls or is controlled by such applicants). For purposes of the prohibition, a joint bidding arrangement includes any arrangement relating to the construction permits being auctioned that addresses or communicates, directly or indirectly, bidding at the auction, bidding strategies, including arrangements regarding price or the specific construction permits on which to bid, and any such arrangement relating to the post-auction market structure.

29. To implement the prohibition on joint bidding arrangements, the Commission's rules require each applicant to certify in its short-form application that it has disclosed any arrangements or understandings of any kind relating to the permits or licenses being auctioned to which it (or any party that controls or is controlled by it) is a party. The applicant must also certify that it (or any party that controls or is controlled by it) has not entered and will not enter into any arrangement or understanding of any kind relating directly or indirectly to bidding at auction with, among others, any other applicant.

30. Although the Commission's rules do not prohibit auction applicants from communicating about matters that are within the scope of an excepted agreement that has been disclosed in an FCC Form 175, the Commission reminds applicants that certain discussions or exchanges could nonetheless touch upon impermissible subject matters, and that compliance with the Commission's rules will not insulate a party from enforcement of the antitrust laws.

31. Applicants should bear in mind that a winning bidder will be required to disclose in its FCC Form 2100 post-auction application the specific terms, conditions, and parties involved in any agreement relating to the construction permits being auctioned into which it had entered prior to the time bidding was completed. This applies to any settlement agreement, joint venture, partnership, or other agreement, arrangement, or understanding of any kind entered into relating to the competitive bidding process, including any agreements relating to the construction permits being auctioned that address or communicate directly or indirectly bids (including specific prices), bidding strategies (including the specific construction permits on which to bid or not to bid), or the post-auction market structure, to which the applicant, or any party that controls or is controlled by the applicant, is a party.

F. Ownership Disclosure Requirements

32. Each applicant must comply with the ownership disclosure requirements and provide information required by 47 CFR 1.2105 and 1.2112. Specifically, in completing FCC Form 175, an applicant must fully disclose information regarding the real party or parties-in-interest in the applicant or application and the ownership structure of the applicant, including both direct and indirect ownership interests of 10% or more, as prescribed in 47 CFR 1.2105 and 1.2112. These interest holders may differ from the types of attributable interest holders that are required to be reported by broadcast applicants under part 73 of the rules in conjunction with licensing and assignment and transfer of facilities or reporting of ownership information, such as insulated interest holders and holders of non-voting stock/equity in the applicant. Each applicant is responsible for ensuring that information submitted in its short-form application is complete and accurate.

33. In certain circumstances, an applicant may have previously filed an FCC Form 602 ownership disclosure information report or filed an auction application for a previous auction in which ownership information was disclosed. The most current ownership information contained in any FCC Form 602 or previous auction application on file with the Commission that used the same FCC Registration Number (FRN) the applicant is using to submit its FCC Form 175 will automatically be pre-filled into certain ownership sections on the applicant's FCC Form 175, if such information is in an electronic format compatible with FCC Form 175. Each applicant must carefully review any ownership information automatically entered into its FCC Form 175, including any ownership attachments, to confirm that all information supplied on FCC Form 175 is complete and accurate as of the application filing deadline. Any information that needs to be corrected or updated must be changed directly in FCC Form 175.

G. Foreign Ownership Disclosure Requirements

34. The provisions in 47 U.S.C. 310 require the Commission to review

foreign investment in radio station licenses and imposes specific restrictions on who may hold certain types of radio licenses. In completing FCC Form 175, an applicant is required to disclose information concerning foreign ownership of the applicant. If an applicant has foreign ownership interests in excess of the applicable limit or benchmark set forth in 47 U.S.C. 310(b), then it may seek to participate in Auction 112 only if it has filed a petition for declaratory ruling with the Media Bureau prior to the FCC Form 175 filing deadline. An applicant must certify in its FCC Form 175 that, as of the deadline for filing its application to participate in the auction, the applicant either is in compliance with the foreign ownership provisions of 47 U.S.C. 310 or has filed a petition for declaratory ruling requesting Commission approval to exceed the applicable foreign ownership limit or benchmark in 47 U.S.C. 310(b) that is pending before, or has been granted by, the Commission.

H. Information Procedures During the Auction Process

35. Consistent with past practice in most recent Commission spectrum auctions, OEA and MB adopt the proposal to limit information available in Auction 112 in order to discourage unproductive and anticompetitive strategic behavior. Accordingly, OEA and MB will not identify bidders placing particular bids until after the bidding has closed. While OEA and MB generally make available to the public information provided in each applicant's FCC Form 175 following an initial review by Commission staff, they will not make public until after bidding has closed: (1) The construction permits that an applicant selects for bidding in its short-form application, (2) the amount of any upfront payment made by or on behalf of an applicant, (3) any applicant's bidding eligibility, and (4) any other bidding-related information that might reveal the identity of the bidder placing a bid.

36. The limited information procedures used in past auctions have helped safeguard against potential anticompetitive behavior such as retaliatory bidding and collusion. No commenters objected to this proposal, and OEA and MB find nothing in the record to suggest that they should not use those procedures for Auction 112. The competitive benefits associated with limiting information disclosure support adoption of such procedures and outweigh the potential benefits of full disclosure.

37. After the close of each round of bidding in Auction 112, under the limited information procedures (sometimes also referred to as anonymous bidding), for each permit OEA and MB will make public its current provisionally winning bid amount, the minimum acceptable bid amount for the following round, and the amounts of all bids placed on the permit during the round. These reports will be publicly accessible.

38. Throughout the auction, OEA and MB will provide bidders with secure access to certain non-public bidding information while bidding is ongoing. For example, bidders will be able to view their own level of eligibility, both before and during the auction.

39. After the close of bidding, bidders' permit selections, upfront payment amounts, bidding eligibility, bids, and other bidding-related information will be made publicly available.

40. OEA and MB warn applicants that direct or indirect communication to other applicants or the public disclosure of non-public information (*e.g.,* reductions in eligibility, identities of bidders) could violate the Commission's rule prohibiting certain communications. Therefore, to the extent an applicant believes that such a disclosure is required by law or regulation, including regulations issued by the U.S. Securities and Exchange Commission (SEC), OEA and MB strongly urge that the applicant consult with Commission staff in the Auctions Division before making such disclosure.

I. Prohibited Communications and Compliance With Antitrust Laws

41. The rules prohibiting certain communications set forth in 47 CFR 1.2105(c) and 73.5002(d) and (e) apply to each ''applicant'' in Auction 112. The provisions in 47 CFR 1.2105(c)(1) provide that, subject to specified exceptions, after the deadline for filing a short-form application, all applicants are prohibited from cooperating or collaborating with respect to, communicating with or disclosing, to each other in any manner the substance of their own, or each other's, or any other applicant's bids or bidding strategies (including post-auction market structure), or discussing or negotiating settlement agreements, until after the down payment deadline.

1. Entities Subject to Section 1.2105(c)

42. An ''applicant'' for purposes of this rule includes the officers and directors of the applicant, all ''controlling interests'' in the entity submitting the FCC Form 175, as well as all holders of interests amounting to 10% or more of that entity. A party that submits an application becomes an ''applicant'' under the rule at the short-form application filing deadline, and that status does not change based on later developments, including failure to become a qualified bidder. Thus, an auction applicant that does not correct deficiencies in its application, fails to submit a timely and sufficient upfront payment, or does not otherwise become qualified, remains an ''applicant'' for purposes of the rule and remains subject to the prohibition on certain communications until the applicable down payment deadline.

2. Prohibition Applies Until Down Payment Deadline

43. The prohibition in 47 CFR 1.2105(c) on certain communications begins at an auction's short-form application filing deadline and ends at the auction's down payment deadline after the auction closes, which will be announced in a future public notice.

3. Scope of Prohibition on Certain Communications; Prohibition on Joint Bidding Agreements

44. The provisions in 47 CFR 1.2105(c) prohibit certain communications between auction applicants, regardless of whether the applicants seek permits in the same geographic area or market. The rule also prohibits any ''joint bidding arrangement,'' including arrangements relating to the permits being auctioned that address or communicate, directly or indirectly, bidding at the auction, bidding strategies, including arrangements regarding price or the specific permits on which to bid, and any such arrangements relating to the post-auction market structure. The rule allows for limited exceptions for communications within the scope of any arrangement consistent with the exclusion from the Commission's rule prohibiting joint bidding, provided such arrangement is disclosed on the applicant's short-form application. An applicant may communicate pursuant to any pre-existing agreements, arrangements, or understandings relating to the licenses being auctioned that are solely operational or that provide for the transfer or assignment of licenses, provided that such agreements, arrangements, or understandings are disclosed on its application and do not both relate to the permits at auction and address or communicate bids (including amounts), bidding strategies, or the particular permits or licenses on which to bid or the post-auction market structure.

45. In addition to express statements of bids and bidding strategies, the prohibition against communicating ''in

any manner'' includes public disclosures as well as private communications and indirect or implicit communications. Consequently, an applicant must take care to determine whether its auction-related communications may reach another applicant. Applicants are reminded that the prohibition on communications between applicants begins at the deadline for submitting short-form applications and before the public notice identifying applicants is released. Special care should be taken with regard to any public disclosures or private communications regarding bids or bidding strategies during the period following the short-form application deadline when the identity of other applicants is not known.

46. Parties subject to 47 CFR 1.2105(c) should take special care in circumstances where their officers, directors, and employees may receive information directly or indirectly relating to any applicant's bids or bidding strategies. Such information may be deemed to have been received by the applicant under certain circumstances. For example, Commission staff have determined that, where an individual serves as an officer or director for two or more applicants, the bids and bidding strategies of one applicant are presumed to be conveyed to the other applicant through the shared officer or director, which creates an apparent violation of the rule

47. Subject to the limited exceptions for communications within the scope of any arrangement consistent with the exclusion from the Commission's rule prohibiting joint bidding, 47 CFR 1.2105(c)(1) prohibits applicants from communicating with specified other parties only with respect to ''their own, or each other's, or any other applicant's bids or bidding strategies . . . .'' The *Prohibited Communications Guidance Public Notice,* 80 FR 63215, October 19, 2015, released in advance of the broadcast incentive auction (Auction 1000) reviewed the scope of the prohibition generally, as well as specific variations on the prohibition that were unique to Auction 1000. As the Commission explained therein, a communication conveying ''bids or bidding strategies (including post-auction market structure)'' must also relate to the ''licenses being auctioned'' in order to be covered by the prohibition. Thus, the prohibition is limited in scope and does not apply to all communications between or among the specified parties. The Commission consistently has made clear that application of the rule prohibiting communications has never required total suspension of essential ongoing business. Entities subject to the prohibition may negotiate agreements during the prohibition period, provided that the communications involved do not relate to both: (1) The licenses or permits being auctioned and (2) bids or bidding strategies or post-auction market structure.

48. Accordingly, business discussions and negotiations that are unrelated to bidding in Auction 112 and that do not convey information about the bids or bidding strategies of an applicant, including the post-auction market structure, are not prohibited by the rule. Moreover, not all auction-related information is covered by the prohibition. For example, communicating merely whether a party has or has not applied to participate in Auction 112 will not violate the rule. In contrast, communicating, among other things, how a party will participate, including whether or not a party plans to submit an upfront payment and the upfront payment amount, specific bid amounts, and/or whether or not the party is placing or intends to place bids, would convey bids or bidding strategies and would be prohibited.

49. While 47 CFR 1.2105(c) does not prohibit business discussions and negotiations among auction applicants that are unrelated to the auction, each applicant must remain vigilant not to communicate, directly or indirectly, information that affects, or could affect, bids or bidding strategies. Certain discussions might touch upon subject matters that could convey price or geographic information related to bidding strategies. Such subject areas include, but are not limited to, management, sales, local marketing agreements, and other transactional agreements.

50. OEA and MB caution applicants that bids or bidding strategies may be communicated outside of situations that involve one party subject to the prohibition communicating privately and directly with another such party. For example, the Commission has warned that prohibited communications concerning bids and bidding strategies may include communications regarding capital calls or requests for additional funds in support of bids or bidding strategies to the extent such communications convey information concerning the bids and bidding strategies directly or indirectly. Moreover, the Commission found a violation of the rule against prohibited communications when an applicant used the Commission's bidding system to disclose its bidding strategy in a manner that explicitly invited other auction participants to cooperate and collaborate . . . in specific markets, and it has placed auction participants on notice that the use of its bidding system to disclose market information to competitors will not be tolerated and will subject bidders to sanctions.

51. Likewise, when completing a short-form application, each applicant should avoid any statements or disclosures that may violate 47 CFR 1.2105(c), particularly in light of the limited information procedures in effect for Auction 112. Specifically, an applicant should avoid including any information in its short-form application that might convey information regarding its permit selections, such as referring to certain markets in describing agreements, including any information in application attachments that will be publicly available that may otherwise disclose the applicant's permit selections, or using applicant names that refer to permits being offered.

52. Applicants also should be mindful that communicating non-public application or bidding information publicly or privately to another applicant may violate 47 CFR 1.2105(c) even though that information subsequently may be made public during later periods of the application or bidding processes.

4. Communicating With Third Parties

53. The provisions in 47 CFR 1.2105(c) do not prohibit an applicant from communicating bids or bidding strategies to a third party, such as a consultant or consulting firm, counsel, or lender. The applicant should take appropriate steps, however, to ensure that any third party it employs for advice pertaining to its bids or bidding strategies does not become a conduit for prohibited communications to other specified parties, as that would violate the rule. For example, an applicant might require a third party, such as a lender, to sign a non-disclosure agreement before the applicant communicates any information regarding bids or bidding strategy to the third party. Within third-party firms, separate individual employees, such as attorneys or auction consultants, may advise individual applicants on bids or bidding strategies, as long as such firms implement firewalls and other compliance procedures that prevent such individuals from communicating the bids or bidding strategies of one applicant to other individuals representing separate applicants. Although firewalls and/or other procedures should be used, their existence is not an absolute defense to

liability if a violation of the rule has occurred.

54. As the Commission has noted in other broadcast auctions, in the case of an individual, the objective precautionary measure of a firewall is not available. As a result, an individual that is privy to bids or bidding information of more than one applicant presents a greater risk of becoming a conduit for a prohibited communication. OEA and MB emphasize that whether a prohibited communication has taken place in a given case will depend on all the facts pertaining to the case, including who possessed what information, what information was conveyed to whom, and the course of bidding in the auction.

55. OEA and MB remind potential applicants that they may discuss the short-form application or bids for specific permits with the counsel, consultant, or expert of their choice *before* the short-form application deadline. Furthermore, the same third-party individual could continue to give advice to multiple applicants regarding their applications after the short-form application deadline, provided that no information pertaining to bids or bidding strategies is conveyed to that individual from any of the applicants the individual advises. OEA and MB remind potential applicants, however, that no person may serve as an authorized bidder for more than one applicant in Auction 112.

56. Applicants also should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become conduits for the communication of prohibited bidding information. For example, even though communicating that it has applied to participate in this auction will not violate the rule, an applicant's statement to the press or a statement on social media that it intends to stop bidding or does not intend to bid at all in an auction could give rise to a finding of a 47 CFR 1.2105 violation. Similarly, an FCC Form 175 applicant's public statement of intent not to place bids during bidding in Auction 112 could also violate the rule.

5. Section 1.2105(c) Certifications

57. By electronically submitting its FCC Form 175, each applicant in Auction 112 certifies its compliance with 47 CFR 1.2105(c) and 73.5002(d) of the rules. If an applicant has a non-controlling interest with respect to more than one application, then the applicant must certify that it has established internal control procedures to preclude any person acting on behalf of the applicant from possessing information about the bids or bidding strategies of more than one applicant or communicating such information with respect to either applicant to another person acting on behalf of and possessing such information regarding another applicant. The mere filing of a certifying statement as part of an application, however, will not outweigh specific evidence that a prohibited communication has occurred, nor will it preclude the initiation of an investigation when warranted. Any applicant found to have violated these communication prohibitions may be subject to sanctions.

6. Duty To Report Prohibited Communications

58. The provision in 47 CFR 1.2105(c)(4) requires that any applicant that makes or receives a communication that appears to violate 47 CFR 1.2105(c) must report such communication in writing to the Commission immediately, and in no case later than five business days after the communication occurs. Each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five-day period.

7. Procedures for Reporting Prohibited Communications

59. A party reporting any information or communication pursuant to 47 CFR 1.65 or 1.2105(a)(2) or (c)(4) must take care to ensure that any report of a prohibited communication does not itself give rise to a violation of 47 CFR 1.2105(c). For example, reporting a prohibited communication through ECFS or another Commission filing system that allows public access to filed materials could violate the rule by communicating prohibited information to other parties covered by the rule.

60. An applicant must file only a single report concerning a prohibited communication and must file that report with the Commission personnel expressly charged with administering the Commission's auctions. This rule is designed to minimize the risk of inadvertent dissemination of information in such reports. Any reports required by 47 CFR 1.2105(c) must be filed consistent with the instructions set forth in the *Auction 112 Procedures Public Notice.* For Auction 112, such reports must be filed with the Chief of the Auctions Division, OEA, by the most expeditious means available. Any such report should be submitted by email to the Auctions Division Chief at the following email address: *auction112@fcc.gov.* If you choose instead to submit a report in hard copy, contact Auctions Division staff at *auction112@fcc.gov* or (202) 418–0660 for guidance prior to making any filing.

61. Given the potential competitive sensitivity of information in such a report, a party seeking to report a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection by following the procedures specified in 47 CFR 0.459. OEA and MB encourage such parties to coordinate with the Auctions Division staff about the procedures for submitting reports of prohibited communications.

8. Winning Bidders Must Disclose Terms of Agreements

62. Each applicant that is a winning bidder will be required to provide, as part of its long-form application, any agreement or arrangement relating to the competitive bidding process that it has entered into and a summary of the specific terms, conditions, and parties involved in that agreement. This applies to any settlement agreement, bidding consortia, joint venture, partnership, or agreement, understanding, or other arrangement entered into relating to the competitive bidding process, including any agreement relating to the post-auction market structure. Failure to comply with the Commission's rules can result in enforcement action.

9. Additional Information Concerning Rule Prohibiting Certain Communications in Commission Auctions

63. A summary listing of documents issued by the Commission and OEA addressing the application of 47 CFR 1.2105(c) is available on the Commission's auction web page at *www.fcc.gov/summary-listing-documents-addressing-application-rule-prohibiting-certain-communications.*

10. Antitrust Laws

64. Regardless of compliance with the Commission's rules, applicants remain subject to the antitrust laws, which are designed to prevent anticompetitive behavior in the marketplace. Compliance with the disclosure requirements of 47 CFR 1.2105(c)(4) will not insulate a party from enforcement of the antitrust laws. For instance, a violation of the antitrust laws could arise out of actions taking place well before any party submits a short-form application. The Commission has cited a number of examples of potentially anticompetitive actions that would be prohibited under antitrust laws: for example, actual or potential competitors

may not agree to divide territories in order to minimize competition, regardless of whether they split a market in which they both do business, or whether they merely reserve one market for one and another market for the other.

65. To the extent the Commission becomes aware of specific allegations that suggest that violations of the federal antitrust laws may have occurred, the Commission may refer such allegations to the United States Department of Justice for investigation. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, then it may be subject to a forfeiture and may be prohibited from participating further in Auction 112 and in future auctions, among other sanctions.

J. New Entrant Bidding Credit

66. To promote the objectives of 47 U.S.C. 309(j) and further its long-standing commitment to the diversification of broadcast facility ownership, the Commission provides a tiered new entrant bidding credit for broadcast auction applicants with no, or very few, other media interests.

67. Applicants that qualify for the new entrant bidding credit are eligible for a bidding credit in this auction that represents the amount by which a bidder's winning bid is discounted. Eligibility for the new entrant bidding credit must be specified in an applicant's short-form application, which establishes that applicant's maximum bidding credit eligibility for Auction 112. The size of a new entrant bidding credit depends on the number of ownership interests in other media of mass communications that are attributable to the bidder-entity and its attributable interest-holders:

- A 35% bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has no attributable interest in any other media of mass communications, as defined in 47 CFR 73.5008;
- A 25% bidding credit will be given to a winning bidder if it, and/or any individual or entity with an attributable interest in the winning bidder, has an attributable interest in no more than three mass media facilities, as defined in 47 CFR 73.5008;
- No bidding credit will be given if any of the commonly owned mass media facilities serve the ''same area'' as the broadcast permit proposed in the auction, as defined in 47 CFR 73.5007(b), or if the winning bidder, and/or any individual or entity with an attributable interest in the winning bidder, has attributable interests in more than three mass media facilities.

68. Bidding credits are not cumulative; qualifying applicants receive either the 25% or the 35% bidding credit, but not both.

69. The interests of the applicant, and of any individuals or entities with an attributable interest in the applicant, in other media of mass communications are considered when determining an applicant's eligibility for the new entrant bidding credit. Attributable interests are defined in 47 CFR 73.3555 and note 2 of that section. In Auction 112, the bidder's attributable interests, and thus, its maximum new entrant bidding credit eligibility, are determined as of the short-form application filing deadline. An applicant intending to divest a media interest or make any other ownership change, such as resignation of positional interests (officer or director) in order to avoid attribution for purposes of qualifying for the new entrant bidding credit, must have consummated such divestment transactions, or have completed such ownership changes, by no later than the FCC Form 175 filing deadline. Each prospective bidder is reminded, however, that events occurring after the short-form application filing deadline, such as the acquisition of attributable interests in media of mass communications, may cause diminishment or loss of the bidding credit and, must be reported immediately. OEA and MB remind each applicant of its duty to continuously maintain the accuracy of information submitted in its auction application.

70. Under broadcast attribution rules, those entities or individuals with an attributable interest in a bidder include:

- All officers and directors of a corporate bidder;
- any owner of 5% or more of the voting stock of a corporate bidder;
- all general partners and limited partners of a partnership bidder, unless the limited partners are sufficiently insulated; and
- all members of a limited liability company, unless sufficiently insulated.

71. In cases where an applicant's spouse or close family member holds other media interests, such interests are not automatically attributable to the bidder. The Commission decides attribution issues in this context based on certain factors traditionally considered relevant.

72. In the *New Entrant Bidding Credit Reconsideration Order,* 64 FR 44856, August 18, 1999, the Commission further refined the eligibility standards for the new entrant bidding credit, judging it appropriate to attribute the media interests held by very substantial investors in, or creditors of, an applicant claiming new entrant status. Specifically, the attributable mass media interests held by an individual or entity with an equity and/or debt interest in an applicant shall be attributed to that bidder for purposes of determining its eligibility for the new entrant bidding credit, if the equity and debt interests, in the aggregate, exceed 33% of the total asset value of the applicant, even if such an interest is non-voting.

73. In the *Diversity Order,* 76 FR 7719, February 11, 2011, the Commission relaxed the equity/debt plus attribution standard, to allow for higher investment opportunities in entities meeting the definition of ''eligible entities.'' An ''eligible entity'' is defined in Note 2(i) of 47 CFR 73.3555. Pursuant to the *Diversity Order,* the Commission will allow the holder of an equity or debt interest in the applicant to exceed the above-noted 33% threshold without triggering attribution provided (1) the combined equity and debt in the ''eligible entity'' is less than 50%; or (2) the total debt in the ''eligible entity'' does not exceed 80% of the asset value, and the interest holder does not hold any equity interest, option, or promise to acquire an equity interest in the ''eligible entity'' or any related entity.

74. Generally, media interests will be attributable for purposes of the new entrant bidding credit to the same extent that such other media interests are considered attributable for purposes of the broadcast multiple ownership rules. Attributable interests held by a winning bidder in existing low power television, television translator, or FM translator facilities, however, will not be counted among the applicant's other mass media interests in determining its eligibility for a new entrant bidding credit. A medium of mass communications is defined in 47 CFR 73.5008(b). Full service noncommercial educational stations, on both reserved and non-reserved channels, are included among ''media of mass communications'' as defined in 47 CFR 73.5008(b).

1. Application Requirements

75. In addition to the ownership information required pursuant to 47 CFR 1.2105 and 1.2112, applicants seeking a new entrant bidding credit are required to establish on their short-form applications that they satisfy the eligibility requirements to qualify for the bidding credit. In those cases, a certification under penalty of perjury must be provided in completing the short-form application. An applicant claiming that it qualifies for a 35% new entrant bidding credit must certify that

neither it nor any of its attributable interest holders has any attributable interests in any other media of mass communications. An applicant claiming that it qualifies for a 25% new entrant bidding credit must certify that neither it nor any of its attributable interest holders has any attributable interests in more than three media of mass communications, and must identify and describe such media of mass communications.

2. Unjust Enrichment

76. Applicants should note that unjust enrichment provisions apply to a winning bidder that utilizes a bidding credit and subsequently seeks to assign or transfer control of its license or construction permit to an entity not qualifying for the same level of bidding credit.

K. Provisions Regarding Former and Current Defaulters

77. Pursuant to the rules governing competitive bidding, each applicant must make certifications regarding whether it is a current or former defaulter or delinquent. A current defaulter or delinquent is not eligible to participate in Auction 112, but a former defaulter or delinquent may participate so long as it is otherwise qualified and makes an upfront payment that is 50% more than would otherwise be necessary. Accordingly, each applicant must certify under penalty of perjury on its FCC Form 175 that it, its affiliates, its controlling interests, and the affiliates of its controlling interests are not in default on any payment for a Commission construction permit or license (including down payments) and that it is not delinquent on any non-tax debt owed to any Federal agency. Additionally, an applicant must certify under penalty of perjury whether it (along with its controlling interests) has ever been in default on any payment for a Commission construction permit or license (including down payments) or has ever been delinquent on any non-tax debt owed to any Federal agency, subject to the exclusions described below. For purposes of making these certifications, the term ''controlling interest'' is defined in 47 CFR 1.2105(a)(4)(i).

78. Under the Commission's rule regarding applications by former defaulters, an applicant is considered a ''former defaulter'' or a ''former delinquent'' when, as of the FCC Form 175 deadline, the applicant or any of its controlling interests has defaulted on any Commission construction permit or license or has been delinquent on any non-tax debt owed to any Federal agency, but has since remedied all such defaults and cured all of the outstanding non-tax delinquencies. For purposes of the certification under 47 CFR 1.2105(a)(2)(xii), the applicant may exclude from consideration any cured default on a Commission construction permit or license or cured delinquency on a non-tax debt owed to a Federal agency for which any of the following criteria are met: (1) The notice of the final payment deadline or delinquency was received more than seven years before the FCC Form 175 filing deadline, (2) the default or delinquency amounted to less than $100,000, (3) the default or delinquency was paid within two quarters (*i.e.,* six months) after receiving the notice of the final payment deadline or delinquency, or (4) the default or delinquency was the subject of a legal or arbitration proceeding and was cured upon resolution of the proceeding. With respect to the first exclusion, notice to a debtor may include notice of a final payment deadline or notice of delinquency and may be express or implied depending on the origin of any Federal non-tax debt giving rise to a default or delinquency. Additionally, for the third exclusion, the date of receipt of the notice of a final default deadline or delinquency by the intended party or debtor will be used for purposes of verifying receipt of notice.

79. In addition to the *Auction 112 Procedures Public Notice,* OEA and MB encourage applicants to review previous guidance on default and delinquency disclosure requirements in the context of the auction short-form application process. Parties are also encouraged to consult with Auctions Division staff if they have any questions about default and delinquency disclosure requirements.

80. The Commission considers outstanding debts owed to the United States Government, in any amount, to be a serious matter. The Commission adopted rules, including a provision referred to as the ''red light rule,'' that implement its obligations under the Debt Collection Improvement Act of 1996, which governs the collection of debts owed to the United States. Under the red-light rule, applications and other requests for benefits filed by parties that have outstanding debts owed to the Commission will not be processed. When adopting that rule, the Commission explicitly declared, however, that its competitive bidding rules ''are not affected'' by the red-light rule. As a consequence, the Commission's adoption of the red-light rule does not alter the applicability of any of its competitive bidding rules, including the provisions and certifications of 47 CFR 1.2105 and 1.2106, with regard to current and former defaults or delinquencies.

81. OEA and MB remind each applicant, however, that the Commission's Red Light Display System, which provides information regarding debts currently owed to the Commission, may not be determinative of an auction applicant's ability to comply with the default and delinquency disclosure requirements of 47 CFR 1.2105. Thus, while the red-light rule ultimately may prevent the processing of long-form applications by auction winners, an auction applicant's lack of current ''red light'' status is not necessarily determinative of its eligibility to participate in an auction (or whether it may be subject to an increased upfront payment obligation). Moreover, a prospective applicant in Auction 112 should note that any long-form applications filed after the close of bidding will be reviewed for compliance with the Commission's red-light rule, and such review may result in the dismissal of a winning bidder's long-form application. OEA and MB encourage each applicant to carefully review all records and other available Federal agency databases and information sources to determine whether the applicant, or any of its affiliates, or any of its controlling interests, or any of the affiliates of its controlling interests, currently owes or was ever delinquent in the payment of non-tax debt owed to any Federal agency.

L. Optional Applicant Status Identification

82. An applicant owned by members of minority groups and/or women, as defined in 47 CFR 1.2110(c)(3), or that is a rural telephone company, as defined in 47 CFR 1.2110(c)(4), may identify itself as such in filling out its FCC Form 175. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of various groups in its auctions.

M. Noncommercial Educational Status Election

83. In the *NCE Second Report and Order,* 68 FR 26220, May 15, 2003, the Commission held that applications for noncommercial educational (NCE) broadcast stations on non-reserved spectrum, filed during an auction filing window, will be returned as unacceptable for filing if mutually exclusive with any application for a commercial station. Accordingly, if an FCC Form 175 filed during the Auction

112 filing window identifying the application's proposed station as noncommercial educational is mutually exclusive with any application filed during that window for a commercial station, the NCE application will be returned as unacceptable for filing and the applicant will not be provided with any further opportunity to become eligible to bid in this auction. For this reason, each prospective applicant in this auction should consider carefully whether it wishes to propose NCE operation for any television broadcast station acquired in this auction. This NCE election cannot be reversed after the initial application filing deadline.

N. Modifications to FCC Form 175

1. Only Minor Modifications Allowed

84. After the initial short-form application filing deadline, an Auction 112 applicant will be permitted to make only minor changes to its FCC Form 175. Examples of minor changes include the deletion or addition of authorized bidders (to a maximum of three) and the revision of addresses and telephone numbers of the applicant, its responsible party, and its contact person. Major modifications to an FCC Form 175 (*e.g.,* change of construction permit selection, certain changes in ownership that would constitute an assignment or transfer of control of the applicant, change in the required certifications, change in applicant's legal classification that results in a change in control, or change in claimed eligibility for a higher percentage of bidding credit) will not be permitted after the FCC Form 175 filing deadline. If an amendment reporting changes is a ''major amendment,'' as described in 47 CFR 1.2105(b)(2), the major amendment will not be accepted and may result in the dismissal of the application. Questions about FCC Form 175 amendments should be directed to the Auctions Division at (202) 418–0660.

2. Duty to Maintain Accuracy and Completeness of FCC Form 175

85. Pursuant to 47 CFR 1.65, each applicant has a continuing obligation to maintain the accuracy and completeness of information furnished in a pending application, including a pending application to participate in Auction 112. Consistent with the requirements for spectrum auctions, an applicant for Auction 112 must furnish additional or corrected information to the Commission within five business days after a significant occurrence, or amend its FCC Form 175 no more than five business days after the applicant becomes aware of the need for the amendment. In accordance with the Commission's rules, an applicant's obligation to make modifications to a pending auction application in order to provide additional or corrected information continues beyond the five-day period, even if the report is not made within the five-day period. An applicant is obligated to amend its pending application even if a reported change may result in the dismissal of the application because it is subsequently determined to be a major modification.

3. Modifying an FCC Form 175

86. As noted above, a party seeking to participate in Auction 112 must file an FCC Form 175 electronically via the FCC's Auction Application System. During the short-form application filing window, an applicant will be able to make any necessary modifications to its FCC Form 175 in the Auction Application System. An applicant that has certified and submitted its FCC Form 175 before the short-form application filing deadline may continue to make modifications as often as necessary until the filing deadline; however, the applicant must re-certify and re-submit its FCC Form 175 before the filing deadline in order to confirm and effect any application changes. After each submission, a confirmation page will be displayed stating the submission time and submission date.

87. An applicant will also be allowed to modify its FCC Form 175 in the Auction Application System, except for certain fields, during the resubmission filing window and after the release of the public notice announcing the qualified bidders for an auction. During these times, if an applicant needs to make permissible minor changes to its FCC Form 175 or must make changes in order to maintain the accuracy and completeness of its application pursuant to 47 CFR 1.65 and 1.2105(b)(4), then it must make the change(s) in the Auction Application System and re-certify and re-submit its application to confirm and effect the change(s).

88. An applicant's ability to modify its FCC Form 175 in the Auction Application System will be limited between the closing of the initial filing window and the opening of the application resubmission filing window, and between the closing of the resubmission filing window and the release of the public notice announcing the qualified bidders for an auction. During these periods, an applicant will be able to view its submitted application, but will be permitted to modify only the applicant's address, responsible party address, and contact information (*e.g.,* name, address, telephone number, etc.) in the Auction Application System. An applicant will not be able to modify any other pages of the FCC Form 175 in the Auction Application System during these periods. If, during these periods, an applicant needs to make other permissible minor changes to its FCC Form 175, or changes to maintain the accuracy and completeness of its application pursuant to 47 CFR 1.65 and 1.2105(b)(4), then the applicant must submit a letter briefly summarizing the changes to its FCC Form 175 via email to *auction112@fcc.gov.* The email summarizing the changes must include a subject line referring to Auction 112 and the name of the applicant, for example, ''Re: Changes to Auction 112 Auction Application of XYZ Corp.'' Any attachments to the email must be formatted as Adobe® Acrobat® (PDF) or Microsoft® Word documents. An applicant that submits its changes in this manner must subsequently modify, certify, and submit its FCC Form 175 application(s) electronically in the Auction Application System once it is again open and available to applicants.

89. Applicants should also note that even at times when the Auction Application System is open and available to applicants, the system will not allow an applicant to make certain other permissible changes itself (*e.g.,* correcting a misstatement of the applicant's legal classification, name, or certifying official). If an applicant needs to make a permissible minor change of this nature, then it must submit a written request by email to the Auctions Division Chief, via *auction112@fcc.gov* requesting that the Commission manually make the change on the applicant's behalf. Once Commission staff has informed the applicant that the change has been made in the Auction Application System, the applicant must then re-certify and re-submit its FCC Form 175 in the Auction Application System to confirm and effect the change(s).

90. As with filing the FCC Form 175, any amendment(s) to the application and related statements of fact must be certified by an authorized representative of the applicant with authority to bind the applicant. Applicants should note that submission of any such amendment or related statement of fact constitutes a representation by the person certifying that he or she is an authorized representative with such authority and that the contents of the amendment or statement of fact are true and correct.

91. Applicants must not submit application-specific material through the Commission's Electronic Comment

Filing System. Further, as discussed above, parties submitting information related to their applications should use caution to ensure that their submissions do not contain confidential information or communicate information that would violate 47 CFR 1.2105(c) or the limited information procedures adopted for Auction 112. An applicant seeking to submit, outside of the Auction Application System, information that might reflect non-public information, such as an applicant's upfront payment amount, or bidding eligibility, should consider including in its email a request that the filing or portions of the filing be withheld from public inspection until the end of the prohibition on certain communications pursuant to 47 CFR 1.2105(c).

92. Questions about FCC Form 175 amendments should be directed to the Auctions Division at (202) 418–0660.

III. Preparing for Bidding in Auction 112

A. Due Diligence

93. OEA and MB remind each potential bidder that it is solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the construction permit(s) it is seeking in Auction 112 and that it is required to certify, under penalty of perjury, that it has read the *Auction 112 Procedures Public Notice* and has familiarized itself both with the auction procedures and with the requirements for obtaining a construction permit for a TV station. The Commission makes no representations or warranties about the use of this spectrum or these construction permits for particular services. Each applicant should be aware that a Commission auction represents an opportunity to become an FCC permittee in a broadcast service, subject to certain conditions and regulations. This includes the established authority of the Commission to alter the terms of existing licenses by rulemaking, which is equally applicable to permits or licenses awarded by auction. A Commission auction does not constitute an endorsement by the Commission of any particular service, technology, or product, nor does a Commission construction permit or license constitute a guarantee of business success.

94. An applicant should perform its due diligence research and analysis before proceeding, as it would with any new business venture. In particular, OEA and MB encourage each potential bidder to perform technical analyses and/or refresh its previous analyses to assure itself that, should it become a winning bidder for any Auction 112 construction permit, it will be able to build and operate facilities that will fully comply with all applicable technical and legal requirements. OEA and MB also urge each applicant to inspect any prospective transmitter sites located in, or near, the service area for which it plans to bid, to confirm the availability of such sites, and to familiarize itself with the Commission's rules regarding any applicable federal, state, and local requirements, including the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and other environmental statutes.

95. OEA and MB also encourage each applicant in Auction 112 to continue to conduct its own research throughout the auction in order to determine the existence of pending or future administrative or judicial proceedings that might affect its decision to continue participating in the auction. Each applicant is responsible for assessing the likelihood of the various possible outcomes and for considering the potential impact on construction permits available in this auction. The due diligence considerations mentioned in the *Auction 112 Procedures Public Notice* do not comprise an exhaustive list of steps that should be undertaken prior to participating in Auction 112. As always, the burden is on the potential bidder to determine how much research to undertake, depending upon specific facts and circumstances related to its interests.

96. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of the construction permits available in Auction 112. Each potential bidder is responsible for undertaking research to ensure that any permits won in this auction will be suitable for its business plans and needs. Each potential bidder must undertake its own assessment of the relevance and importance of information gathered as part of its due diligence efforts.

97. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third-party databases, including, for example, court docketing systems. To the extent the Commission's databases may not include all information deemed necessary or desirable by an applicant, it must obtain or verify such information from independent sources or assume the risk of any incompleteness or inaccuracy in said databases. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into its databases.

B. Bidder Education

98. Before the opening of the short-form application filing window for Auction 112, detailed educational information will be provided in various formats to would-be participants on the Auction 112 web page. Specifically, OEA will provide various materials on the pre-bidding processes in advance of the opening of the short-form application window, beginning with the release of step-by-step instructions for completing the FCC Form 175, which OEA will make available in the Education section of the Auction 112 website at *www.fcc.gov/auction/112.* In addition, OEA will provide an online tutorial for the auction, covering pre-auction procedures including completing a short-form application in the FCC Auction Application System, and bidding procedures including how to use the FCC auction bidding system. In advance of the start of the mock auction, OEA will release a user guide for the bidding system.

99. OEA and MB believe that parties interested in participating in Auction 112 will find the interactive, online tutorial an efficient and effective way to further their understanding of the application and bidding processes. The online tutorial will allow viewers to navigate the presentation outline, review written notes, and listen to audio of the notes. Additional features of this web-based tool include links to auction-specific Commission releases, email links for contacting Commission staff, and screen shots of the online application and bidding systems. The online tutorial will be accessible in the Education section of the Auction 112 website at *www.fcc.gov/auction/112.* Once posted, the tutorial will remain continuously accessible.

C. Short-Form Applications: Due Before 6:00 p.m. ET on March 30, 2022

100. In order to be eligible to bid in Auction 112, an applicant must first submit a short-form application (FCC Form 175) electronically via the Auction Application System following the instructions set forth in the FCC Form 175 Instructions. The short-form application will become available with the opening of the initial filing window and must be submitted prior to 6:00 p.m. ET on March 30, 2022. Late applications will not be accepted. No

filing fee is required to be paid at the time of filing a short-form application.

101. Applications may be filed at any time beginning at noon ET on March 17, 2022, until the filing window closes at 6:00 p.m. ET on March 30, 2022. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. There are no limits or restrictions on the number of times an application can be updated or amended until the initial filing deadline on March 30, 2022]

102. An applicant must always click on the CERTIFY & SUBMIT button on the ''Certify & Submit'' screen to successfully submit its FCC Form 175 and any modifications; otherwise the application or changes to the application will not be received or reviewed by Commission staff. Additional information about accessing, completing, and viewing the FCC Form 175 is provided in the FCC Form 175 Instructions. Applicants requiring technical assistance should contact FCC Auctions Technical Support at (877) 480–3201, option nine; (202) 414–1250; or (202) 414–1255 (text telephony (TTY)). Hours of service are Monday through Friday, from 8:00 a.m. to 6:00 p.m. ET. In order to provide better service to the public, all calls to Technical Support are recorded.

D. Application Processing and Minor Modifications

1. Public Notice of Applicants' Initial Application Status and Opportunity for Minor Modifications

103. Commission staff will review all timely submitted applications for Auction 112 to determine whether each applicant has complied with the application requirements and whether it has provided all required information concerning its qualifications for bidding. After this review is completed, OEA and MB will issue a public notice announcing applicants' initial application status by identifying: (1) Those that are complete; (2) those that are rejected; and (3) those that are incomplete or deficient because of defects that may be corrected. This public notice also will establish an application resubmission filing window, during which an applicant may make permissible minor modifications to its application to address identified deficiencies. The public notice will include the deadline for resubmitting corrected applications and a copy of the public notice will be sent by overnight delivery to the contact address listed in the FCC Form 175 for each applicant. OEA and MB ask each applicant to make sure that the contact address provided in its short-form application is accurate and is a location capable of accepting packages that require a signature. In addition, each applicant with an incomplete application will be sent information on the nature of the deficiencies in its application, along with the name and contact information of a Commission staff member who can answer questions specific to the application. To become a qualified bidder, an applicant must have a complete application (*i.e.,* have timely corrected any identified deficiencies) and make a timely and sufficient upfront payment. Qualified bidders will be identified by public notice at least 10 days prior to the mock auction.

104. After the initial application filing deadline on March 30, 2022, applicants can make only minor modifications to their applications. Major modifications will not be permitted. After the deadline for resubmitting corrected applications, an applicant will have no further opportunity to cure any deficiencies in its application or provide any additional information that may affect Commission staff's ultimate determination of whether and to what extent the applicant is qualified to participate in Auction 112.

105. Commission staff will communicate only with an applicant's contact person or certifying official, as designated on the applicant's FCC Form 175, unless the applicant's certifying official or contact person notifies Commission staff in writing that another representative is authorized to speak on the applicant's behalf. Authorizations may be sent by email to *auction112@fcc.gov.*

2. Public Notice of Applicants' Final Application Status After Upfront Payment Deadline

106. After Commission staff review resubmitted applications for Auction 112 and evaluate upfront payments, OEA and MB will release a public notice identifying applicants that have become qualified bidders. A *Qualified Bidders Public Notice* will be issued before bidding in the auction begins. Qualified bidders are those applicants with submitted FCC Forms 175 that are deemed timely filed and complete and that have made a sufficient upfront payment.

E. Upfront Payments

107. In order to be eligible to bid in Auction 112, a sufficient upfront payment and a complete and accurate FCC Remittance Advice Form (FCC Form 159) must be submitted before 6:00 p.m. ET on May 6, 2022. After completing its short-form application, an applicant will have access to an electronic pre-filled version of the FCC Form 159. An accurate and complete FCC Form 159 (February 2003 edition) must accompany each payment. Proper completion of this form is critical to ensuring correct crediting of upfront payments. Payers using the pre-filled FCC Form 159 are responsible for ensuring that all the information on the form, including payment amounts, is accurate. Instructions for completing FCC Form 159 for Auction 112 are provided in Attachment B to the *Auction 112 Procedures Public Notice.*

1. Making Upfront Payments by Wire Transfer for Auction 112

108. Upfront payments for Auction 112 must be wired to, and will be deposited in, the U.S. Treasury.

109. Wire transfer payments for Auction 112 must be received before 6:00 p.m. ET on May 6, 2022. No other payment method is acceptable. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules and other specific bank wire transfer requirements, such as an in-person written request before a specified time of day) with their bankers several days before they plan to make the wire transfer, and must allow sufficient time for the transfer to be initiated and completed before the deadline. The following information will be needed:

ABA Routing Number: 021030004.

Receiving Bank: TREAS NYC, 33 Liberty Street, New York, NY 10045.

Beneficiary: FCC, 45 L Street NE, 3rd Floor, Washington, DC 20554.

Beneficiary Account Number: 827000001002.

Originating Bank Information (OBI Field): (Skip one space between each information item).

''*Auctionpay*''.

Applicant FCC Registration Number (FRN): (use the same FRN as used on the applicant's FCC Form 159, block 21).

Payment Type Code: (same as FCC Form 159, block 24A: ''U112'').

Note: The beneficiary account number (BNF Account Number) is specific to the upfront payments for Auction 112. Do not use a BNF Account Number from a previous auction.

110. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must print and fax a completed FCC Form 159 to the FCC at (202) 418–2843. Alternatively, the completed form can

be scanned and sent as an attachment to an email to *RROGWireFaxes@fcc.gov.* On the fax cover sheet or in the email subject header, write ''Wire Transfer—Auction Payment for Auction 112.'' To meet the upfront payment deadline, an applicant's payment must be credited to the Commission's account for Auction 112 before the deadline.

111. Each applicant is responsible for ensuring timely submission of its upfront payment and for timely filing of an accurate and complete FCC Form 159. An applicant should coordinate with its financial institution well ahead of the due date regarding its wire transfer and allow sufficient time for the transfer to be initiated and completed prior to the deadline. The Commission repeatedly has cautioned auction participants about the importance of planning ahead to prepare for unforeseen last-minute difficulties in making payments by wire transfer. Each applicant also is responsible for obtaining confirmation from its financial institution that its wire transfer to the U.S. Treasury was successful and from Commission staff that its upfront payment was timely received and that it was deposited into the proper account. As a regulatory requirement, the U.S. Treasury screens all payments from all financial institutions before deposits are made available to specified accounts. If wires are suspended, the U.S. Treasury may direct questions regarding any transfer to the financial institution initiating the wire. Each applicant must take care to assure that any questions directed to its financial institution(s) are addressed promptly. To receive confirmation from Commission staff, contact Scott Radcliffe of the Office of Managing Director's Revenue & Receivables Operations Group/Auctions at (202) 418–7518 or Theresa Meeks at (202) 418–2945.

112. Please note the following information regarding upfront payments:

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer.
- Upfront payments for Auction 112 go to an account number different from the accounts used in previous FCC auctions.

113. Failure to deliver a sufficient upfront payment as instructed herein by the upfront payment deadline will result in dismissal of the short-form application and disqualification from participation in the auction.

2. Completing and Submitting FCC Form 159

114. An accurate and complete FCC Form 159 must be sent to the FCC to accompany each upfront payment. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must fax a completed Form 159 to the FCC at (202) 418–2843. Alternatively, the completed form can be scanned and sent as an attachment to an email to *RROGWireFaxes@fcc.gov.* On the fax cover sheet or in the email subject header, write ''Wire Transfer—Auction Payment for Auction 112.''

3. Upfront Payments and Bidding Eligibility

115. The Commission has delegated authority to OEA and MB to determine appropriate upfront payments for each construction permit being auctioned, taking into account such factors as the efficiency of the auction process and the potential value of similar licenses. An upfront payment is a refundable deposit made by each applicant seeking to participate in bidding to establish its eligibility to bid on construction permits. Upfront payments that are related to the specific construction permits being auctioned protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of bidding. In the *Auction 112 Comment Public Notice,* OEA and MB proposed an upfront payment amount for each construction permit and sought comment on the upfront payment amounts. Although OEA and MB received no comments regarding the upfront payment amounts for Auction 112, they adopt upfront payment amounts that are 25% lower than those proposed in Attachment A of the *Auction 112 Comment Public Notice* so as to align the upfront payment amounts with the reduced minimum opening bids that are adopted below.

116. An applicant must make an upfront payment sufficient to obtain bidding eligibility on the construction permits on which it will bid. OEA and MB proposed in the *Auction 112 Comment Public Notice* that the amount of the upfront payment submitted by an applicant will determine its initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids in any single round. Under that proposal, in order to bid on a particular construction permit, a qualified bidder must have a current eligibility level that meets or exceeds the number of bidding units assigned to that construction permit. At a minimum, therefore, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the construction permits selected on its FCC Form 175 for Auction 112, or else the applicant will not become qualified to participate in the auction. An applicant does not have to make an upfront payment to cover all construction permits the applicant selected on its FCC Form 175, rather only enough to cover the maximum number of bidding units that are associated with construction permits on which the applicant wishes to place bids and hold provisionally winning bids in any given round. The total upfront payment does not affect the total dollar amount the bidder may bid on any given construction permit.

117. OEA and MB received no comments on the proposals that the upfront payment amount would determine a bidder's initial eligibility and to assign each construction permit a specific number of bidding units, equal to one bidding unit per one thousand dollars of the upfront payment. Therefore, OEA and MB adopt these proposals. Each applicant's upfront payment amount will determine that bidder's initial bidding eligibility.

118. In calculating its upfront payment amount, an applicant must determine the maximum number of bidding units on which it may wish to bid in any single round and submit an upfront payment amount for the auction covering that number of bidding units. In order to make this calculation, an applicant should add together the bidding units for all construction permits on which it seeks to be active in any given round. A qualified bidder's maximum eligibility will not exceed the sum of the bidding units associated with the total number of construction permits selected on its FCC Form 175. In some cases, a qualified bidder's maximum eligibility may be less than the amount of its upfront payment because the qualified bidder has either previously been in default on a Commission construction permit or license or delinquent on non-tax debt owed to a Federal agency, or has submitted an upfront payment that exceeds the total amount of bidding units associated with the construction permits it selected on its FCC Form 175. Applicants should check their calculations carefully, as there is no provision for increasing a bidder's eligibility after the upfront payment deadline.

119. An applicant that is a former defaulter, as described above, must pay an upfront payment 50% greater than that required of an applicant that is not a former defaulter. For purposes of this

rule, defaults and delinquencies of the applicant itself and its controlling interests are included. If an applicant is a former defaulter, it must calculate its upfront payment for all of its selected construction permits by multiplying the number of bidding units on which it wishes to be active (bid on or hold provisionally winning bids on) during a given round by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit.

F. Auction Registration

120. All qualified bidders for Auction 112 are automatically registered for the auction. Registration materials will be distributed prior to the auction by overnight delivery. The mailing will be sent only to the contact person at the contact address listed in the FCC Form 175 and will include the SecurID® tokens that will be required to place bids, the web address and instructions for accessing and logging in to the auction bidding system, FCC assigned username (User ID) for each authorized bidder, and the Auction Bidder Line phone number.

121. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Therefore, if this mailing is not received by the contact person for a qualified bidder by noon on May 31, 2022, call the Auctions Hotline at (717) 338–2868. Receipt of this registration mailing is critical to participating in the auction, and each qualified bidder is responsible for ensuring it has received all registration materials.

122. In the event that a SecurID® token is lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application may request a replacement. To request a replacement, call the Auction Bidder Line at the telephone number provided in the registration materials or the Auction Hotline at (717) 338–2868.

G. Remote Electronic Bidding via the FCC Auction Bidding System

123. Bidders will be able to participate in Auction 112 over the internet using the FCC Auction Bidding System (bidding system) or by telephonic bidding. Each applicant should indicate its bidding preference—electronic or telephonic—on its FCC Form 175. Please note that telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. The length of a call to place a telephonic bid may vary; please allow a minimum of 10 minutes. The toll-free telephone number for the auction bidder line will be provided to qualified bidders prior to the start of bidding in the auction.

124. Only authorized bidders bidding on behalf of a qualified bidder will be permitted to bid. Each qualified bidder will be issued three SecurID® tokens, which the Commission will provide at no charge. Each authorized bidder for a qualified bidder must have an individually assigned SecurID® token in order to access the bidding system, either by telephone or over the internet. In order to access the bidding function of the bidding system, bidders must be logged in during the bidding round using the passcode generated by the SecurID® token and a personal identification number (PIN) created by the bidder. Bidders are strongly encouraged to print a *bid summary* for each round after they have completed all of their activity for that round. For security purposes, the SecurID® tokens, bidding system web address, FCC-assigned username, and the telephonic bidding telephone number are only mailed to the contact person at the contact address listed on the FCC Form 175. Each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the FCC will not work for Auction 112. Please note that the SecurID® tokens can be recycled, and the Commission requests that bidders return the tokens to the FCC. Pre-addressed envelopes will be provided to return the tokens once the auction has ended.

125. The Commission makes no warranties whatsoever, and shall not be deemed to have made any warranties, with respect to the FCC Auction Application System and the auction bidding system, including any implied warranties of merchantability or fitness for a particular purpose. In no event shall the Commission, or any of its officers, employees, or agents, be liable for any damages whatsoever (including, but not limited to, loss of business profits, business interruption, loss of use, loss of revenue, loss of business information, or any other direct, indirect, or consequential damages) arising out of or relating to the existence, furnishing, functioning, or use of the FCC Auction Application System or the FCC auction bidding system. Moreover, no obligation or liability will arise out of the Commission's technical, programming, or other advice or service provided in connection with the FCC auction systems.

126. To the extent an issue arises with the bidding system itself, the Commission will take all appropriate measures to resolve such issues quickly and equitably. Should an issue arise that is outside the bidding system or attributable to a bidder, including, but not limited to, a bidder's hardware, software, or internet access problem that prevents the bidder from submitting a bid prior to the end of a round, the Commission shall have no obligation to resolve or remedy such an issue on behalf of the bidder. Similarly, if an issue arises due to bidder error using the bidding system, the Commission shall have no obligation to resolve or remedy such an issue on behalf of the bidder. Accordingly, after the close of a bidding round, the results of bid processing will not be altered absent evidence of any failure in the bidding system.

H. Mock Auction

127. All qualified bidders will be eligible to participate in a mock auction on June 3, 2022. The mock auction will enable qualified bidders to become familiar with the FCC auction bidding system and to practice submitting bids prior to the auction. OEA and MB recommend that all qualified bidders, including all their authorized bidders, participate to ensure that they can log in to the bidding system and gain experience with the bidding procedures. Participating in the mock auction may reduce the likelihood of a bidder making a mistake during the auction. Details regarding the mock auction will be announced in the *Qualified Bidders Public Notice* for Auction 112

I. Auction Delay, Suspension, or Cancellation

128. In the *Auction 112 Comment Public Notice,* OEA and MB proposed that, at any time before or during the bidding process, OEA, in conjunction with MB, may delay, suspend, or cancel bidding in the auction in the event of natural disaster, technical obstacle, network interruption, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. OEA and MB received no comments on this proposal.

129. Because this approach has proven effective in resolving exigent circumstances in previous auctions, OEA and MB adopt these proposals regarding auction delay, suspension, or cancellation. By public notice or by announcement through the FCC auction

bidding system, OEA and MB may delay, suspend, or cancel bidding in the auction in the event of natural disaster, technical obstacle, network interruption, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, OEA, in its sole discretion, may elect to resume the auction starting from the beginning of the current round or from some previous round, or cancel the auction in its entirety. OEA and MB emphasize that they will exercise this authority solely at their discretion, and not as a substitute for situations in which bidders may wish to apply their activity rule waivers.

J. Environmental Review Requirements

130. Permittees or licensees must comply with the Commission's rules for environmental review under the National Environmental Policy Act, the National Historic Preservation Act, and other federal environmental statutes. The construction of a broadcast facility is a federal action, and the permittee or licensee must comply with the Commission's environmental rules for each such facility. These environmental rules require, among other things, that the permittee or licensee consult with expert agencies having environmental responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the U.S. Army Corps of Engineers, and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). In assessing the effect of facility construction on historic properties, the permittee or licensee must follow the provisions of the FCC's Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process. The permittee or licensee must prepare environmental assessments for any facility that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species, or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. In addition, the permittee or licensee must prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

IV. Bidding

131. The first round of bidding for Auction 112 will begin on June 7, 2022. The initial bidding schedule will be announced in a public notice listing the qualified bidders, which will be released at least one week before the start of bidding in the auction.

A. Auction Structure

1. Simultaneous Multiple Round Auction

132. In the *Auction 112 Comment Public Notice,* OEA and MB proposed to auction all construction permits listed in Attachment A to the *Auction 112 Procedures Public Notice* in a single auction using a simultaneous multiple-round auction format. This type of auction offers every construction permit for bid at the same time and consists of successive bidding rounds in which qualified bidders may place bids on individual construction permits. OEA and MB received no comments on this proposal, and this proposal is adopted. Unless otherwise announced, bids will be accepted on all construction permits in each round of the auction until bidding stops on every construction permit.

2. Round Structure

133. Limited information about the results of a round will be made public after the conclusion of the round. Specifically, after a round closes, OEA and MB will make available for each construction permit its current provisionally winning bid amount, the minimum acceptable bid amount for the following round, the amounts of all bids placed on the construction permit during the round, and whether the license is FCC-held. The reports will be publicly accessible. Moreover, after Auction 112 closes, OEA and MB will make available complete reports of all bids placed during each round of the auction, including bidder identities.

134. As in past Commission spectrum auctions, bidders will have secure access to certain non-public bidding information while bidding is ongoing. Specifically, after each round ends, and before the next round begins, OEA and MB will make the following information available to individual bidders:

- The bidder's activity, based on all bids in the previous round; and
- Summary statistics of the bidder's bidding/bid-related actions in each round, including the construction permits on which it bid and the price it bid for each of those construction permits, the result of each of its bids, whether it has any provisionally winning bids, and remaining activity rule waivers.

135. Limiting the availability of bidding information during the auction balances the Commission's interest in providing bidders with sufficient information about the status of their own bids and bidding across all construction permits to allow them to bid confidently and effectively, while restricting the availability of information that may facilitate identification of bidders placing particular bids, which could potentially lead to undesirable strategic bidding.

3. Round Structure

136. The initial schedule of bidding rounds will be announced in the public notice listing the qualified bidders in the auction. Each bidding round is followed by the release of round results. Multiple bidding rounds may be conducted each day.

137. In the *Auction 112 Comment Public Notice,* OEA and MB proposed to retain the discretion to adjust the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. OEA and MB received no comments on the proposal, and they adopt it for Auction 112. OEA and MB may change the amount of time for bidding rounds, the amount of time between rounds, or the number of rounds per day, depending upon bidding activity and other factors.

4. Eligibility and Activity Rules

138. As discussed above, the amount of the upfront payment submitted by a bidder will determine its initial bidding eligibility in terms of bidding units. A bidder's bidding eligibility is the maximum number of bidding units on which a bidder may be active (bid or hold provisionally winning bids) in a given round. As noted earlier, each construction permit is assigned a specific number of bidding units, as listed in Attachment A to the *Auction 112 Procedures Public Notice.* The bidding unit amounts listed in Attachment A of the *Auction 112 Procedures Public Notice* are 25% lower than the bidding unit amounts proposed in Attachment A of the *Auction 112 Comment Public Notice.* OEA and MB adopt these adjusted bidding unit amounts to correspond with the reduced upfront payments adopted above. Bidding units assigned to each construction permit do not change as prices rise during the auction. Upfront payments are not attributed to specific construction permits. Rather, a bidder may place bids on any of the construction permits selected on its FCC Form 175 as long as the total number of bidding units associated with those

construction permits does not exceed the bidder's current eligibility.

139. Eligibility cannot be increased during the auction; it can only remain the same or decrease. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units on which it may wish to bid or hold provisionally winning bids in any single round, and submit an upfront payment amount covering that total number of bidding units. At a minimum, an applicant's upfront payment must cover the bidding units for at least one of the construction permits it selected on its short-form application. The total upfront payment does not affect the total dollar amount a bidder may bid on any given construction permit. OEA and MB received no comments on the bidding eligibility proposals, and these proposals are adopted.

140. To ensure that an auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active (bid or hold provisionally winning bids) on a specific percentage of their current bidding eligibility during each round of the auction. A bidder's activity level in a round is the sum of the bidding units associated with construction permits covered by the bidder's new bids in the current round and provisionally winning bids from the previous round. Bidding units associated with construction permits for which the bidder has removed bids do not count towards current activity. Provisionally winning bids are bids that would become final winning bids if the auction were to close after the given round.

141. OEA and MB received no comments on the eligibility and activity rules proposal. Therefore, in order to ensure that the auction closes within a reasonable period of time, OEA and MB adopt the following activity requirement as proposed: A bidder is required to be active on 100% of its current eligibility during each round of the auction. That is, a bidder must either place a bid or be a provisionally winning bidder during each round of the auction. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place bids in subsequent rounds of the auction.

5. Activity Rule Waivers

142. In the *Auction 112 Comment Public Notice,* OEA and MB proposed that each bidder in the auction be provided with three activity rule waivers, which are principally a mechanism for a bidder to avoid the loss of bidding eligibility in the event that exigent circumstances prevent it from bidding in a particular round. OEA and MB received no comments on this issue.

143. Therefore, OEA and MB adopt this proposal to provide bidders with three activity rule waivers. Use of an activity rule waiver preserves the bidder's eligibility despite its activity in the current round being below the required minimum activity level. An activity rule waiver applies to an entire round of bidding and not to a particular construction permit. A bidder may use an activity rule waiver in any round of the auction as long as the bidder has not used all of its waivers.

144. The FCC auction bidding system will assume that a bidder that does not meet the activity requirement would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round in which a bidder's activity level is below the minimum required unless (1) the bidder has no activity rule waiver remaining, or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, therefore meeting the activity requirement. If the bidder has no waivers remaining and does not satisfy the required activity level, the bidder's current eligibility will be permanently reduced, possibly curtailing or eliminating the ability to place additional bids in the auction.

145. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding round by using the *reduce eligibility* function in the FCC auction bidding system. In this case, the bidder's eligibility will be permanently reduced to bring it into compliance with the activity rule described above. Reducing eligibility is an irreversible action once the round has closed, and a bidder cannot regain its lost bidding eligibility.

146. Finally, a bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity rule waiver (using the *proactive waiver* function in the FCC auction bidding system) during a bidding round in which no bids are placed, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC auction bidding system in a round in which there is no new bid or a proactive waiver will not keep the auction open.

6. Stopping Rule

147. For Auction 112, OEA and MB proposed to employ a simultaneous stopping rule approach, which means all construction permits remain available for bidding until bidding stops on every construction permit. Specifically, bidding will close on all construction permits after the first round in which no bidder submits a new bid or applies a proactive activity rule waiver.

148. OEA and MB also sought comment on alternative versions of the simultaneous stopping rule for Auction 112:

Option 1. The auction would close for all construction permits after the first round in which no bidder applies a proactive waiver or places a new bid on any construction permit on which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a construction permit for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule.

Option 2. The auction would close for all construction permits after the first round in which no bidder applies a waiver or places any new bid on any construction permit that already has a provisionally winning bid. Thus, absent any other bidding activity, a bidder placing a new bid on an FCC-held construction permit (a construction permit that does not have a provisionally winning bid) would not keep the auction open under this modified stopping rule.

Option 3. The auction would close using a modified version of the simultaneous stopping rule that combines Option 1 and Option 2 above.

Option 4. The auction would close after a specified number of additional rounds (special stopping rule) to be announced in advance in the FCC auction bidding system. If OEA and MB invoke this special stopping rule, they will accept bids in the specified final round(s), after which the auction will close.

Option 5. The auction would remain open even if no bidder places a new bid or applies a waiver. In this event, the effect will be the same as if a bidder had applied a waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a waiver.

149. OEA and MB proposed to exercise these options only in certain circumstances, for example, where the

auction is proceeding unusually slowly or quickly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time or will close prematurely. Before exercising these options, OEA and MB are likely to attempt to change the pace of the auction. For example, OEA and MB may adjust the pace of bidding by changing the number of bidding rounds per day and/or the minimum acceptable bids. OEA and MB proposed to retain the discretion to exercise any of these options with or without prior announcement during the auction. OEA and MB received no comments on these proposals and adopt them for Auction 112.

B. Bidding Procedures

1. Minimum Opening Bids and Acceptable Bid Amounts

150. The provision at 47 U.S.C. 309(j) calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when applications for FCC licenses or construction permits are subject to auction (*i.e.,* because they are mutually exclusive), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest. Consistent with this mandate, the Commission directed the Bureaus to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.

151. In the *Auction 112 Comment Public Notice,* OEA and MB proposed not to establish reserve prices for specific construction permits listed in Attachment A that are different from minimum opening bid amounts. This is consistent with previous broadcast spectrum auctions. OEA and MB received no comments on this proposal and adopt it.

152. In the *Auction 112 Comment Public Notice,* OEA and MB sought comment on specifically proposed minimum opening amounts for each construction permit listed in Attachment A to the *Auction 112 Procedures Public Notice,* reasoning that a minimum opening bid, which has been used in other broadcast auctions, is an effective tool for accelerating the competitive bidding process. Specifically, a minimum opening bid was proposed for each construction permit by taking into account various factors relating to the efficiency of the auction and the potential value of the spectrum, including the type of service and class of facility offered, market size, population covered by the proposed broadcast facility, and recent broadcast transaction data, to the extent such information is available.

153. Two commenters request that OEA and MB reduce or eliminate the minimum opening bids that were proposed in the *Auction 112 Comment Public Notice,* in order to reduce costs for prospective stations in remote areas. Brian Lane recommends that OEA and MB cut all proposed opening bids in half, arguing that there are considerable equipment and engineering costs that could be prohibitive to smaller and diverse bidders. Edge Networks, Inc d/b/a Evoca (Evoca) supports Mr. Lane's proposal but suggests that it may not go far enough in order to bring new, improved, and innovative TV and internet services to small, remote, and rural communities. Evoca claims that the markets involved in Auction 112 are so small that layering on any costs in addition to construction and operation of a TV may all but assure that these communities do not get any new service at all, and therefore suggests that OEA and MB consider eliminating the minimums altogether for at least the smaller communities.

154. OEA and MB are not persuaded by arguments that reducing the minimum opening bids by 50% will significantly affect the viability of prospective stations in remote areas. However, in furtherance of their goals of promoting competition and encouraging greater participation by an array of entities, OEA and MB adopt a more modest reduction in minimum opening bids of 25%, which they believe balances these goals with the goal of conducting the auction in an efficient manner that avoids burdening bidders. Those minimum opening bids are laid out in Attachment A to the *Auction 112 Procedures Public Notice.*

155. In the *Auction 112 Comment Public Notice,* OEA and MB proposed that, in each round, a qualified bidder will be able to place a bid on a given construction permit in any of up to nine different amounts. Under the proposal, the FCC auction bidding system interface will list the nine acceptable bid amounts for each construction permit. OEA and MB received no comments on this proposal, and adopt it as proposed.

156. In the *Auction 112 Comment Public Notice,* to calculate the first of the acceptable bid amounts, OEA and MB proposed to use a *minimum acceptable bid increment percentage* of 10%. This means that the minimum acceptable bid amount for a construction permit will be approximately 10% greater than the provisionally winning bid amount for the construction permit. To calculate the eight additional acceptable bid amounts, OEA and MB proposed in the *Auction 112 Comment Public Notice* to use an additional bid increment percentage of 5% of the minimum acceptable bid. OEA and MB did not receive any comments on these proposals to use 10% and 5% respectively in our calculation of nine acceptable bid amounts for each construction permit. Experience in previous broadcast auctions suggests that a minimum acceptable bid increment percentage of 10% and an additional bid increment percentage of 5% are sufficient to ensure active bidding. Therefore, OEA and MB will begin the auction with a minimum acceptable bid increment percentage of 10% and an additional bid increment percentage of 5%.

157. In Auction 112, the minimum acceptable bid amount for a construction permit will be equal to its minimum opening bid amount until there is a provisionally winning bid for the construction permit. After there is a provisionally winning bid for a construction permit, the minimum acceptable bid amount will be calculated by multiplying the provisionally winning bid amount by one plus the minimum acceptable bid percentage—*i.e.,* provisionally winning bid amount * 1.10, rounded. The result of this calculation is subject to a minimum of $100. Under the Commission's standard rounding procedure for auctions, results above $10,000 are rounded to the nearest $1,000; results below $10,000 but above $1,000 are rounded to the nearest $100; and results below $1000 are rounded to the nearest $10.

158. The FCC auction bidding system will calculate the eight additional bid amounts by multiplying the minimum acceptable bid amount by the additional bid increment percentage of 5%, and that result (rounded) is the additional increment amount. The first additional acceptable bid amount equals the minimum acceptable bid amount plus the additional increment amount. The second additional acceptable bid amount equals the minimum acceptable bid amount plus two times the additional increment amount; the third additional acceptable bid amount is the minimum acceptable bid amount plus three times the additional increment amount; etc. Because the additional bid increment percentage is 5%, the calculation of the additional increment amount is (minimum acceptable bid amount) * (0.05), rounded. The first additional acceptable bid amount equals (minimum acceptable bid amount) +

(additional increment amount); the second additional acceptable bid amount equals (minimum acceptable bid amount) + (2*(additional increment amount)); the third additional acceptable bid amount equals (minimum acceptable bid amount) + (3*(additional increment amount)); etc.

159. OEA and MB proposed to retain the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid increment percentage, the additional bid increment percentage, and the number of acceptable bid amounts if they determine that circumstances so dictate, consistent with past practice. OEA and MB also proposed to retain the discretion to do so on a construction permit-by-construction permit basis. OEA and MB also proposed to retain the discretion to limit (a) the amount by which a minimum acceptable bid for a construction permit may increase compared with the corresponding provisionally winning bid, and (b) the amount by which an additional bid amount may increase compared with the immediately preceding acceptable bid amount. For example, OEA and MB could set a $1,000 limit on increases in minimum acceptable bid amounts over provisionally winning bids. Thus, if calculating a minimum acceptable bid using the minimum acceptable bid increment percentage results in a minimum acceptable bid amount that is $1,200 higher than the provisionally winning bid on a construction permit, the minimum acceptable bid amount would instead be capped at $1,000 above the provisionally winning bid.

160. OEA and MB received no comments on these proposals concerning changes of bid amounts, and adopt the discretion to utilize them. OEA and MB typically exercise this discretion based on their monitoring of ongoing bidding and reserve such discretion here. If OEA and MB exercise this discretion, they will alert bidders by announcement in the FCC auction bidding system during the auction.

2. Provisionally Winning Bids

161. Consistent with practice in past auctions, the FCC auction bidding system at the end of each bidding round will determine a *provisionally winning bid* for each construction permit based on the highest bid amount received for that permit. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same construction permit at the close of a subsequent round. Provisionally winning bids at the end of the auction become the winning bids.

162. In the *Auction 112 Comment Public Notice,* OEA and MB proposed to use a pseudo-random number generator to select a single provisionally winning bid if identical high bid amounts are submitted on a construction permit in a given round (*i.e.,* tied bids). No comments were received on this proposal, and OEA and MB adopt it as proposed.

163. Accordingly, the FCC auction bidding system will assign a pseudo-random number to each bid upon submission. The tied bid with the highest pseudo-random number wins the tiebreaker and becomes the provisionally winning bid. The remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. However, if the auction were to close with no other bids being placed, the winning bidder would be the one that placed the provisionally winning bid. If the construction permit receives any bids in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the construction permit.

164. As a reminder, provisionally winning bids count toward activity for purposes of the activity rule.

3. Bid Removal and Bid Withdrawal

165. In the *Auction 112 Comment Public Notice,* OEA and MB explained that each qualified bidder has the option of removing any bids placed in a round provided that such bids are removed before the close of that bidding round. By removing a bid within a round, a bidder effectively ''unsubmits'' the bid. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity because a removed bid no longer counts toward bidding activity for the round. Once a round closes, a bidder may no longer remove a bid.

166. In the *Auction 112 Comment Public Notice,* OEA and MB proposed to prohibit bidders from withdrawing any bid after close of the round in which that bid was placed. This proposal was made in recognition of the site-specific nature and wide geographic dispersion of the permits available in this auction, as well as OEA and MB's experience with past auctions of broadcast construction permits. OEA and MB received no comments on this issue. Accordingly, OEA and MB will prohibit bid withdrawals in Auction 112. Bidders are cautioned to select bid amounts carefully because no bid withdrawals will be allowed, even if a bid was mistakenly or erroneously made.

4. Bidding Results

167. After Auction 112 closes, OEA and MB will provide a means for the public to view and download reports of all bids placed during each round of the auction and all bid results, including bidder identities.

5. Auction Announcements

168. Commission staff will use auction announcements to report necessary information, such as schedule changes, to bidders. All auction announcements will be available by clicking a link in the FCC auction bidding system.

V. Post-Auction Procedures

169. The public notice announcing the close of the bidding and auction results will be released shortly after bidding has ended in Auction 112. This public notice will also establish the deadlines for submitting down payments, final payments, and the long-form applications.

A. Down Payments

170. The Commission's rules provide that, unless otherwise specified by public notice, within ten business days after the release of the auction closing public notice, each winning bidder must submit sufficient funds (in addition to the upfront payment) to bring its total amount of money on deposit with the Commission for Auction 112 to 20% of the net amount of its winning bid(s) (gross bid(s) less any applicable new entrant bidding credit).

B. Final Payments

171. Each winning bidder will be required to submit the balance of the net amount for each of its winning bid(s) within 10 business days after the applicable deadline for submitting down payments.

C. Long-Form Application (FCC Form 2100—Schedule A)

172. The Commission's rules currently provide that within thirty days following the close of bidding and notification to the winning bidders, unless a longer period is specified by public notice, each winning bidder must electronically submit a separate, properly completed long-form application for each permit won, and required exhibits, along with the applicable applicant filing fee. Winning bidders for TV construction permits will electronically file FCC Form 2100, Schedule A, in the Media Bureau's Licensing and Management System (LMS). Winning bidders claiming new entrant status must include an exhibit demonstrating their eligibility for the

bidding credit. Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice.

D. Default and Disqualification

173. Any winning bidder that defaults or is disqualified after the close of an auction (*i.e.,* fails to remit the required down payment by the specified deadline, fails to submit a timely long-form application, fails to make a full and timely final payment, or is otherwise disqualified) is liable for default payments as described in 47 CFR 1.2104(g)(2). A default payment consists of a deficiency payment, equal to the difference between the amount of the Auction 112 bidder's winning bid and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less.

174. The percentage of the applicable bid to be assessed as an additional payment for defaults in a particular auction is established in advance of the auction. Accordingly, in the *Auction 112 Comment Public Notice,* OEA and MB proposed to set the additional default payment for this auction at 20% of the applicable bid. OEA and MB received no comments on this proposal, and it is therefore adopted for the reasons described in the *Auction 112 Comment Public Notice.*

175. Finally, in the event of a default, the Commission has the discretion to re-auction the construction permit or offer it to the next highest bidder (in descending order) at its final bid amount. In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, then the Commission may declare the applicant and its principals ineligible to bid in future auctions and may take any other action that it deems necessary, including institution of proceedings to revoke any existing authorizations held by the applicant.

E. Refund of Remaining Upfront Payment Balance

176. All refunds of upfront payment balances will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise. Bidders are encouraged to use the Refund Information icon found on the *Auction Application Manager* page or the Refund Form link available on the *Auction Application Submit Confirmation* page in the FCC Auction Application System to access the form. After the required information is completed on the blank form, the form must be printed, signed, and submitted to the Commission by mail, fax, or email as instructed below.

177. If you have elected not to access the Refund Form through the *Auction Application Manager* page, then OEA and MB request that all information listed below be supplied in writing.

1. Name, address, contact and phone number of Bank
2. ABA Number (capable to accept ACH payments) (please verify this number with your Bank)
3. Account Number to Credit
4. Name of Account Holder
5. FCC Registration Number (FRN)

178. The refund request must be submitted by fax to the Revenue & Receivables Operations Group/Auctions at (202) 418–2843, or by email to *RROGWireFaxes@fcc.gov.*

Note: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Scott Radcliffe at (202) 418–7518 or Theresa Meeks at (202) 418–2945.

VI. Procedural Matters

A. Paperwork Reduction Act

179. The Office of Management and Budget (OMB) has approved the information collections in the Application to Participate in an FCC Auction, FCC Form 175. The *Auction 112 Procedures Public Notice* does not contain new or substantively modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. Therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198. The Commission will be submitting a non-substantive change request to OMB concerning OMB 3060–0600 related to the certification requirement for Auction 112 applicants adopted herein, and the Commission will not require Auction 112 applicants to make this certification on FCC Form 175 until OMB has approved the non-substantive change request.

B. Congressional Review Act

180. The Commission has determined, and Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that these rules are ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the *Auction 112 Procedures Public Notice* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

C. Supplemental Final Regulatory Flexibility Analysis

181. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission prepared Initial Regulatory Flexibility Analyses (IRFAs) in connection with the *Broadcast Competitive Bidding Notice of Proposed Rulemaking* (NPRM), 62 FR 65392, December 12, 1997, and other Commission NPRMs (collectively, *Competitive Bidding NPRMs*) pursuant to which Auction 112 will be conducted. Final Regulatory Flexibility Analyses (FRFAs) likewise were prepared in the *Broadcast Competitive Bidding Order,* 63 FR 48615, September 11, 1998, and other Commission rulemaking orders (collectively, *Competitive Bidding Orders*) pursuant to which Auction 112 will be conducted. In this proceeding, a Supplemental Initial Regulatory Flexibility Analysis (Supplemental IRFA) was incorporated in the *Auction 112 Comment Public Notice.* The Commission sought written public comment on the proposals in the *Auction 112 Comment Public Notice,* including comments on the Supplemental IRFA. This Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) supplements the FRFAs in the *Competitive Bidding Orders* to reflect the actions taken in the *Auction 112 Procedures Public Notice* and conforms to the RFA.

182. *Need for, and Objectives of, the Public Notice.* The procedures for the conduct of Auction 112 as described in the *Auction 112 Procedures Public Notice* implement the Commission's competitive bidding rules, which have been adopted by the Commission in multiple notice-and-comment rulemaking proceedings. More specifically, the *Auction 112 Procedures Public Notice* provides an overview of the procedures, terms, and conditions governing Auction 112, and the post-auction application and payment processes, as well as setting the minimum opening bid amount for each of the TV construction permits that are subject to being assigned by competitive bidding.

183. To promote the efficient and fair administration of the competitive bidding process for all Auction 112 participants, including small businesses, in the *Auction 112 Procedures Public Notice,* OEA and MB announce the following procedures:

• A requirement that any applicant seeking to participate in Auction 112 certify in its short-form application, under penalty of perjury, that it has read the public notice adopting procedures for Auction 112, and that it has familiarized itself with those procedures and the requirements for obtaining a construction permit for a TV station;

• establishment of an additional default payment of 20% under 47 CFR 1.2104(g)(2) in the event that a winning bidder defaults or is disqualified after the auction;

• use of a simultaneous multiple-round auction format, consisting of sequential bidding rounds with a simultaneous stopping rule (with discretion to exercise alternative stopping rules under certain circumstances);

• use of anonymous bidding/limited information procedures which will not make public until after bidding has closed: (1) The construction permits that an applicant selects for bidding in its short-form application, (2) the amount of any upfront payment made by or on behalf of an applicant, (3) any applicant's bidding eligibility, and (4) any other bidding-related information that might reveal the identity of the bidder placing a bid;

• retention by OEA, in conjunction with MB, of its discretion to delay, suspend, or cancel bidding in Auction 112 for any reason that affects the fair and efficient conduct of the competitive bidding process;

• retention by OEA of its discretion to adjust the bidding schedule in order to manage the pace of Auction 112;

• a specific minimum opening bid amount for each construction permit available in Auction 112;

• a specific number of bidding units for each construction permit;

• a specific upfront payment amount for each construction permit;

• establishment of a bidder's initial bidding eligibility in bidding units based on that bidder's upfront payment through assignment of a specific number of bidding units for each construction permit;

• use of an activity requirement so that bidders must bid actively during the auction rather than waiting until late in the auction before participating;

• a single stage auction in which a bidder is required to be active on 100% of its bidding eligibility in each round of the auction;

• provision of three activity waivers for each qualified bidder to allow it to preserve eligibility during the course of the auction;

• use of minimum acceptable bid amounts and additional bid increments, along with a proposed methodology for calculating such amounts, while retaining discretion to change their methodology if circumstances dictate;

• bid removal procedures; and

• a prohibition on bid withdrawals.

184. *Summary of Significant Issues Raised by Public Comments in Response to the IRFA.* There were no comments filed that specifically addressed the procedures and policies proposed in the Supplemental IRFA.

185. *Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration.* Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comment filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed procedures as a result of those comments. The Chief Counsel did not file any comments in response to the procedures that were proposed in the *Auction 112 Comment Public Notice.*

186. *Description and Estimate of the Number of Small Entities to Which the Procedures Will Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

187. The specific competitive bidding procedures and minimum opening bid amounts described in the *Auction 112 Procedures Public Notice* will affect all applicants participating in Auction 112. OEA and MB expect that the pool of applicants who seek to bid in Auction 112 will include firms of all sizes.

188. *Television Broadcasting.* This Economic Census category ''comprises establishments primarily engaged in broadcasting images together with sound.'' These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: those having $41.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms operated that entire year. Of that number, 656 had annual receipts of $25,000,000 or less, and 25 had annual receipts between $25,000,000 and $49,999,999. Based on this data OEA and MB therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

189. Additionally, the Commission has estimated the number of licensed commercial television stations to be 1,373. Of this total, 1,269 stations (or about 92.4%) had revenues of $41.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA), and therefore these stations qualify as small entities under the SBA definition.

190. In addition, the Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 385. These stations are non-profit, and therefore considered to be small entities.

191. OEA and MB note, however, that the SBA size standard data does not enable them to make a meaningful estimate of the number of small entities that may participate in Auction 112.

192. In assessing whether a business entity qualifies as small under the SBA definition, business control affiliations must be included. The estimate therefore likely overstates the number of small entities that might be affected by this auction because the revenue figures on which this estimate is based does not include or aggregate revenues from affiliated companies. Moreover, the definition of small business also requires that an entity not be dominant in its field of operation and that the entity be independently owned and operated. The estimate of small businesses to which Auction 112 competitive bidding rules may apply does not exclude any television station from the definition of a small business on these bases and is therefore over-inclusive to that extent. Furthermore, OEA and MB are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation.

193. OEA and MB also note that they are unable to accurately develop an estimate of how many of the potential Auction 112 applicants might prove to

be small businesses based on the number of small entities that applied to participate in prior broadcast auctions because that information is not collected from applicants for broadcast auctions in which bidding credits are not based on an applicant's size (as is the case in certain auctions of licenses for wireless services). OEA and MB conclude, however, that the majority of Auction 112 eligible bidders will likely meet the SBA's definition of a small business concern.

194. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities.* For Auction 112, no new reporting, recordkeeping, or other compliance requirements for small entities or other auction applicants were proposed. The Commission designed the auction application process itself to minimize reporting and compliance requirements for applicants, including small business applicants. For all spectrum auctions, in the first part of the Commission's two-phased auction application process, parties desiring to participate in an auction file streamlined, short-form applications in which they certify under penalty of perjury as to their qualifications. Eligibility to participate in bidding is based on an applicant's short-form application and certifications, as well as its upfront payment. In the second phase of the auction application process, there are additional compliance requirements for winning bidders. Thus, a small business that fails to become a winning bidder does not need to provide the additional showings and more detailed demonstrations required of a winning bidder.

195. Auction 112 applicants, including small entities, will become qualified to bid in Auction 112 only if they comply with the following: (1) Submission of a short-form application that is timely and is found to be substantially complete, and (2) timely submission of a sufficient upfront payment for at least one of the construction permits that the applicant selected on its FCC Form 175. In accordance with the terms of 47 CFR 1.2105(b)(2), an applicant whose application is found to contain deficiencies will have a limited opportunity to bring its application into compliance with the Commission's competitive bidding rules during a resubmission window. In addition, each Auction 112 applicant must maintain the accuracy of its previously filed short-form application electronically using the FCC Auction Application System.

196. In the second phase of the process, there are additional compliance requirements only applicable to winning bidders. As with other winning bidders, any small entity that is a winning bidder will be required to comply with the terms of the following rules, among others: (1) 47 CFR 1.2107(b), by submitting as a down payment within 10 business days after release of the auction closing public notice sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction 112 to 20% of the amount of its winning bid or bids; (2) 47 CFR 1.2109(a), by submitting within 10 business days after the down payment deadline the balance of the amount for each of its winning bids; and (3) 47 CFR 73.5005(a), by electronically filing a long-form application and required exhibits for each construction permit won through Auction 112.

197. Further, as required by 47 CFR 1.2105(c), reports concerning prohibited communications must be filed with the Chief of the Auctions Division, as detailed in the *Auction 112 Procedures Public Notice.*

198. *Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.

199. OEA and MB intend that the procedures adopted in the *Auction 112 Procedures Public Notice* to facilitate participation in Auction 112 will result in both operational and administrative cost savings for small entities and other auction participants. In light of the numerous resources that will be available from the Commission to small entities and other auction participants at no cost, the processes and procedures announced in the *Auction 112 Procedures Public Notice* should minimize any economic impact of the auction processes and procedures on small entities and should result in both operational and administrative cost savings for small entities and other auction participants. For example, prior to the beginning of bidding in this auction, the Commission will hold a mock auction to allow qualified bidders the opportunity to familiarize themselves with both the processes and systems that will be used in Auction 112. During the auction, participants will be able to access and participate in bidding via the internet using a web-based system, or telephonically, providing two cost-effective methods of participation and avoiding the cost of travel for in-person participation. Further, small entities as well as other auction participants will be able to avail themselves of a telephone hotline for assistance with auction processes and procedures as well as a technical support telephone hotline to assist with issues such as access to or navigation within the electronic FCC Form 175 and use of the FCC's auction bidding system. In addition, all auction participants, including small business entities, will have access to various other sources of information and databases through the Commission that will aid in both their understanding and participation in the process. These mechanisms are made available to facilitate participation by all qualified bidders and may result in significant cost savings for small business entities that utilize these mechanisms. These resources, coupled with the description and communication of the bidding procedures before bidding begins in Auction 112, should ensure that the auction will be administered predictably, efficiently and fairly, thus providing certainty for small entities as well as other auction participants. In addition, in consideration of comments submitted in this proceeding, the minimum opening bid amounts were reduced to amounts 25% lower than those that had been proposed in the *Auction 112 Comment Public Notice*; this change is intended to encourage participation in Auction 112 by a greater number of interested parties, which may include some small entities.

200. *Notice to SBA.* The Commission will send a copy of the *Auction 112 Procedures Public Notice,* including this Supplemental FRFA, to the Chief Counsel for Advocacy of the SBA.

Federal Communications Commission.

William Huber,

Associate Chief, Auctions Division, Office of Economics and Analytics.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 220214–0047]

RIN 0648–BK66

Pacific Island Fisheries; Rebuilding Plan for Guam Bottomfish

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

ACTION: Final rule.

SUMMARY: This final rule implements a rebuilding plan that includes annual catch limits (ACL) and accountability measures (AM) for the overfished bottomfish stock complex in Guam. This action is necessary to rebuild the overfished stock consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

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

ADDRESSES: Copies of Amendment 6, including an Environmental Assessment and Regulatory Impact Review, and other supporting documents for this action are available at *https://www.regulations.gov/document/NOAA-NMFS-2021-0104.*

FOR FURTHER INFORMATION CONTACT: Keith Kamikawa, NMFS Pacific Islands Regional Office, Sustainable Fisheries, 808–725–5177.

SUPPLEMENTARY INFORMATION: NMFS and the Western Pacific Fishery Management Council (Council) manage the Guam bottomfish fishery under the Fishery Ecosystem Plan for the Mariana Archipelago (FEP) and implementing regulations. The Guam fishery harvests 13 species of emperors, snappers, groupers, and jacks. There are more than 300 participants in the fishery. Most (73.6 percent) of the bottomfish habitat is in territorial waters (generally from the shoreline to 3 nautical miles (5.6 km) offshore), with the rest in Federal waters (*i.e.,* the U.S. Exclusive Economic Zone) around offshore banks to the northeast and southwest of Guam.

On February 10, 2020, NMFS notified the Council that the Guam bottomfish stock complex was overfished, but not subject to overfishing (85 FR 26940, May 6, 2020). Consistent with section 304(e) of the Magnuson-Stevens Act and implementing regulations at 50 CFR 600.310(j), the Council must prepare, and NMFS must implement, a rebuilding plan within two years of the notification.

Amendment 6 implements a rebuilding plan for the Guam bottomfish stock complex that consists of an ACL and two AMs. We will set the ACL at 31,000 lb (14,061 kg) starting in 2022. Because the complex exists in both territorial and Federal waters around Guam, we are obligated to manage the stock throughout its range and will count harvests from territorial and Federal waters toward the ACL. However, existing data collection programs do not differentiate catch from territorial versus Federal waters.

As an in-season AM, if NMFS projects that the fishery will reach the ACL in any year, then we would close the fishery in Federal waters for the remainder of that year. Because Guam does not currently have regulations in place to implement a complementary ACL and in-season AM in territorial waters, as an additional AM, if subsequent analyses indicate that the fishery exceeded the ACL during a year, we would close the fishery in Federal waters until NMFS and the Territory of Guam implement a coordinated management approach and implement regulations to ensure that the catch in both Federal and territorial waters is maintained at levels that allow the stock to rebuild. The rebuilding plan would remain in place until NMFS determines that the stock complex is rebuilt, which is expected to take nine years. This rebuilding plan was selected because it allows for the least disruption to the fishing community and minimizes negative socio-economic impacts while still rebuilding the stock complex within the 10-year period required by the Magnuson-Stevens Act. NMFS and the Council would review the rebuilding plan routinely every two years and modify it, as necessary, per section 304(e)(7) of the Magnuson-Stevens Act.

You may find additional background information on this action in the preamble to the proposed rule (86 FR 67426, November 26, 2021).

Comments and Responses

On November 15, 2021, NMFS published a notice of availability (NOA) for Amendment 6 and requested public comments (86 FR 62982). The comment period ended January 14, 2022, and no comments were received.

On November 26, 2021, NMFS published the proposed rule and again requested public comments (86 FR 67426). That comment period ended January 10, 2022. NMFS received comments from five individuals and responds below.

Comment 1: The plan promotes rebuilding of the Guam bottomfish stock complex, which also benefits the communities that rely on this fishery. The plan acknowledges the dietary and cultural importance of the stock while also considering the cultural importance of the fishery and the financial impact of the proposed action.

Response: We agree.

Comment 2: If individual fishermen begin to experience significant adverse economic effects, would NMFS lower the standards or provide relief to these fishermen?

Response: The Council and NMFS selected this rebuilding plan because it rebuilds the stock complex while minimizing negative socio-economic impacts to the fishing community. In the past 10 years, catch has only exceeded the proposed ACL twice. Limiting total bottomfish catches annually as proposed is expected to increase stock biomass, providing long-term benefits to fishery participants. NMFS will evaluate the progress of the rebuilding plan, including all environmental and socioeconomic effects, at least every two years, as required by the Magnuson-Stevens Act, and work with the Council to revise the rebuilding plan if necessary.

Comment 3: The proposed rebuilding plan does not impose too large of an impact on the people of Guam, it restores the bottomfish stock, and is scientifically supported. There should be mandatory reporting of catch to help enforce against overfishing.

Response: We require large vessels (>50 ft, >15.2 m) that fish in Federal waters to hold a Federal permit and report their catch (50 CFR 665.404(a)); however, there are no current Federal permit holders. Small vessels (<50 ft, <15.2 m) are predominantly fishing in territorial waters and do not require a Federal permit to fish in Federal waters and are not required to report their catch to NMFS. The Guam Division of Aquatic and Wildlife Resources (DAWR) collects and provides NMFS with fishery catch information through voluntary fishermen surveys, and voluntary commercial sales data from its commercial receipt book program. The Council and NMFS continue to monitor catches through these systems to track catch toward the ACL and implement AMs if necessary. The Council considered requiring mandatory reporting alongside bag limits in Federal waters as an element of this rebuilding plan, but decided not to pursue this option because it would require substantial administrative resources and effort from NMFS to develop a reporting system, additional resources and effort

from the NOAA Office of Law Enforcement and the U.S. Coast Guard to enforce these requirements, and could result in additional costs to fishermen in terms of increased time dedicated to accurately report catch (see Environmental Assessment Section 2.8.3). The implementation of a permitting program or additional monitoring measures for territorial waters is at the discretion of DAWR. See also response to Comment 1.

Comment 4: Support the proposed rebuilding plan. Regulators should work closely with Guam fishing communities, improve data collection to distinguish catch from territorial versus Federal waters, and coordinate territorial and Federal management.

Response: We agree and value community input. The community participates in decision-making processes through Council advisory panels, its Council representatives, public input during Council deliberations, and through public comment periods during NMFS rulemaking processes. NMFS and the Council work closely with the Guam Government through its Council members and its representatives on the Council Scientific and Statistical Committee and other Council advisory bodies.

Comment 5: By implementing annual catch limits and accountability measures, this rebuilding plan secures environmental and economic security for all of its stakeholders and will result in continued and sustained prosperity of fishers. NMFS should incentivize community participation in the decision making process.

Response: We agree, value community input, and will continue to encourage community participation in the several ways noted above.

Changes From the Proposed Rule

This final rule does not make any substantive changes from the proposed rule.

Classification

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. NMFS did not receive any comments regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

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

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

List of Subjects in 50 CFR Part 665

Accountability measures, Annual catch limits, Bottomfishing, Fisheries, Fishing, Guam, Pacific Islands, Rebuilding.

Dated: February 14, 2022.

Samuel D. Rauch, III,

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

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

PART 665—FISHERIES IN THE WESTERN PACIFIC

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

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

■ 2. In § 665.405, add paragraphs (g) and (h) to read as follows:

§ 665.405 Prohibitions.

* * * * *

(g) Fish for or possess any Mariana Bottomfish MUS as defined in § 665.401 in the Guam Management Subarea after a closure of the fishery in violation of § 665.409(d).

(h) Sell or offer for sale any Mariana Bottomfish MUS as defined in § 665.401 in the Guam Management Subarea after a closure of the fishery in violation of § 665.409(e).

■ 3. Revise § 665.408 to read as follows:

§ 665.408 CNMI Annual Catch Limits (ACL) and Annual Catch Targets (ACT).

(a) In accordance with § 665.4, the ACL and ACT for Mariana bottomfish MUS in the CNMI Management Subarea for each fishing year is as follows:

TABLE 1 TO PARAGRAPH (a)

	2021	2022	2023
ACL (lb)	84,000	84,000	84,000
ACT (lb)	78,000	78,000	78,000

(b) If the average catch of the three most recent years exceeds the specified ACL in a fishing year, the Regional Administrator will reduce the ACL and the ACT for the subsequent year by the amount of the overage in a separate rulemaking.

■ 4. Add § 665.409 to read as follows:

§ 665.409 Guam Annual Catch Limits (ACL).

(a) In accordance with § 665.4, the ACL for Mariana bottomfish MUS in the Guam Management Subarea is 31,000 lb.

(b) When NMFS projects the ACL will be reached, the Regional Administrator shall publish a document to that effect in the **Federal Register** and shall use other means to notify permit holders. The document will include an advisement that the fishery will be closed, beginning at a specified date that is not earlier than seven days after the date of filing the closure notice for public inspection at the Office of the Federal Register, through the end of the fishing year in which the catch limit is reached.

(c) If the ACL is exceeded in any fishing year, the Regional Administrator shall publish a document to that effect in the **Federal Register** and shall use other means to notify permit holders. The document will include an advisement that the fishery will be closed, beginning at a specified date that is not earlier than seven days after the date of filing the closure notice for public inspection at the Office of the Federal Register. The fishery will remain closed until such time that a coordinated approach to management is developed and regulations are implemented that ensures catch in both Federal and territorial waters can be maintained at levels that allow the stock to rebuild or the rebuilding plan is modified based on the best scientific information available.

(d) On and after the date the fishery is closed as specified in paragraphs (b)

or (c) of this section, fishing for and possession of Mariana bottomfish MUS is prohibited in the Guam Management Subarea, except as otherwise authorized by law.

(e) On and after the date the fishery is closed as specified in paragraphs (b) or (c) of this section, sale, offering for sale, and purchase of any Mariana bottomfish MUS caught in the Guam Management Subarea is prohibited.

[FR Doc. 2022–03517 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 210210–0018]

RTID 0648–XB754

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2022 total allowable catch (TAC) of Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 16, 2022, through 1200 hours, A.l.t., June 10, 2022.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

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

The A season allowance of the 2022 Pacific cod TAC apportioned to vessels using pot gear in the Central Regulatory Area of the GOA is 2,615 metric tons (mt) as established by the final 2021 and 2022 harvest specifications for groundfish in the GOA (86 FR 10184, February 19, 2021) and inseason adjustment (86 FR 74384, December 30, 2021).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2022 Pacific cod TAC apportioned to vessels using pot gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,605 mt and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA.

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

Classification

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

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 14, 2022.

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

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

Dated: February 15, 2022.

Ngagne Jafnar Gueye,

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

[FR Doc. 2022–03637 Filed 2–16–22; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 87, No. 34
Friday, February 18, 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 39

[Docket No. FAA–2022–0190; Project Identifier 2019–CE–048–AD]

RIN 2120–AA64

Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier Inc. and de Havilland, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; correction.

SUMMARY: The FAA is correcting a notice of proposed rulemaking (NPRM) that published in the **Federal Register**. The NPRM proposed to issue an airworthiness directive (AD) that would apply to all Viking Air Limited Model DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes. As published, the docket number referenced throughout is incorrect. This document corrects that error. In all other respects, the original document remains the same; however, for clarity, the FAA is publishing the entire proposed rule in the **Federal Register**.

DATES: The last date for submitting comments on the NPRM (87 FR 7065, February 8, 2022) remains March 25, 2022.

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

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

For service information identified in this NPRM, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; phone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com;* website: *https://www.vikingair.com/support/service-bulletins.* You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Examining the AD Docket

You may examine the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0190; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the MCAI, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aviation Safety Engineer, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; phone: (516) 287–7329; email: *aziz.ahmed@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2022–0190; Project Identifier 2019–CE–048–AD'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Aziz Ahmed, Aerospace Engineer, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued an NPRM (87 FR 7065, February 8, 2022) that would apply to all Viking Air Limited (Viking) Model DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes. The NPRM proposed to supersede Airworthiness Directive (AD) 64–09–03, Amendment 718 (29 FR 5390; April 22, 1964) (AD 64–09–03), which applies to all de Havilland (type certificate now held by Viking) Model DHC–2 ''Beaver'' airplanes. AD 64–09–03 requires inspecting the aileron mass balance weight arms for cracks and corrosion and replacing any damaged part.

The NPRM proposed to require establishing a corrosion prevention and control program to identify and correct corrosion. In the NPRM, the FAA also proposed to require completing all of the initial tasks identified in the program and reporting corrosion findings to Viking. The NPRM was prompted by mandatory continued airworthiness information (MCAI) issued by Transport Canada, which is the airworthiness authority for Canada. Corrosion-related degradation, if not addressed, could lead to structural

failure with consequent loss of control of the airplane.

Need for the Correction

As published, the docket number referenced throughout the NPRM is incorrect. The NPRM incorrectly references ''Docket No. FAA–2020–7071'' instead of ''Docket No. FAA–2022–0190.''

Although no other part of the preamble or regulatory information has been corrected, for clarity, the FAA is publishing the entire proposed rule in the **Federal Register**.

The comment due date of the NPRM remains March 25, 2022.

Related Service Information

The FAA reviewed Viking DHC–2 Beaver Service Bulletin V2/0011, Revision NC, dated November 28, 2019. This service information provides a list of new inspection tasks that have been added to the DHC–2 supplementary inspection and corrosion control program, Viking Product Support Manual (PSM) 1–2–5 DHC–2 Beaver Supplemental Inspection and Corrosion Control Manual, Revision 1, dated January 10, 2019 (Viking PSM–1–2–5, Revision 1).

The FAA also reviewed Viking PSM–1–2–5, Revision 1, which specifies procedures for inspecting areas of the airplane that are particularly susceptible to corrosion-related degradation. Viking PSM 1–2–5, Revision 1 also specifies repetitive inspection intervals, defines the different levels of corrosion, and provides corrective action if corrosion is found.

FAA's Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI and service information referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements

This proposed AD would retain none of the requirements of AD 64–09–03. This proposed AD would require establishing a corrosion prevention and control program approved by the FAA, including initial inspection tasks to identify corrosion and cracking, repetitive inspection intervals, and corrective actions (such as repairs and application of corrosion inhibitors) if corrosion or cracking is found. This proposed AD would also require, before further flight after establishing the program, completing all of the initial tasks identified in the program. Lastly, this proposed AD would require reporting corrosion findings to Viking. Because the program would include the inspection of the aileron balance weight arms required by AD 64–09–03, this proposed AD would supersede AD 64–09–03.

ADs Mandating Airworthiness Limitations

The FAA has previously mandated airworthiness limitations by issuing ADs that require revising the airworthiness limitation section (ALS) of the existing maintenance manual or instructions for continued airworthiness to incorporate new or revised inspections. This proposed AD, however, would require establishing and incorporating new inspections into the maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2) for your airplane. The FAA does not intend this as a substantive change. Requiring incorporation of the new ALS requirements into the maintenance records, rather than requiring individual repetitive inspections and replacements, allows operators to record AD compliance once after updating the maintenance records, rather than recording compliance after every inspection and part replacement.

Differences Between This Proposed AD and the MCAI

The MCAI requires completing the actions as specified in Viking PSM–1–2–5. Revision 1. This proposed AD would not require Viking PSM–1–2–5, Revision 1, but would require establishing a corrosion prevention and control program using an FAA-approved method. However, the FAA considers Viking PSM 1–2–5, Revision 1 an approved method.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 135 airplanes of U.S. registry. The FAA also estimates that it would take about 342 work-hours per airplane to establish a corrosion prevention and control program and comply with the initial inspection tasks of the program.

Based on these figures, the FAA estimates the cost of this proposed AD on U.S. operators to be $3,924,450 or $29,070 per airplane.

The FAA estimates it would take about 1-work hour to report any corrosion found during the proposed initial inspections, for an estimated cost of $85 per airplane.

The extent of damage found during the proposed initial inspections may vary significantly from airplane to airplane. The FAA has no way to determine the estimated cost of repair or replacement of damaged parts for each airplane or how many airplanes may need these repairs or replacements.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Correction

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Corrected]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive 64–09–03, Amendment 718 (29 FR 5390; April 22, 1964); and

■ b. Adding the following new airworthiness directive:

Viking Air Limited (Type Certificate Previously Held by Bombardier Inc. and de Havilland, Inc.): Docket No. FAA–2022–0190; Project Identifier 2019–CE–048–AD.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by March 25, 2022.

(b) Affected ADs

This AD replaces AD 64–09–03, Amendment 718 (29 FR 5390; April 22, 1964).

(c) Applicability

This AD applies to Viking Air Limited (type certificate previously held by Bombardier Inc. and de Havilland, Inc.) Model DHC–2 Mk. I, DHC–2 Mk. II, and DHC–2 Mk. III airplanes, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2000, Airframe.

(e) Unsafe Condition

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion-related degradation in aging aircraft. The FAA is issuing this AD to detect and address corrosion, which could lead to structural failure with consequent loss of control of the airplane.

(f) Compliance

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

(g) Inspection Tasks

Within 8 months after the effective date of this AD, establish in the maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2), as applicable for your aircraft, a corrosion prevention and control program approved by the FAA that includes initial inspections to identify corrosion and cracking, repetitive inspection intervals, and corrective actions (repairs and application of corrosion inhibitors) if corrosion or cracking is found. Before further flight after establishing the corrosion prevention and control program, complete all of the initial tasks identified in the program. To obtain FAA approval, you must contact the New York ACO Branch using the contact information found in paragraph (j)(3) of this AD.

Note 1 to paragraph (g): Viking Product Support Manual PSM 1–2–5 DHC–2 Beaver Supplemental Inspection and Corrosion Control Manual, Revision 1, dated January 10, 2019 (Viking PSM 1–2–5, Revision 1), contains additional information related to this AD and is an FAA-approved method for establishing a corrosion prevention and control program.

Note 2 to paragraph (g): Viking DHC–2 Beaver Service Bulletin V2/0011, Revision NC, dated November 28, 2019 (Viking SB V2/0011, Revision NC), also contains additional information related to this AD.

(h) Reporting

If, during any task required by paragraph (g) of this AD, any corrosion is found: within 30 days after completing the task or within 30 days after the effective date of this AD, whichever occurs later, report the corrosion to Viking at *technical.support@vikingair.com* or at the address listed in paragraph (j)(4) of this AD. The report must include the following:

(1) Operator;

(2) Airplane serial number;

(3) Airplane hours time-in-service at time of inspection;

(4) Inspection task number and date of inspection;

(5) Airplane operating environment; and

(6) Type, level or extent, location, and cause (if known) of damage.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(3) of this AD.

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved specifically for this AD by the Manager, New York ACO Branch, FAA.

(j) Related Information

(1) Refer to the MCAI from Transport Canada, AD CF–2019–25, dated July 5, 2019, for related information. You may examine the MCAI at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0190.

(2) Viking SB V2/0011, Revision NC and Viking PSM 1–2–5, Revision 1 contain additional information related to this AD.

(3) For information about this AD, contact Aziz Ahmed, Aerospace Engineer, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; phone: (516) 287–7329; email: *aziz.ahmed@faa.gov.*

(4) For service information identified in this AD, contact Viking Air Limited Technical Support, 1959 De Havilland Way, Sidney, British Columbia, Canada, V8L 5V5; phone: (North America) (800) 663–8444; fax: (250) 656–0673; email: *technical.support@vikingair.com;* website: *https://www.vikingair.com/support/service-bulletins.* You may review this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

Issued on February 11, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03459 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2022–0102; Project Identifier MCAI–2021–00841–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede airworthiness directive (AD) 2021–05–05, which applies to all Airbus Helicopters Model SA–365N1, AS–365N2, AS 365 N3, SA–366G1, EC 155B, and EC155B1 helicopters. AD 2021–05–05 requires modifying the helicopter by replacing the tail rotor gearbox (TGB) control shaft guide bushes; repetitive inspections (checks) of the oil level of the TGB and, if necessary, filling the oil to the maximum level; repetitive inspections of the TGB magnetic plug and corrective actions if necessary; repetitive replacements of a certain control rod double bearing (bearing); and modifying the helicopter by replacing the TGB. Since the FAA issued AD 2021–05–05, the FAA determined that the magnetic plug inspection interval must be reduced and the compliance time for replacement of the affected part must be reduced. This proposed AD would continue to require certain actions in AD 2021–05–05; and would also reduce the intervals of the magnetic plug inspection, revise the corrective actions if particles are detected, and revise the compliance time for replacement of the affected part, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by April 4, 2022.

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

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

For material that is proposed for IBR in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find this IBR material on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available in the AD docket on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0102.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0102; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; telephone (202) 267–9167; email *hal.jensen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2022–0102; Project Identifier MCAI–2021–00841–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; telephone (202) 267–9167; email *hal.jensen@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2021–05–05, Amendment 39–21448 (86 FR 13972, March 12, 2021) (AD 2021–05–05), for all Airbus Helicopters Model SA–365N1, AS–365N2, AS 365 N3, SA–366G1, EC 155B, and EC155B1 helicopters. AD 2021–05–05 requires repetitive checks of the oil level of the TGB and if necessary, filling the oil to the maximum level. AD 2021–05–05 also requires modifying the helicopter by replacing the TGB control shaft guide bushes; repetitive inspections of the TGB magnetic plug and corrective actions if necessary; repetitive replacements of the bearing; and modifying the helicopter by replacing the TGB. AD 2021–05–05 was prompted by EASA AD 2017–0125, dated July 21, 2017 (EASA AD 2017–0125), issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for all Airbus Helicopters Model SA 365 N1, AS 365 N2, AS 365 N3, SA 366 G1, EC 155 B, and EC 155 B1 helicopters. EASA AD 2017–0125 superseded EASA AD 2017–0007, dated January 13, 2017,

which superseded EASA AD 2016–0097R1, dated May 25, 2016.

EASA AD 2017–0125 added helicopters to the applicability, added repetitive inspections of the magnetic plug after bearing replacement, required the use of the revised service information instructions, and required replacement of the TGB with a modified unit, which terminated the repetitive inspections.

Actions Since AD 2021–05–05 Was Issued

Since the FAA issued AD 2021–05–05, EASA issued EASA AD 2021–0171, dated July 19, 2021 (EASA AD 2021–0171), which supersedes EASA AD 2017–0125. EASA advises that additional testing of the affected TGB determined that the magnetic plug inspection interval must be reduced to allow timely detection of an impending TGB bearing failure. EASA further advises Airbus Helicopters published updated service information, which includes the new inspection interval, and amends the criteria for corrective action following particle detection.

Accordingly, EASA AD 2021–0171 retains the requirements of EASA 2017–0125 and requires inspection of the TGB magnetic plug at reduced intervals, and depending on the inspection results, accomplishing the corrective actions using the updated service information. EASA AD 2021–0171 also revises the calendar compliance time for replacement of affected parts, and revises the applicability by removing the reference to Model SA 366 G1 helicopters, for which the EASA type certificate has been surrendered.

This proposed AD was prompted by a report where during a landing phase, a helicopter lost tail rotor pitch control, which caused significant damage to the TGB bearing. This AD was also prompted by the determination that reduced inspection intervals, updated corrective actions, and a revised compliance time for replacement of affected parts are necessary to address the unsafe condition. Furthermore, the FAA determined that the magnetic plug inspection interval must be reduced based on additional testing of the affected part by the manufacturer, and the compliance time for replacement of the affected part must be reduced.

Accordingly, the FAA is proposing this AD to prevent damage to the bearing, which could result in loss of yaw control of the helicopter. See EASA AD 2021–0171 for additional background information.

Related Service Information Under 1 CFR Part 51

EASA AD 2021–0171 specifies procedures for modifying the helicopter by replacing TGB control shaft guide bushes, and specifies procedures for repetitive inspections of the oil level of the TGB, and if necessary, filling the oil to the maximum level. EASA AD 2021–0171 also describes procedures for repetitive inspections of the TGB magnetic plug for the presence of particles and updated corrective actions if necessary (corrective actions include removing the TGB; complying with certain work cards to address any particles found, and other conditions such as abrasions, scales, flakes, and splinters; placing the helicopter under close monitoring; and if required replacing any affected bearing); initial and repetitive replacements of the bearing with an improved part; and modifying the helicopter by replacing the TGB bearing or replacing the TGB. EASA AD 2021–0171 specifies replacing the TGB bearing is a terminating action for the repetitive inspections of the magnetic plug; and replacing the TGB is a terminating action for the repetitive inspections of the magnetic plug, and the repetitive replacements of the bearing. EASA AD 2021–0171 also prohibits installing a certain bearing or a certain TGB on any helicopter.

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

Other Related Service Information

The FAA reviewed Airbus Helicopters Alert Service Bulletin No. AS365–01.00.67 (ASB AS365–01.00.67 Rev 6) and Airbus Helicopters Alert Service Bulletin No. EC155–04A014 (ASB EC155–04A014 Rev 6), both Revision 6, and both dated June 14, 2021. ASB AS365–01.00.67 Rev 6 and ASB EC155–04A014 Rev 6 both specify procedures for replacement of the TGB bearing before mod 07 65B63 installation, inspection of the TGB magnetic plug, removing the control shaft/rod assembly to inspect the bearing, and maintaining the TGB operating oil at the maximum level, and specify the monitoring criteria of the bearing.

The FAA also reviewed Eurocopter Service Bulletin AS365 No. 65.00.17, and Eurocopter Service Bulletin EC155 No. 65–006, both Revision 1 and both dated February 23, 2011. Both service bulletins specify instructions for introducing Eurocopter (EC) mod 07 65B58.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain certain actions required by AD 2021–05–05 and would require accomplishing the actions specified in EASA AD 2021–0171 described previously, as incorporated by reference, except for any differences as discussed under ''Differences Between this Proposed AD and EASA AD 2021–0171.

This proposed AD would also allow the oil level inspections (checks) to be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this proposed AD in accordance with 14 CFR 43.9 (a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417 or 135.439.

Differences Between This Proposed AD and EASA AD 2021–0171

EASA AD 2021–0171 revises the applicability by removing the reference to Model SA 366 G1 helicopters because the EASA type certificate has been surrendered. However, Model SA–366G1 helicopters are still on the U.S. type certificate data sheet, even though there are no current U.S. operators. Therefore, this proposed AD includes Model SA–366G1 helicopters.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA initially worked with Airbus and EASA to develop a process to use certain EASA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and civil aviation authorities to use this process. As a result, EASA AD 2021–0171 will be incorporated by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2021–0171 in its entirety, through that incorporation, except for any differences identified as

exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in the EASA AD does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in the EASA AD. Service information specified in EASA AD 2021–0171 that is required for compliance with EASA AD 2021–0171 will be available on the internet at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0102 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 50 helicopters of U.S. Registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR RETAINED REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. fleet
Replace guide bushes.	4.00 work-hours × $85 per hour = $340 ...	$1,586	$1,926 per replacement	$96,300
Daily oil level inspection.	1.00 work-hour × $85 per hour = $85	0	$85 per inspection cycle	4,250
Recurring plug inspection.	1.00 work-hour × $85 per hour = $85	0	$85 per inspection cycle	4,250
Inspect bearing	8.00 work-hours × $85 per hour = $680 ...	0	$680 per inspection	34,000
Replace bearing	48.00 work-hours × $85 per hour = $4,080.	377	$4,457 per replacement	222,850
Replace TGB	8.00 work-hours × $85 per hour = $680 ...	155,302	$155,982 per replacement	7,799,100

This proposed AD does not add new required actions; however, the compliance times for certain actions have been reduced and a certain on-condition action has been revised.

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 4 work-hours $85 per hour = $340	Up to $1,395	Up to $1,735.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all costs in the cost estimate.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA has determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–05–05, Amendment 39–21448 (86 FR 13972, March 12, 2021); and

■ b. Adding the following new AD:

Airbus Helicopters: Docket No. FAA–2022–0102; Project Identifier MCAI–2021–00841–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by April 4, 2022.

(b) Affected ADs

This AD replaces AD 2021–05–05, Amendment 39–21448 (86 FR 13972, March 12, 2021) (AD 2021–05–05).

(c) Applicability

This AD applies to Airbus Helicopters Model SA–365N1, AS–365N2, AS 365 N3, SA–366G1, EC 155B, and EC155B1 helicopters, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 6500, Tail Rotor Drive System.

(e) Unsafe Condition

This AD was prompted by a report where during a landing phase, a helicopter lost tail rotor pitch control, which was caused by significant damage to the tail rotor gearbox (TGB) control rod double bearing (bearing). This AD was also prompted by the determination that reduced inspection intervals, updated corrective actions, and increased compliance time for replacement of affected parts are necessary to address the unsafe condition. The FAA is issuing this AD to prevent damage to the bearing, which if not addressed, could result in loss of yaw control of the helicopter.

(f) Compliance

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

(g) Required Actions

(1) For Model SA–365N1, AS–365N2, AS 365 N3, EC 155B, and EC155B1 helicopters: Except as specified in paragraph (h) of this AD, comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021–0171, dated July 19, 2021 (EASA AD 2021–0171).

(2) For Model SA–366G1 helicopters: Before further flight after the effective date of this AD, accomplish the actions (*e.g.,* modify the helicopter by replacing the TGB control shaft guide bushes, do repetitive inspections of the TGB magnetic plug and applicable corrective actions; do repetitive replacements of a certain bearing; and modify the helicopter by replacing the TGB) specified in paragraph (g)(l) of this AD using a method approved by the FAA.

(h) Exceptions to EASA AD 2021–0171

(1) Where EASA AD 2021–0171 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2021–0171 refers to flight hours (FH), this AD requires using hours time-in-service.

(3) Where EASA AD 2021–0171 requires action after the last flight of the day or ''ALF,'' this AD requires those actions before the first flight of the day.

(4) This AD does not mandate compliance with the ''Remarks'' section of EASA AD 2021–0171.

(5) Where paragraph (2) of EASA AD 2021–0171 requires inspections (checks) to be done ''in accordance with the instructions of Paragraph 3.B.1 of the applicable inspection ASB,'' for this AD, those instructions are for reference only and are not required for the actions in paragraph (2) of EASA AD 2021–0171. The inspections (checks) required by paragraph (2) of EASA AD 2021–0171 may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR 43.9 (a)(1) through (4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417 or 135.439.

(6) Where paragraph (5) of EASA AD 2021–0171 specifies ''if any discrepancy is detected, as defined in the applicable inspection ASB, before next flight, accomplish the applicable corrective action(s) in accordance with the instructions of Paragraph 3.B.1 of the applicable inspection ASB,'' for this AD, a qualified mechanic must add oil to the TGB to the ''max'' level if the oil level is not at maximum. The instructions are for reference only and are not required for the actions in paragraph (5) of EASA AD 2021–0171.

(7) Where paragraph (6) of EASA AD 2021–0171 refers to ''any discrepancy,'' for this AD, discrepancies include the presence of particles and other conditions such as abrasions, scales, flakes, and splinters.

(8) Where the service information referred to in EASA AD 2021–0171 specifies to perform a metallurgical analysis and contact the manufacturer if collected particles are not clearly characterized, this AD does not require contacting the manufacturer to determine the characterization of the particles collected.

(9) Although service information referenced in EASA AD 2021–0171 specifies to scrap parts, this AD does not include that requirement.

(10) Although service information referenced in EASA AD 2021–0171 specifies reporting information to Airbus Helicopters, filling in a ''particle detection'' follow-up sheet, and returning a ''bearing monitoring sheet'' to Airbus Helicopters, this AD does not include those requirements.

(11) Although service information referenced in EASA AD 2021–0171 specifies returning certain parts to an approved workshop and returning certain parts to Airbus Helicopters, this AD does not include those requirements.

(i) No Reporting Requirement

Although the service information referenced in EASA AD 2021–0171 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

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

(k) Alternative Methods of Compliance (AMOCs)

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

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

(l) Related Information

(1) For EASA AD 2021–0171, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* internet: *www.easa.europa.eu.* You may find EASA AD 2021–0171 on the EASA website at *https://ad.easa.europa.eu.* You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. This material may be found in the AD docket at *https://www.regulations.gov* by searching for and locating Docket No. FAA–2022–0102.

(2) For more information about this AD, contact Hal Jensen, Aerospace Engineer, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 950 L'Enfant Plaza N SW, Washington, DC 20024; telephone (202) 267–9167; email *hal.jensen@faa.gov.*

Issued on February 11, 2022.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2022–03515 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–94212; File No. S7–07–22]

RIN 3235–AN03

The Commission's Whistleblower Program Rules

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission (''Commission'' or ''SEC'') is proposing for public comment amendments to the Commission's rules implementing its whistleblower program. The Securities Exchange Act

of 1934 (''Exchange Act'') provides for, among other things, the issuance of monetary awards to any eligible whistleblower who voluntarily provides the SEC with original information about a securities law violation that leads to the SEC's success in obtaining a monetary order of more than a million dollars in a covered judicial or administrative action brought by the SEC (''covered action''). If an eligible whistleblower qualifies for an award, Section 21F requires an award that is at least 10 percent, but no more than 30 percent, of the amount of the monetary sanctions collected in the covered action. The receipt of an award in a covered action also enables a whistleblower to qualify for an award in connection with judicial or administrative actions based on the whistleblower's same original information and brought by the U.S. Department of Justice (''DOJ'') and certain other statutorily identified agencies or entities (''related actions''). The proposed rules would make two substantive changes to the Commission's whistleblower rules that implement the whistleblower program, as well as several conforming amendments and technical corrections.

DATES: Comments should be received on or before April 11, 2022.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/submitcomments.htm*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–07–22 on the subject line; or

Paper Comments

- Send paper comments to, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–07–22. 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 of submission. The Commission will post all comments on the Commission's website (*http://www.sec/gov/rules/proposed.shtml*). Typically, comments are also 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.

FOR FURTHER INFORMATION CONTACT: Emily Pasquinelli, Office of the Whistleblower, Division of Enforcement, at (202) 551–5973; Hannah W. Riedel, Office of the General Counsel, at (202) 551–7918, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing to amend the rules set forth in the table below.

AMENDMENTS

Commission reference	CFR citation (17 CFR)
Rule 21F–3	§ 240.21F–3.
Rule 21F–4	§ 240.21F–4.
Rule 21F–6	§ 240.21F–6.
Rule 21F–8	§ 240.21F–8.
Rule 21F–10	§ 240.21F–10.
Rule 21F–11	§ 240.21F–11.

Table of Contents

I. Introduction
A. The Whistleblower Award Program
B. Overview of the Proposed Rules
II. Discussion of Proposed Rules
A. Proposed Amendment to Exchange Act Rule 21F–3(b) Defining a ''Comparable'' Whistleblower Award Program for Related Actions
1. The Comparability Approach
2. Whistleblower's Choice Option
3. Other Alternatives
B. Proposed Amendment to Exchange Act Rule 21F–6 Regarding Size of Award
C. Proposed Technical Amendments to Rule 21F–4(c) and Rule 21F–8(e)
III. General Request for Public Comment
IV. Economic Analysis
A. Economic Baseline
B. Proposed Rules
1. Proposed Rule 21F–3(b)(3)
2. Proposed Rule 21F–6
C. Additional Alternatives
D. Effects of the Proposed Rules on Efficiency, Competition, and Capital Formation
V. Small Business Regulatory Enforcement Fairness Act
VI. Regulatory Flexibility Act Certification
VII. Statutory Basis

I. Introduction

A. The Whistleblower Award Program

Section 21F of the Exchange Act, among other things, directs that the Commission pay awards, subject to certain limitations and conditions, to whistleblowers who voluntarily provide the Commission with original information about a violation of the Federal securities laws and regulations that leads to the successful enforcement of a covered action and certain related actions brought by other statutorily identified authorities.[1] Section 21F provides that an award must be at least 10 percent, but no more than 30 percent, of the amount of the monetary sanctions collected in the action for which the award is granted.[2] Whistleblower awards are paid from a dedicated Investor Protection Fund (''IPF'') created by Congress.[3]

In May 2011, the Commission adopted a comprehensive set of rules to implement the whistleblower program.[4] Those rules, which were codified at 17 CFR 240.21F–1 through 240.21F–17, provide the operative definitions, requirements, and processes related to the whistleblower program. In June 2018, the Commission proposed amendments to the rules (''Proposing Release'' or ''2018 Proposal'').[5] After reviewing the numerous public comments that were received in response to the 2018 Proposal, the Commission adopted various amendments to the whistleblower program rules (referred to interchangeably as ''Adopting Release,'' ''Final Rule,'' and ''2020 Amendments'')[6] in September 2020.[7]

Two of the rules amended in September 2020 are the subject of this proposing release. The first is 17 CFR 240.21F–3(b)(3) (Rule 21F–3(b)(3)), which addresses situations in which the SEC's whistleblower program and at least one other whistleblower program

[1] 15 U.S.C. 78u–6(a)(5) (''The term 'related action', when used with respect to any judicial or administrative action brought by the Commission under the securities laws, means any judicial or administrative action brought by an entity described in subclauses (I) through (IV) of subsection (h)(2)(D)(i) [of the Exchange Act] that is based upon the original information provided by a whistleblower . . . that led to the successful enforcement of the Commission action.'').

[2] *See* 15 U.S.C. 78u–6(b).

[3] The IPF, which was established as part of the whistleblower program, is a statutorily established fund within the U.S. Department of the Treasury from which Commission whistleblower awards are paid. *See* Exchange Act Section 21F(g)(3), 15 U.S.C. 78u–6. The IPF operates under a continuing appropriation and has a statutorily created self-replenishing process. *Id.*

[4] Securities Whistleblower Incentives and Protections, Release No. 34–64545, 76 FR 34300 (June 13, 2011). *See also* Proposed Rules for Implementing the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934, 75 FR 70502 (Nov. 17, 2010).

[5] Whistleblower Program Rules, Release No. 34–83557, 83 FR 34702 (proposed June 28, 2018) (17 CFR 240.21F–1 through 240.21F–18).

[6] Whistleblower Program Rules, Release No. 34–89963, 85 FR 70898 (Sept. 23, 2020) (17 CFR 240.21F–1 through 17 CFR 240.21F–18).

[7] These amendments included a new rule 17 CFR 240.21F–18.

may apply to the same related action. The 2020 Amendments authorized the Commission to determine, based on the facts and circumstances of the claims and misconduct at issue in the potential related action (among other factors), whether the Commission's whistleblower program or the alternative whistleblower program has the more ''direct or relevant connection to the [non-Commission] action.'' [8] If the Commission determines that the other program has the more direct or relevant connection, the Commission will not deem the action a related action. Any award to be made on the action must come from the other whistleblower program.

The second rule that is the subject of this proposing release is Rule 21F–6, which concerns the Commission's discretion to apply award factors and set award amounts. Before the 2020 Amendments, the rule text (with the exception of Rule 21F–6(a)(3)) did not explicitly address whether the Commission could consider the potential dollar amount of an award when setting awards; rather, the rule text generally referred to setting awards as a percentage of the monetary sanctions recovered.[9] The 2020 Amendments added language to Rule 21F–6 stating that the Commission has discretion to consider the dollar amount of a potential award when making an award determination.[10]

B. Overview of the Proposed Rules

The Commission is considering further revising Rule 21F–3(b)(3) and Rule 21F–6, as well as making some related conforming modifications to Rules 21F–10 and 21F–11 and technical amendments to Rule 21F–4(c) and Rule 21F–8(e). These proposed rule changes are being offered for public comment to help ensure that eligible, meritorious whistleblowers are appropriately rewarded for their efforts and that our rules do not inadvertently create disincentives to reporting potential securities-law violations to the Commission.[11] The Commission anticipates that all of the proposed rule changes, if adopted, would apply to all new whistleblower award applications filed after the effective date of the amended final rules, as well as all whistleblower award applications that are pending and have not been the subject of a final order of the Commission by the effective date.

1. Allowing awards for related actions where an alternative award program could yield an award that is meaningfully lower than the Commission's whistleblower program would allow. The Commission is proposing to amend Rule 21F–3(b)(3) to revise the scope of potential related actions (*i.e.,* the non-Commission actions) that could be covered by the SEC's whistleblower program in situations where another award program might also apply to that same action. Currently, Rule 21F–3(b)(3) provides that if another award program might apply to an action, then the Commission will deem the action a potential related action (and process the application further to determine if an award is appropriate) only if the SEC's whistleblower program has the ''more direct or relevant connection'' to the action (relative to the other program's connection to the action).[12] Under the proposed amendments to Rule 21F–3(b)(3) (*see* Part II(A)(1) below), if a claimant files a related-action award application, and the alternative award program is not comparable, either because the statutory award range is more limited, or because awards are subject to an award cap (and the non-Commission action otherwise satisfies the criteria in Rule 21F–3(b)(1)), the Commission would treat the non-Commission action as a related action covered by the SEC's program (assuming the other criteria of Rule 21F–3(b) are met) regardless of whether the alternative award program has a more direct or relevant connection to the action.[13] The Comparability Approach would also provide, however, that the Commission would deem a matter eligible for related-action status without regard to which program has the more direct and relevant connection to the action, if the maximum award in the related action would not exceed $5 million. (As discussed in Part II(A)(1)–(2), the Commission is also requesting public comment on several other alternative approaches, including an option that would allow a meritorious whistleblower to decide whether to receive a related-action award from the Commission or the authority administering the other award program; the whistleblower would not be required to select which program to receive the award from until both programs had determined the award amount they would pay.)

2. Clarifying the Commission's use of discretion to consider dollar amounts when determining awards. The Commission is also proposing for public comment a new paragraph (d) to Rule 21F–6, which would affirm the Commission's statutory authority to consider the dollar amount of a potential award when determining the award amount, but clarifies that the Commission may exercise its discretion to use that authority for the limited purpose of increasing the award amount and may not use it for the purpose of decreasing an award (either when applying the award factors under Rule 21F–6(b) or otherwise).

3. Conforming and technical amendments. In addition to the above substantive amendments, the Commission is proposing minor modifications to Exchange Act Rules 21F–10 and 21F–11 so that those rules conform to the proposed changes discussed above.[14] Further, the Commission is proposing technical revisions to Rule 21F–4(c) and to Rule 21F–8 to correct errors in the rule text.

II. Discussion of Proposed Amendments

A. Proposed Amendment to Exchange Act Rule 21F–3(b) Defining a ''Comparable'' Whistleblower Award Program for Related Actions

Under Exchange Act Section 21F(b), a whistleblower who obtains an award based on a Commission covered action also may be eligible for an award based on monetary sanctions that are collected in a related action. Exchange Act Section 21F(a)(5) and Exchange Act Rule 21F–3(b)(1) provide that a related action is a judicial or administrative action that is:

[8] *See* Rule 21F–3(b)(3)(i) through (ii).

[9] *See* Proposing Release, 83 FR 34704.

[10] *See* Adopting Release, 85 FR 70910 (''To clarify the Commission's discretionary authority, we are modifying Rule 21F–6 to state that the Commission may consider the factors, and only the factors set forth in in Rule 21F–6, in relation to the facts and circumstances of each case in setting the dollar or percentage amount of the award. This new language, by expressly referring to setting the dollar or percentage amount of the award, makes clear that the Commission and the Claims Review Staff (CRS) may, in applying the Award Factors specified in Rule 21F–6(a) and (b) and setting the Award Amount, consider the potential dollar amount that corresponds to the application of any of the factors.'') (internal footnotes omitted).

[11] In anticipation of the current proposal, the Commission released a statement on August 5, 2021, that identifies procedures that are available to whistleblowers with claims pending while the current rulemaking is ongoing. Release No. 34–81207 (Aug. 5, 2021), *available at https://www.sec.gov/rules/policy/2021/34-92565.pdf.*

[12] Under Rule 21F–3(b)(3) as currently drafted, if the Commission fails to find that its program has the more direct or relevant connection to the action, then the Commission will deny the related-action award claim. The claimant is then left to pursue any claim for a whistleblower award with the other award program.

[13] *See, e.g.,* 12 U.S.C. 4205(d)(1) (establishing a whistleblower award program in connection with the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, but capping awards at $1.6 million).

[14] *See infra* notes 24 and 57.

(i) Brought by DOJ, an appropriate regulatory authority (as defined in Exchange Act Rule 21F–4(g)), a self-regulatory organization (as defined in Exchange Act Rule 21F–4(h)), or a state attorney general in a criminal case;

(ii) Based on the same original information that the whistleblower voluntarily provided both to the Commission and to the authority or entity that brought the related action; [15] and

(iii) Resolved in favor of the authority or entity that brought the action, and the whistleblower's information led to the successful resolution.[16]

In September 2020, the Commission adopted a new Exchange Act Rule 21F–3(b)(3) to address situations where both the Commission's whistleblower program and at least one other, separate whistleblower award program might apply (hereinafter ''the Multiple-Recovery Rule'').[17] As the Commission explained, the potential for another whistleblower award program to apply to a potential related action—and the accompanying risk of multiple recoveries—had become increasingly apparent over the course of the Commission's decade of experience implementing and administering the award program.[18]

The Multiple-Recovery Rule authorizes the Commission to pay an award on an action potentially covered by a second award program only if the Commission determines that the SEC's whistleblower program has a more direct or relevant connection to the action than the other award program. To assess whether a potential related action has a more ''direct or relevant'' connection to the SEC's program or the other potentially applicable program, the Multiple-Recovery Rule provides that the Commission will consider: (i) The relative extent to which the misconduct charged in the potential related action implicates the public policy interests underlying the Federal securities laws (such as investor protection) rather than other law-enforcement or regulatory interests; (ii) the degree to which the monetary sanctions imposed in the potential related action are attributable to conduct that also underlies the Federal securities law violations that were the subject of the Commission's covered action; and (iii) whether the potential related action involves state-law claims, as well as the extent to which the state may have a whistleblower award program that potentially applies to that type of law-enforcement action.

Another provision of the Multiple-Recovery Rule directs that if a related-action claimant has already received an award from another program, that claimant will not receive an award from the Commission. Relatedly, the Multiple-Recovery Rule provides that if a related-action claimant was denied an award from the other program, the claimant will not be able to re-adjudicate any fact decided against him or her by the other program. And if the Commission decides that the SEC's whistleblower program has the more direct or relevant connection to the potential related action, the Multiple-Recovery Rule provides that no payment will be made on the award unless the claimant promptly and irrevocably waives any claim to an award from the other program.

In adding the Multiple-Recovery Rule to Exchange Act Rule 21F–3(b), the Commission explained that it was ''codif[ying] the approach the Commission has previously taken where another award program is available in connection with an action for which a related-action award is sought.'' [19] Further, the Commission explained that permitting multiple recoveries on the same related action could be viewed as inconsistent with congressional intent in two respects. *First,* it could result in a whistleblower recovering in excess of the 30 percent ceiling that Congress has established for Federal whistleblower award programs in the modern era.[20] *Second,* the related-action component of the SEC's Whistleblower Program is structured under Section 21F of the Exchange Act as a supplemental component of the program. If the Commission is able to bring a successful covered action based on the whistleblower's original information, then the whistleblower is given an opportunity to obtain additional financial rewards for the ancillary recoveries that may be collected in a related action based on that same original information. But the Commission explained that neither the text nor the legislative history of Section 21F indicated that Congress intended this ancillary component of the SEC's whistleblower program to displace or otherwise operate as an alternative to a more directly relevant award program that may be specifically tailored to apply to a specific type or class of actions. The Commission also observed that in situations where another program would apply, the other award program should provide a sufficient financial incentive to encourage individuals to report misconduct without the need for any additional incentive from the related-action component of the Commission's whistleblower program.[21]

Since the Multiple-Recovery Rule was adopted, the Commission has received (or otherwise learned of the potential for) a number of whistleblower award applications involving potential related actions that implicate (or may implicate) at least one other award program. Of particular significance, some of these recent matters concern the whistleblower award program that is administered in connection with the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (''FIRREA''), which has a statutory cap of only $1.6 million (''FIRREA awards program'').[22] As suggested above, an important consideration underlying the adoption of the Multiple-Recovery Rule was that—even with the Commission's determination not to pay on potential related actions that have a more direct or relevant connection to an alternative award program—the adoption of the Multiple-Recovery rule would not appreciably impact a potential whistleblower's financial incentive to come forward. As the Commission explained, this is because potential ''whistleblowers would still stand to receive an award'' from the Commission on the covered action and from the other program on the potential related

[15] A matter will qualify as a related action even if the whistleblower did not provide the original information to the other authority or entity if the Commission itself provided the whistleblower's original information to the authority or entity. *Cf.* 17 CFR 240.21F–7(a)(2) (Rule 21F–7(a)(2)).

[16] Exchange Act Rule 21F–3(b)(2) provides that essentially the same criteria that are used to assess whether a whistleblower should receive an award in connection with a Commission covered action will be applied to determine whether the whistleblower should also receive an award in connection with the potential related action.

[17] The Commission stated that the purpose of Rule 21F–3(b)(3) was to prevent multiple recoveries, *see* Adopting Release, 85 FR 70908, and cited as the basis for adopting such rules the provision in Exchange Act Section 21F(b)(1) that states awards are to be made based on ''regulations prescribed by the Commission,'' the specific rulemaking authority of Exchange Act Section 21F(j) to issue rules governing the whistleblower program, and the Commission's general rulemaking authority in Exchange Act Section 23(a), *see id.* at 70902 & n.20.

[18] *See id.* at 70908.

[19] *Id.*

[20] The Commission further explained that it was unaware of any time in the modern era in which legislation had authorized the Federal Government to share with a whistleblower more than 30 percent of its monetary recovery from a successful action.

[21] *See* 85 FR 70909.

[22] *See* Attorney General Holder's Remarks on Financial Fraud Prosecutions at NYU School of Law (Sept. 17, 2014) (referring to this $1.6 million cap as a ''paltry sum'' that ''is unlikely to induce an employee to risk his or her lucrative career in the financial sector'' by reporting financial crimes).

action.[23] This assumption may not be justified, however, under limited circumstances in which an alternate whistleblower program provides significantly fewer financial incentives than the Commission's program. This seems most likely where the other award program has either a much lower award range than the Commission's program or has an absolute dollar ceiling for all awards.

Relatedly, we are concerned that the Multiple-Recovery Rule as currently structured creates a risk that two otherwise similarly situated meritorious whistleblowers whose tips led to comparably successful Commission and related actions would receive meaningfully different awards based solely on the award program to which the actions in question were more directly related or relevant. This potential for disparate treatment seems needlessly unfair given that the potential disparate results are not compelled by the statute, would not be connected to any relevant differences in either the claimants' own efforts or the facts of the underlying related actions (such as the amounts collected, which are relevant to calculating the money paid to whistleblowers under Section 21F(b) of the Exchange Act), and would not be grounded in any obvious SEC policy goals or programmatic considerations.

Based on the foregoing concerns, the Commission is offering for public comment several proposals to change Rule 21F–3(b)(3). The principal proposal being offered is the ''Comparability Approach'' (*see* Part II(A)(1) below). The Comparability Approach would retain the current rule but would make certain narrowly tailored amendments to address the fairness concerns identified above. The Comparability Approach would also allow the Commission to deem a matter eligible for related-action status in any case in which the maximum award that the Commission could pay on that action would not exceed $5 million, without assessing which of the two comparable whistleblower programs had the more direct and relevant connection to the action.

Another alternative being offered for public comment is the ''Whistleblower's Choice Option'' (*see* Part II(A)(2) below). It would involve a repeal of current Rule 21F–3(b)(3) in favor of an approach that would no longer permit the Commission the exclusive authority to forgo processing an otherwise meritorious award claim simply because another award program may have a more direct or relevant connection to the underlying action.[24]

Finally, the Commission is offering for public comment the ''Offset Approach'' and the ''Topping Off Approach'' (*see* Part II(A)(3) below). Under the Offset Approach, Rule 21F–3(b)(3) would be repealed in its entirety in favor of a rule that would allow the Commission to make an award irrespective of the potential that another award program might apply, but to prevent a double recovery the Commission would offset from the Commission's award any amount that other program paid on the action. Under the Topping-Off Approach, the current Rule 21F–3(b)(3) framework would be retained but the Commission would be granted the discretion to ''top off'' a covered-action award—that is, increase the award amount on the Commission's own covered action (up to a total award of 30 percent)—if the Commission, in its discretion, concludes that the other whistleblower program's award for the non-SEC action was inadequate.

1. The Comparability Approach

The Comparability Approach primarily focuses on situations where the maximum potential award that the alternative award program could authorize for an action would be an amount meaningfully lower than the maximum related-action award the Commission could grant (*i.e.,* 30 percent ''in total, of what has been collected of the monetary sanctions imposed'') either because the program involves a different award range or because it imposes a statutory award cap.[25] An example of an award program that lacks a range comparable to the Commission's program is the Indiana securities-law whistleblower award program; under the Indiana program, whistleblower awards may not exceed 10 percent of the money collected in a state securities-law enforcement action.[26] Examples of award programs that have low statutory caps are the FIRREA award program,[27] which has a $1.6 million cap,[28] and the program administered in connection with the Major Frauds Act, which has a cap of $250,000.[29]

The Comparability Approach would address situations involving similar low award caps by generally excluding them

[23] *See* 85 FR 70908.

[24] The Commission intends to make a clarifying amendment to Exchange Act Rule 21F–11(c) so that it states that the Office of the Whistleblower is authorized to contact the agency or entity administering an alternative award program to ensure that the related-action award claimant has fully complied with the terms of Exchange Act Rule 21F–3(b)(3) when a second, alternative award program is implicated by an underlying action. If the Commission is ultimately unable to receive the information that it needs to ensure to its satisfaction that the claimant has fully complied with Rule 21F–3(b)(3), this can be a basis for denying the award claim. The authorization that would be expressly added to Rule 21F–11(c) by the proposed amendment follows presently from the operation of existing Rule 21F–3(b)(3) and the proposed amendment would merely confirm that authority.

[25] The proposed rule would also provide that a program would not be deemed comparable if awards under that program are entirely discretionary. Our own experience with a discretionary award program prior to the enactment of Exchange Act Section 21F's mandatory award program leads us to have significant concerns that discretionary programs may not have the same programmatic importance to agencies, and may not be administered with the same rigor, as mandatory award programs. *See* Office of the Inspector General, Assessment of the SEC's Bounty Program, Report No. 474 (March 29, 2009), at 4–5, *available* at *www.sec.gov/about/offices/oig/reports/audits/2010/474.pdf* (stating that the Commission made five awards totaling less than $160,000 over the 20-year period from 1989 until 2009 under its former insider-trading ''bounty program'' for which ''bounty determinations, including whether, to whom, or in what amount to make payments, [were] within the sole discretion of the SEC''). That prior experience also suggests to us that discretionary programs may garner lower levels of interest from the public because of the additional uncertainty of receiving an award. *See id.* (explaining that the ''Commission ha[d] not received a large number of applications from individuals seeking a bounty'' and that the program was ''not widely recognized inside or outside the Commission''). Together these factors may substantially reduce the willingness of whistleblowers to blow the whistle. *See* Letter from Kohn, Kohn & Colapinto, LLP, Comment offered in connection with Proposing Release No. 34–83557 regarding Related Actions and Proposed Rule 21F–3(b)(4) (Sept. 10, 2020), *available at https://www.sec.gov/comments/s7-16-18/s71618-7797952-223596.pdf* (stating that discretionary award programs do ''not meet the same standards'' that Exchange Act Section 21F establishes). To forestall this risk, we think it appropriate to deem discretionary programs presumptively lacking sufficient comparability to our own program for purposes of Proposed Rule 21F–3(b)(3).

[26] *See* Indiana Code 23–19–7–1 *et seq.*

[27] FIRREA authorizes DOJ to sue for civil penalties when a person engages in certain criminal conduct, including mail, wire, and bank fraud. A court may impose penalties up to $1 million per violation or $5 million for a continuing violation. 12 U.S.C. 1833a(b)(1) and (2). Further, a court may award greater penalties depending on the amount of the violator's gain or victims' losses that are connected to the FIRREA violations. *Id.* at 1833a(b)(3) (providing that a court may impose higher pecuniary penalties if either the amount of the wrongdoer's pecuniary gain from the FIRREA violation or the amount of the pecuniary loss to a victim exceeds the penalty amounts specified in the statute, although any penalty may not exceed the total amount of the wrongdoer's gains or the victims' losses).

[28] Under the FIRREA award program a whistleblower is entitled to between 20 percent and 30 percent of the first $1 million recovered pursuant to the execution of a judgment, order, or settlement, between 10 percent and 20 percent of the next $4 million recovered, and between 5 percent and 10 percent of the next $5 million recovered. *Id.* at 4205(d)(1)(A)(i). Thus, awards under this program are effectively capped at $1.6 million (*i.e.,* 30 percent of $1 million [$300,000] plus 20 percent of the next $4 million [$800,000], plus 10 percent of the next $5 million [$500,000] but nothing beyond that). *Id.* at 4205(d)(2).

[29] 18 U.S.C. 1031(g).

from the Multiple-Recovery Rule.[30] Specifically, under the Comparability Approach, the Multiple-Recovery Rule would not apply if the maximum potential award that the other program could grant in connection with a related action would be meaningfully lower than the maximum amount the Commission could award to that whistleblower on that same action.[31] To implement this modification, the opening sentence of Rule 21F–3(b)(3) would be amended to provide that the rule does not apply unless the other whistleblower program is a ''comparable whistleblower program.'' [32] ''Comparable whistleblower program'' would be defined in a new paragraph (b)(3)(iv)(A) of Rule 21F–3 to mean an award program that does not have an award range or award cap that would restrict the total maximum potential award from that program to an amount that is meaningfully lower than the maximum potential award to all eligible claimants (in dollar terms) that the Commission could make on the particular action.[33] Taken together, these proposed amendments if adopted would mean that when the Commission determines that another award program fails to qualify as a ''comparable award program,'' Rule 21F–3(b)(3) would not apply and could not be used as a basis for denying an award on the potential related action.[34]

In addition, the Comparability Approach would provide that, after determining that the two programs are comparable, the Commission would deem a matter eligible for related-action status without regard to which program has the more direct and relevant connection to the action if the maximum award the Commission could have to pay in the related action would not exceed $5 million.[35] This condition would be satisfied in any case where 30 percent of the monetary sanctions ordered to be collected by the other agency is $5 million or less; if so, then the action would be eligible to qualify as a related action under the Commission's program. Similar to what the Commission explained when in 2020 it adopted the $5 million award presumption in Rule 21F–6(c), we believe that permitting an action to automatically qualify as a related action under these circumstances would help save whistleblowers time and effort, as well as Commission staff. Whistleblowers who must file an award application with another wholly unrelated program are likely to incur additional burdens in doing so, including familiarizing themselves with any potentially applicable rules. When the maximum award amount based on the monetary sanctions paid out in the action would not exceed $5 million, we think it is reasonable to allow the whistleblower to pursue any related-action claim with the Commission (via a process with which the whistleblower will be familiar given the whistleblower's previous filing of a covered-action award). Additionally, because the Comparability Approach would require Commission resources to assess award comparability in each related-action claim that potentially implicates an alternative award program, the $5 million threshold would help promote the timely administration and efficiency of the award process.

We do not think this $5 million threshold would impose an undue strain on the staff to process a related-action award to a final order, nor do we think it will pose risks to the solvency of the IPF. In order for a whistleblower to obtain the benefit of this new $5 million threshold provision, however, the whistleblower will need to make an irrevocable waiver of any claim to an award from the other program and otherwise comply with the other procedural obligations that would be imposed by amended Rule 21F–3(b)(3).

Below is a decision tree that outlines how the Commission would apply the Comparability Approach described above:

Step 1. Determine whether another whistleblower program that might apply to a potential related (non-SEC) action for which a claimant is seeking an award.

- If yes, continue to step 2.
- If no, the matter would be treated as a potential related action and the Commission would process the claimant's award application against the general award criteria and eligibility requirements of the whistleblower rules.

Step 2. If there is another program that applies to the potential related action, determine whether it is a ''comparable award program.'' [36]

- If the other award program is comparable, proceed to step 3.
- If the other program is not comparable, the matter would be treated as a potential related action and the Commission would process the

[30] The FIRREA award program and the Major Fraud Act award program are discretionary, and thus would be excluded under the Comparability Approach for this additional reason, *see supra* note 25. As a result, the low-award caps that those programs establish are referenced here purely for illustrative purposes.

[31] In assessing comparability, the Commission intends to compare the total amount that the other award program could award to all eligible whistleblowers for the potential related action to the total amount that the Commission's award program could make to those individuals based on that same potential related action.

[32] The words ''another whistleblower program'' in the opening sentence of Rule 21F–3(b)(3) would be replaced with ''comparable whistleblower program.''

[33] As discussed *supra* in note 25, an award program would not be comparable if it were discretionary instead of mandatory. To effectuate this, new paragraph (b)(3)(iv)(A) would also provide that an award program is not comparable if the authority or entity administering the other program possesses sole discretion to deny an award notwithstanding the fact that a whistleblower otherwise satisfies the established eligibility requirements and award criteria.

[34] The Commission has not proposed to include eligibility criteria or award conditions in the assessment of an award program's comparability to the Commission's. This is because other authorities that are administering whistleblower programs may shape those programs through eligibility criteria and award conditions that reflect each agency's own policy choices (or in some instances Congress's policy choices), just as many of the Commission's own eligibility criteria and award conditions reflect important policy considerations. But the Commission also recognizes that there could be some instances where the lack of comparability between the eligibility criteria and award conditions of the Commission's whistleblower program and those of another agency's whistleblower program could create an undue burden or significant hardship to the claimant. When these instances arise, the Commission could employ its discretionary waiver authority under Section 36(a) of the Exchange Act to include the related action within the scope of the Commission's award program if the particular facts and circumstances warrant doing so. The flexibility that Section 36(a) provides seems particularly well suited in these instances given the myriad and varied competing interests that may be implicated.

[35] The Commission has chosen to base the $5 million threshold on the maximum potential award that the Commission could be required to pay, rather than rely on the monetary sanctions that have been collected and are likely to be collected in the future. Our experience demonstrates that we often do not have the same visibility into the likelihood of collecting an award in another agency's action that we do in the context of our own SEC actions, particularly given that a determination would potentially be required prior to the exhaustion of the other agency's collection efforts. Therefore, for purposes of administrative efficiency, we believe it is appropriate to use an objective reference point which will be available at the time the Commission is determining whether to grant a related-action award.

[36] As proposed, a ''comparable award program'' would be a whistleblower award program administered by an authority or entity other than the SEC: (i) That ''does not have an award range that could operate in a particular action to yield an award for a claimant that is meaningfully lower (when assessed against the maximum and minimum potential awards that program would allow) than the award range that the Commission's program could yield (*i.e.,* 10 to 30 percent of collected monetary sanctions)''; (ii) that ''does not have a cap that could operate in a particular action to yield an award for a claimant that is meaningfully lower than the maximum award the Commission could grant for the action (*i.e.,* 30 percent of collected monetary sanctions in the related action)''; and (iii) in which the authority or entity administering the program does not have discretion to ''deny an award notwithstanding the fact that a whistleblower otherwise satisfies the established eligibility requirements and award criteria.''

claimant's award application against the general award criteria and eligibility requirements of the whistleblower rules.

Step 3. If the program is comparable, then determine whether either: (1) The absolute maximum payout the Commission could make on the potential related action is $5 million or less (*i.e.,* 30 percent of the monetary sanctions ordered is $5 million or less); or (2) the SEC's award program has the more direct or relevant connection to the action (relative to the other program) based on the facts and circumstances of the action.

- If the answer to *both* (1) *and* (2) in step 3 is ''no,'' then the matter is not a related action.
- If the answer to (1) *and/or* (2) in step 3 is ''yes,'' the matter would be treated as a potential related action and the Commission would process the claimant's award application against the general award criteria and eligibility requirements of the whistleblower rules.

Beyond the proposed changes discussed above, Rule 21F–3 would be revised to include a new paragraph (b)(3)(iv)(B) providing that the Commission will make a determination about comparability on a case-by-case basis. Further, a new paragraph (b)(3)(iv)(C) would be added to Rule 21F–3 to state that if the Commission grants an award on a related-action application that involves an alternative program that is not comparable, the claimant must, within 60 calendar days of receiving notice of the award, make an irrevocable waiver of any claim to an award from the other program.

Relatedly, a new paragraph (b)(3)(iv)(D) would be added to Rule 21F–3 to afford the Commission robust authority to ensure that an irrevocable waiver has been made. New paragraph (3)(b)(iv)(D) would make clear that a claimant whose related-action award application is subject to the provisions of Rule 21F–3 has the affirmative obligation to demonstrate to the satisfaction of the Commission that the claimant has complied with the terms and conditions of the proposed rule regarding an irrevocable waiver. Proposed paragraph (b)(3)(iv)(D) would also amend Rule 21F–3 to provide that a claimant must take all steps necessary to authorize the administrators of the other award program to confirm to staff in the Office of the Whistleblower (or in writing to the claimant or the Commission) that an irrevocable waiver has been made.

Further, a new paragraph (b)(3)(v) would be added to Rule 21F–3 to require a claimant to promptly notify the Office of the Whistleblower that they are seeking or have sought an award for a potential related action from another award program.[37] And a paragraph (b)(3)(vi) would be added to advise claimants that the failure to comply with any of the conditions or requirements of an amended Rule 21F–3(b)(3) ''may'' result in the Commission deeming the claimant ineligible for the related action at issue.

Finally, the Commission contemplates that the Comparability Approach would apply as follows in situations where two or more whistleblowers who were not acting jointly contributed to the success of a related action.[38] If the Commission determined that the other agency's award program was not comparable or that the maximum award payable would not exceed $5 million, each whistleblower would be able to determine separately whether to proceed under the Commission's program or the other award program. Further, as is the case with all related-action claims involving multiple, independent whistleblowers, each claimant's application would be assessed separately to determine whether the applicant qualifies for an award. And in determining the appropriate award amount for any meritorious whistleblower who has elected to proceed under our program, the award guidelines and considerations specified in 17 CFR 240.21F–5 (Rule 21F–5) and Rule 21F–6 would be used. In making its award assessment for any whistleblower proceeding under the SEC's program, the Commission may consider the relative contributions of any whistleblower who opted to proceed under the alternative whistleblower program rather than the Commission's program. That said, in no event would the total award paid out on a related action to all the meritorious whistleblowers who proceed under the Commission's program be less than 10 percent or greater than 30 percent of the total monetary sanctions collected in the related action.[39]

2. Whistleblower's Choice Option

As an alternative to either maintaining Rule 21F–3(b)(3) in its current form or modifying it as described above (Comparability Approach), the Commission is requesting public comment on a third approach, the Whistleblower's Choice Option. Under this option, the Commission would process an application for a related-action award without regard to whether a separate award program might also apply to that action and irrespective of the whistleblower's decision to apply for an award from the other award program. Under the Whistleblower's Choice Option, the Commission would process the related-action award application just as it does for related-action applications that do not implicate separate award programs. And if both the Commission and the other program grant an award, the Whistleblower's Choice Option would allow the whistleblower to determine which award to accept. For example, if a whistleblower received separate award offers from the Commission and the Internal Revenue Service of the United States (''IRS'') on the same underlying action, the whistleblower would be able to consider both programs' award offers and select the higher offer.

A revised rule embodying the Whistleblower's Choice Option would not permit the claimant to receive payment on both awards; the meritorious whistleblower would need to make a choice between the two awards. To ensure that the claimant would not receive payment on the same action from both programs, this proposed alternative would require that a claimant identify any award program other than the SEC's to which the claimant had applied. Before receiving any payment from the Commission on a related-action award, the claimant

[37] In addition to the changes discussed above, Rule 21F–3(b)(3)(iii) would be amended so that the existing reference to a ''prompt, irrevocable waiver'' specifies that the waiver must be made within 60 calendar days of the claimant receiving notice of the Commission's award determination. This change would ensure that the timing for an irrevocable waiver is consistent throughout Rule 21F–3(b)(3). Further, certain stylistic and clarifying modifications would be made to the existing three sentences of Rule 21F–3(b)(3)(iii), and each of these revised sentences would be broken out into new paragraphs (b)(3)(iii)(A) through (C). Finally, the Commission is proposing to revise the first sentence of Rule 21F–3(b)(3)(iii). In its current form, that sentence provides that the Commission will not issue an award determination for a potential related action if another program has already issued an *award determination* to the claimant based on that action. The Commission is proposing to replace that sentence with a new paragraph (b)(3)(iii)(A) that would provide that the Commission's ability to discontinue processing a claimant's related-action award application is triggered only by the claimant's receipt of *any payment* from the other program. This modification would strike a better balance in terms of fairness to claimants because the receipt of a payment from the other program is an action that a claimant has control over, but a claimant often will have little control over the processing time for award applications.

[38] *See generally* Section 21F(a)(6) of the Exchange Act (referring to ''2 or more individuals acting jointly'' to provide information to the Commission).

[39] Individuals who work jointly to provide the Commission with information are treated as a single unit for assessing eligibility requirements, applying the award criteria, and determining a specific award amount. Consistent with this approach, such individuals would have to determine jointly whether to proceed under the Commission's program or the other program.

would be required to irrevocably waive any award (or claim to an award) from the other program.

The critical feature of the Whistleblower's Choice Option is that—unlike Rule 21F–3(b)(3) in its current form or as modified to incorporate the Comparability Approach discussed above—the claimant, not the Commission, would decide which program should pay any award for a potential related action. The Commission would not account for the existence of another potentially applicable award program in its assessment of the claimant's award eligibility or award offer. Rather, the Commission would consider the existence of the alternative award program only at the payment stage, when it would be required to determine that the whistleblower had irrevocably waived any and all rights to an award from the other program before making the related-action award payment.

A potential benefit of the Whistleblower's Choice Option is that the Commission and the staff would no longer be required to determine which award program has a more ''direct or relevant'' connection to the related action. Such determination can entail difficult assessments, the resolution of which can increase overall award processing time.

There are countervailing considerations that—at least preliminarily—may militate in favor of the Comparability Approach. *First,* under the Whistleblower's Choice Option, whistleblowers who apply to both programs would get two separate opportunities to demonstrate that they should receive an award.[40] This could produce a situation in which the Commission and another agency made conflicting factual determinations after reviewing the same related action. Separately, irrespective of whether another whistleblower award program has a more direct or relevant connection to a matter upon which a whistleblower is seeking a related-action award, a whistleblower could attempt to use the Commission's Whistleblower Program to overcome or avoid the failure to satisfy a significant eligibility requirement imposed by the other program.

Second, the Whistleblower's Choice Option could slow the overall processing of award claims given the limited staff resources and the likelihood that this approach would increase the staff's administrative workload.[41] Unlike either existing Rule 21F–3(b)(3) or the approach contemplated by the Comparability Approach, the Whistleblower's Choice Option could require the Commission to fully process *every* application for a related-action award that also implicates a second award program. Under Rule 21F–3(b)(3)'s existing framework, by contrast, the staff is not required to work with officials at the authority or entity that handled the underlying action to develop an administrative record regarding the claimant's contributions to the other action. Rather, under the existing framework, the Commission first analyzes the relative relationship of each award program to the underlying action and, if it determines that the Commission's award program lacks the more direct or relevant connection to the action, it issues a final order on this ground. This approach avoids the more time consuming and challenging work often involved with understanding the whistleblower's contribution to the potential related action and assessing whether the various conditions for an award have been satisfied. But if the Whistleblower's Choice Option were adopted to replace the current framework, it would displace the threshold ''direct or relevant'' inquiry and the staff would generally process each related-action application on the merits of the whistleblower's claim to an award.

To implement the Whistleblower's Choice Option, the current version of Rule 21F–3(b)(3) would be repealed in its entirety and replaced by a new Rule 21F–3(b)(3) that would specify the ''terms and conditions'' that would apply whenever at least one other award program potentially applied to an action. Paragraph (b)(3)(i) of the revised rule would provide that if the Commission determines that a claimant qualifies for an award for the related action, any payment of that award by the Commission would be conditioned on that claimant making an irrevocable waiver of any award or potential award from the other program. Paragraph (b)(3)(i) would also prohibit the Commission from considering the existence of the alternative program or the amount of that program's award (if one has already been issued) in its own consideration of the claimant's right to a related-action award or its determination about the proper amount of any award. Paragraph (b)(3)(ii) would provide that the Commission will not make an award on a related action (or pay on an award if one has already been issued), if the claimant receives any payment from the other award program. Paragraph (b)(3)(iii) would require that the claimant make an irrevocable waiver of any award from the other program within 60 calendar days of the later of either a claimant learning of the Commission's award amount or a claimant learning of the other program's award offer. Further, new paragraph (b)(3)(iv) of Proposed Rule 21F–3(b)(3) would provide that a claimant must comply with the irrevocable-waiver requirement of paragraph (b)(3)(i) of the proposed revised rule.[42] A proposed paragraph (b)(3)(v) of a revised Rule 21F–3(b)(3) would impose an affirmative obligation on a claimant seeking a related-action award to promptly notify the Office of the Whistleblower if that claimant was seeking an award on that same action from another agency. A proposed paragraph (b)(3)(vi) would be added to advise claimants that the failure to comply with any of the conditions or requirements of an amended Rule 21F–3(b)(3) may result in the Commission deeming the claimant ineligible for the related-action at issue.

Finally, the Commission contemplates that the Whistleblower's Choice Approach would apply as follows in situations where two or more whistleblowers who were not acting jointly contributed to the success of a related action and subsequently filed award applications with the Commission.[43] As is the case with all related-action claims involving multiple, independent whistleblowers, each claimant's application will be assessed independently of any other's to determine whether the claimant

[40] The Commission has previously articulated a view that a whistleblower should not have multiple bites at the adjudicatory apple. *See, e.g.,* 83 FR 34711; 76 FR 34305.

[41] Processing claims for related-action awards generally takes longer than the processing of award claims for SEC covered actions. This is because Commission staff must often communicate with, and obtain information from, staff from the other agency to determine whether the claimant voluntarily provided new information that led to the other agency's enforcement action in order to determine if the claimant is eligible for a related-action award. Commission staff must also obtain appropriate documentation from the other agency to confirm collections in the related action and prepare an accompanying declaration from a staff attorney memorializing for the record the relevant information regarding the related action.

[42] Placing this affirmative obligation on claimants would help ensure that those subject to Rule 21F–3(b)(3) are adhering to the terms and requirements of the proposed rule. The proposed rule language to achieve this would be nearly identical to comparable language in the Comparative Approach detailed in Part II(A), *supra.* This rule text would provide that a claimant must take all steps necessary to authorize the administrators of the other award program to confirm to staff in the Office of the Whistleblower (or in writing to the claimant or the Commission) that an irrevocable waiver has been made.

[43] *See generally* Section 21F(a)(6) of the Exchange Act (referring to ''2 or more individuals acting jointly'' to provide information to the Commission).

qualifies for an award. Assuming there are two or more meritorious whistleblowers, the Commission would, consistent with its general practice, include within its award determinations consideration of each whistleblower's relative contributions to the success of the related action (with the total award no lower than 10 percent and no greater than 30 percent of monetary sanctions collected in the related action). Each whistleblower would then be able to determine whether to accept the Commission's award determination or instead waive the award determination and take an award from the other program.[44] Thus, for example, if the Commission made an award of 10 percent to one whistleblower and 20 percent to another, if the first whistleblower waived the SEC's award and accepted an award from the other program, the second would be free to accept the SEC's 20 percent award.[45]

3. Other Alternatives

In addition to the Comparability Approach and the Whistleblower's Choice Option, there are two other potential alternative approaches on which the Commission seeks comment: The Offset Approach; and, the Topping-Off Approach. Both would involve replacing the Multiple-Recovery Rule. Under both of these two approaches, a whistleblower would be permitted to receive a payment from both the Commission's program *and* another entity's whistleblower program; the Commission would not require whistleblowers to waive their claims to awards from another program as a pre-condition to recovering under the Commission's program.[46] As discussed below, both raise potential administrative issues that might counsel against their adoption.

Under the Offset Approach, the Commission would determine the award percentage it would otherwise pay on the related action but would offset from the Commission's total award payment the dollar amount the whistleblower receives for the related action from the other program's award.[47] Put differently, the Offset Approach would require the Commission to make a related-action award even if another agency had already paid an award on that same action, but the Commission could reduce the amount it paid on its related-action award by the amount that the other agency paid. The fact that the whistleblower might receive an award from another program would have no bearing on the Commission's actual award determination; it would be relevant only when the Commission offset the award amount at the time of payment.[48]

Under the Topping-Off Approach, the current Rule 21F–3(b)(3) framework would be retained but the Commission would be granted the discretion to enhance or ''top off'' a covered-action award—that is, increase the award amount on the Commission's own covered action (up to a total award amount of 30 percent)—if the Commission concluded that the other whistleblower program's award for the non-SEC action was inadequate for any reason. A potential concern with this approach is that, as a practical matter, the Commission's ability to enhance or ''top off'' a covered-action award to provide a whistleblower relief from a deficient award issued by another program for a non-SEC action would be limited in many instances. For example, when the covered-action award already (*i.e.,* prior to any enhancement to account for a deficient award from the other program for the non-SEC action) is at or near the statutory maximum 30 percent award authorized under Section 21F(b), the Commission would not have the ability to grant a significant percentage enhancement. Similarly, if the monetary sanctions collected in the Commission's action are relatively small compared to the size of the related action's collected sanctions (*e.g.,* a relatively small covered action involving $10 million in collected sanctions versus a much larger non-SEC action involving $100 million in collected sanctions), then the Commission's ability to provide relief by topping off the covered action may be limited because of the sheer size of the related-action relative to the Commission's action.

Finally, both of these alternatives raise the concern that they would add significant delays to the Commission's ability to make timely award determinations whenever an action implicates another award program. This is because (unlike the Comparability Approach or the Whistleblower's Choice Option) the Offset Approach and the Topping-Off Approach would delay the Commission's ability to pay the final award amount to a meritorious whistleblower until after the other entity's award process has been completed.

Request for Comment

1. Do any of the approaches discussed above implicate additional considerations that the Commission has not addressed in this proposing release but that you believe should be factored into the Commission's deliberations relating to potential amendments to Rule 21F–3(b)(3)? For example, should the proposals identify the potential consequences that might result if a

[44] Individuals who work jointly to provide the Commission with information are treated as a single unit for assessing eligibility requirements, applying the award criteria, and determining a specific award amount. Consistent with this approach, under the Whistleblower's Choice Option, such individuals would have to determine jointly whether to accept an award from the Commission or to waive the Commission's award determination in favor of the other program's award determination.

[45] A decision by one whistleblower to reject an SEC award offer would not impact the award amount offered or paid to any other whistleblowers. The award amounts offered to each whistleblower would not depend on whether any of the whistleblowers opted to decline the Commission's award offer. This means, among other things, that the 30-percent presumption established by Rule 21F–6(c) would not be applied to revise a whistleblower award upward as a result of another whistleblower's determination to decline an award from the Commission's program. Proceeding in this way is consistent with the provision of the proposed rule that states the ''Commission shall proceed to process the application without regard to the existence of the alternative award program,'' which includes any decisions the another whistleblower makes about taking an award offered by that other program in lieu of an award offered by the Commission's program.

[46] Similar to the Whistleblower's Choice Option, these alternatives would begin with the Commission determining its award percentage applicable to the related action, and would proceed if an award from another program was lower than what would have been awarded by the Commission on the related action had the other program not existed.

[47] The effect on the IPF from the ''Offset Approach'' would be difficult to assess with any confidence. Relative to the Comparability Approach, the Offset Approach could potentially increase the money paid from the IPF in some cases if a comparable program were to produce a meaningfully smaller than expected award and, as a result, an offset payment. However, in other instances, the Offset Approach could reduce the burden on the IPF, because the Commission would potentially be sharing responsibility with another award program for that related action.

[48] Pursuant to Exchange Act Section 21F(b), the Commission shall pay an award to one or more meritorious whistleblowers of ''not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the [Commission's] action or related actions[.]'' Under the Offset Approach, it is possible that the Commission's portion of the award payment could place the Commission in the position of making a related-action award that is less than 10 percent of the total amount collected. Alternatively, it could also result in a total reward to the claimant (when combined with the payment from the other program) that exceeds 30 percent. As an illustration, if another program makes a 22 percent award on a related action, and if the Commission determines to provide an additional reward on top of the amount the other program will pay, then the Commission would be presented with the following dilemma: If the Commission's award is 8 percent or less, there would appear to be a conflict with Section 21F's 10 percent statutory minimum. But if the Commission makes an award greater than 8 percent, the total payout would exceed the 30 percent statutory cap. For these reasons, the Commission has not designated the Offset Approach as one of the principal approaches under consideration.

claimant fails to comply with the requirements of any amended rule?

2. The Commission outlines above how it contemplates dealing with instances involving multiple whistleblowers under the Comparability Approach and the Whistleblower's Choice Option. If the Comparability Approach is adopted, is the Commission's proposed approach for addressing awards in the context of related actions involving multiple whistleblowers appropriate? Similarly, if the Whistleblower's Choice Option is adopted, is the Commission's proposed approach for addressing awards in the context of related actions involving multiple whistleblowers appropriate? Please explain. Should the Commission consider alternative approaches for dealing with related actions involving multiple whistleblowers under the Comparability Approach and Whistleblower's Choice Approach? Please explain and identify any alternatives that you believe the Commission should consider.

3. Is the $5 million threshold proposed as part of the Comparability Approach the appropriate figure? Should the threshold be higher or lower? Please explain.

4. The initial set of whistleblower program rules adopted in May 2011 included a now-repealed version of Rule 21F–3(b)(3) that dealt only with the potential that a claimant could receive awards for the same related action from the Commission and the Commodity Futures Trading Commission (''CFTC''), whose new whistleblower program, like the SEC's, was authorized by the Dodd-Frank Act and includes a related-action supplemental component. Under that original version of Rule 21F–3(b)(3), the Commission stated that it would not pay an award on a related action if the CFTC had already made an award on that action, nor would the Commission allow the whistleblower to re-adjudicate any factual issues decided against the whistleblower as part of the CFTC's final order denying an award.[49] Should the Commission reconsider this original version of Rule 21F–3(b)(3) instead of adopting one of the alternative options proposed in this release? If so, please explain why and what revisions to the original version might be appropriate.[50]

5. Proposed Rule 21F–3(b)(3)(iii)(A) directs that the Commission shall not make a related-action award to a claimant (or any payment on a related-action award if the Commission has already made an award determination) if the claimant has already received any payment from the other program for that potential related action. Rather than cut off the potential for an award payment from the SEC in this situation, should the Commission consider adopting in this limited situation some form of an offset mechanism similar to the Offset Approach discussed above? Please explain.

6. Instead of the current Rule 21F–3(b)(3) and the alternatives discussed above (including the alternative referenced in the prior question and the alternatives discussed in Part II(A)(3)), should the Commission consider a different approach, such as: (i) Leaving the text of Rule 21F–3(b)(3) unchanged; or (ii) adopting a hybrid approach that would implement the Whistleblower's Choice option below a maximum potential award threshold, and above that threshold retain the current Rule 21F–3(b)(3) framework that considers which program has the more direct or relevant connection to the action? Please identify the alternative approach that you support, explain why you believe that approach should be adopted, and explain how the specific approach you support should work.

7. As described above, the Comparability Approach would apply in any situation where another award program (were it to apply) has an award range or an award cap that would yield an award ''meaningfully'' lower than the amount the Commission's program would likely offer (but above a $5 million maximum award that might be paid by the Commission). As discussed, the Comparability Approach would also apply where awards under another award program are discretionary rather than mandatory. In assessing whether an award from another award program (greater than the $5 million threshold) would be ''meaningfully lower'' than the maximum amount that might be awarded under the Commission's award program, should the Commission establish a fixed dollar or percentage difference as an alternative to the ''meaningfulness'' standard? If so, please explain why a uniformly applied fixed dollar or percentage amount would be better. If possible, please also identify the dollar or percentage amount of the potential difference that the Commission should use to determine that the other program's award is not meaningfully lower, and please explain why that dollar or percentage amount is appropriate.

8. If the Comparability Approach is adopted, should the Commission also incorporate eligibility and award conditions into the definition of ''comparable whistleblower program''?[51] For example, should comparability include consideration of the absence of robust confidentiality protections or anonymity provisions similar to those under which the Commission's whistleblower program operates?[52] Are there other factors that the Commission should take into account to determine if another whistleblower program is comparable to the Commission's award program? With respect to the foregoing, if you believe that additional factors should be added to assess a program's comparability, please identify those factors and explain why they should be considered in determining whether another award program is comparable.

9. Both the Comparability Approach and the Whistleblower's Choice Option would require that a claimant irrevocably waive and promptly forgo an award from the other potentially relevant award program. Should the Commission take additional steps to ensure that claimants are put on notice of the potential consequences of falsely representing that they have waived an award from the alternative program? If so, please explain why this is uniquely important in this context and what approach the Commission should take (such as, for example, requiring claimants to explicitly acknowledge that providing false information to the Commission could constitute a violation of Section 1001 of Title 18 of the United States Code (and any other applicable provisions))?

10. Are the time limits imposed by the Comparability Approach and Whistleblower's Choice Option appropriate? Should these time periods be longer or shorter and, if so, what would be appropriate time periods? Please explain.

[49] The 2011 adopting release explained that False Claims Act *qui-tam* suits are legally excluded from a related-action recovery under the Commission's whistleblower program. *See* 76 FR 34305. This interpretation remains in effect and is not a subject of this proposing release or otherwise opened for reconsideration as part of this ongoing rulemaking process. *Id.*

[50] *See* Letter from Kohn, Kohn & Colapinto, LLP, Comment offered in connection with Proposing Release No. 34–83557 regarding Related Actions and Proposed Rule 21F–3(b)(4) (Sept. 10, 2020) (recommending that the Commission expand the 2011 version of Rule 21F–3(b)(3) that ''prohibit[ed] double awards under the [Commodity Exchange Act] to include other similar whistleblower reward laws'').

[51] *See supra* note 34 (explaining the Commission's rationale for not including eligibility criteria and award conditions in the assessment of the other award program's comparability).

[52] *See, e.g.,* Section 21F(h)(2) (heightened confidentiality protections); Exchange Act Rule 21F–7, 17 CFR 240.21F–7 (confidentiality and anonymity protections).

B. Proposed Amendment To Exchange Act Rule 21F–6 Regarding Size of Award

Rule 21F–6 identifies the criteria that the Commission may consider when determining the amount of an award.[53] The 2020 Amendments added language to Rule 21F–6 clarifying that it was within the Commission's discretion to consider the dollar amount of an award when making an award determination.[54] Before this amendment, the rule (with one exception, *see infra* footnote 58 and accompanying text) referred to the Commission making award determinations by considering percentage adjustments to increase and decrease the award amount, and neither unambiguously provided that the Commission could consider dollar amounts nor prohibited it from doing so when assessing the various award factors.[55]

The Commission proposes a targeted revision to further clarify how it may use its discretion to consider the dollar amount of a potential award when applying the award factors specified in paragraphs (a) and (b) of Rule 21F–6. Specifically, the Commission is proposing a new paragraph (d) for Rule 21F–6 that would do two things. First, it would provide that the Commission ''shall not'' use the dollar amount of a potential award when applying the factors specified in paragraphs (a) and (b), or in any other way, to lower a potential award.[56] Second, new paragraph (d) would provide that the Commission may consider the dollar amount of a potential award for the limited purpose of increasing the award amount.[57] Several factors counsel in favor of this proposal.

First, the SEC's ongoing experience with whistleblower awards has demonstrated that the discretionary authority to decrease awards based on potential dollar size is unnecessary. In the history of the Commission's whistleblower program, to the extent that the Commission has considered the dollar amount of an award as part of the award analysis under Rule 21F–6, the Commission has generally done so to *increase* the amount of an award in connection with applying the ''law enforcement interest'' factor in Rule 21F–6(a)(3).[58] By contrast, the Commission has not considered the dollar amount to lower any awards since the rule was amended.[59]

Second, it has been the Commission's experience that large awards in particular generate public interest and in so doing increases the instances of whistleblowers coming forward to report securities-law violations.[60] In this way, large awards directly serve the purpose of the whistleblower program (and by extension the interests of the investing public) by incentivizing whistleblowers to report violations to the Commission.[61]

Third, the Commission is concerned that discretionary authority to consider the dollar amount of potential awards clarified in the 2020 Amendments could create uncertainty about, and thereby decrease confidence in, the award process itself. The Commission's internal award-review process is thorough and robust. For example, award recommendations to the Commission are based on the collective views of the members of the Commission's Office of the Whistleblower and Claims Review Staff (which has historically been composed of senior career staff members in the Division of Enforcement), and those recommendations are separately reviewed by Enforcement's Office of Chief Counsel and the Commission's

[53] In deciding whether to increase the amount of an award, Rule 21F–6(a) identifies the following relevant considerations: (1) ''The significance of the information provided by a whistleblower to the success of the Commission action or related action''; (2) ''the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in the Commission action or related action''; and (3) the ''programmatic interest in deterring violations of the securities laws by making awards to whistleblowers who provide information that leads to the successful enforcement'' of the securities laws. And in deciding whether to decrease the amount of an award, Rule 21F–6(b) permits the Commission to consider: (1) The ''culpability or involvement of the whistleblower in matters associated'' with the covered action or related action; (2) ''whether the whistleblower unreasonably delayed in reporting the suspected securities violations''; and (3) ''in cases where the whistleblower interacted with his or her entity's internal compliance or reporting system, whether the whistleblower undermined the integrity of such system.''

[54] *See* Rule 21F–6 (''In exercising its discretion to determine the appropriate award, the Commission may consider the following factors (and only the following factors) in relation to the facts and circumstances of each case in setting the dollar or percentage amount of the award.''). The 2020 Amendments explicitly acknowledge the Commission's discretion to consider the dollar amount of a potential award when applying the award factors specified in paragraphs (a) and (b) of Rule 21F–6. *See, e.g.,* Adopting Release, 85 FR 70909–10 (''The Commission has had and continues to have broad discretion in applying the Award Factors and setting the Award Amount, including the discretion to consider and apply the Award Factors in percentage terms, dollar terms or some combination thereof.''); *id.* at n.102 (''When applying the award factors specified in Rule 21F–6 and determining the award dollar and percentage amounts set forth in the preliminary determination, the award factors may be considered by the SEC staff and the Commission in dollar terms, percentage terms or some combination thereof.'').

[55] The Commission has previously explained that the statutory framework that Section 21F establishes can be read to allow the Commission to consider the dollar amount of a potential award. Proposing Release, 83 FR 34714 n.105. Indeed, the language in Section 21F refers to the ''amount of the award,'' which affords the Commission discretion to set the awards based on a consideration of the appropriate dollar amount that should be paid (provided that this dollar amount is between 10 percent and 30 percent of the collected monetary sanctions). *Id.*

[56] If Rule 21F–3(b)(3) were amended to adopt the Offset Approach or Topping-Off Approach discussed above in Part II(A)(3), the Commission, when applying either of those approaches, may need to consider the dollar amount of awards, and thus the Commission anticipates that any amended Rule 21F–3(b)(3) adopting either of those approaches might require a corresponding amendment to Rule 21F–6(d).

[57] The Commission is also proposing to modify Rule 21F–10(e) and Rule 21F–11(e) to make clear that, in applying the award factors specified in Rule 21F–6 and determining the award dollar and percentage amounts set forth in the preliminary determination, the award factors may be considered by the SEC staff and the Commission in dollar terms ''subject to the limitations imposed by Rule 21F–6(d).'' The Commission is also proposing to revise the text of Rule 21F–11(a) to improve its readability and clarity (with no substantive modification of the provision).

[58] As the Commission explained in the 2020 Adopting Release, ''the Commission's long-standing interpretation of Rule 21F6(a)(3)—law enforcement interest—already specifically references the Commission's discretion to consider the monetary sanctions and the potential Award Amount when assessing that factor[.]'' *See* 85 FR 70910. *See also* 83 FR 34712; 76 FR 34331, 34366. Rule 21F–6(a)(3) allows the Commission to consider the degree to which a potential award will ''enhance[ ] the Commission's ability to enforce the federal securities laws and protect[ ] investors'' and ''encourage[ ] the submission of high quality information from whistleblowers by appropriately rewarding'' them. Rule 21F–6(a)(3)(i)–(ii).

[59] And since that time, the Commission has granted some of the highest awards in the program's history, including two awards at or above $110 million, without any suggestion that the award should be, or was being, lowered as a result of its dollar size. *See* Press Release, 2021–177, SEC Surpasses $1 Billion in Awards to Whistleblowers with Two Awards Totaling $114 Million (Sept. 15, 2021), *available at https://www.sec.gov/news/press-release/2021-177* (''[W]histleblower's $110 million award consists of an approximately $40 million award in connection with an SEC case and an approximately $70 million award arising out of related actions by another agency''); Press Release, SEC Issues Record $114 Million Whistleblower Award (Oct. 22, 2020), *available at https://www.sec.gov/news/press-release/2020-266* (''The $114 million award consists of an approximately $52 million award in connection with the SEC case and an approximately $62 million award arising out of the related actions by another agency.'').

[60] The Commission's whistleblower program was enacted to incentivize individuals to submit tips to the Commission with the ultimate goal of more effectively and efficiently detecting, preventing, and addressing securities law violations. This goal is evident in the title of the statutory provision. *See* Securities Whistleblower *Incentives* and Protection, 15 U.S.C. 78u–6 (emphasis added). Moreover, Section 21F(c)(1)(B)(i)(III) of the Exchange Act requires the Commission to take ''the programmatic interest in deterring violations of the securities laws by making awards to whistleblowers who provide information that leads to the successful enforcement of such laws.'' *See also* Rule 21F–6(a)(3) (restating the ''programmatic interest'' award factor).

[61] *See* Whistleblower Awards Process and Statistics, *available at https://www.sec.gov/page/whistleblower-100* million.

Office of the General Counsel before they are submitted to the Commission. But in order to ensure whistleblowers feel safe providing information to the Commission, and because the Commission must comply with statutory confidentiality protections to avoid disclosing the identity of whistleblowers, it does not discuss the details of how that award-review process produces final award determinations in individual cases.[62] Indeed, publicly available award determination orders often affirm that the Commission considered the Rule 21F–6 criteria without flagging specific factual considerations or award factors on which the Commission relied, or revealing the actual percentage awarded (instead, the award is generally presented as a dollar figure).[63]

Because public information regarding how the Commission applies award factors in practice is limited, the Commission perceives a risk that merely maintaining the authority to lower awards based on the dollar amount of the award may create the misimpression that the Commission is regularly exercising such authority—and this could in turn potentially deter individuals from reporting misconduct.[64] The proposed amendment should foreclose that risk by expressly stating that the Commission may not consider the dollar amount of an award for the purpose of potentially lowering the award amount.[65]

Request for Comment

11. Are there additional considerations that the Commission should assess in deciding whether to adopt any changes to Rule 21F–6, including proposed Rule 21F–6(d)?

12. Are there other or different revisions to Rule 21F–6 that the Commission should consider to clarify that the Commission will not lower an award based on the potential dollar amount of the award? For example, should the Commission consider removing the reference to ''dollar . . . amount of the award'' entirely from the introductory paragraph of Rule 21F–6? Please explain why this approach or any other alternative approach should be adopted and explain how the specific approach recommended would work.

13. Instead of completely eliminating the Commission's ability to consider the dollar amount of an award when assessing whether to lower a potential award, should the Commission retain this authority for a subset of awards (*e.g.,* for related-action awards, given that they are an ancillary component of the program, or for awards where the whistleblower engaged in culpable conduct or obstructed the Commission's process in some fashion)? Please identify the approach that you would follow and explain the basis for your recommendation if it differs from the approach the Commission has proposed.

C. Proposed Technical Amendments To Rule 21F–4(c) and Rule 21F–8(e)[66]

Rule 21F–4(c) was adopted by the Commission in 2011 as part of the original set of whistleblower program rules to list the three ways a whistleblower's information can have ''led to'' the success of an action.[67] There is a scrivener's error at the end of Rule 21F–4(c)(2) that the Commission is proposing to correct to enhance the readability and grammatical consistency of Rule 21F–4(c). Specifically, the Commission would insert a semicolon and the word ''or'' at the end of Rule 21F–4(c)(2) to replace the period that is currently there.

Rule 21F–8(e) was adopted by the Commission in the 2020 whistleblower rule amendments to authorize a permanent bar against any individual who submits three or more award applications that are frivolous or lack a colorable connection between the tip and the action.[68] In this context, paragraph (e)(3) provides a whistleblower with notice and an opportunity to withdraw up to three such award applications, which, if withdrawn, would not be considered by the Commission in determining whether to exercise its authority to impose such a permanent bar.[69] Moreover, paragraph (e)(4) provides a whistleblower with notice and an opportunity to withdraw *all* such frivolous or noncolorable award applications that were filed before the effective date of the new permanent bar provisions.[70]

As adopted in 2020, the second sentence of Rule 21F–8(e)(4)(ii) states that the procedures in Rule 21F–8(e)(3) shall apply to any award application that is pending as of the effective date of the rule and that is determined to be a frivolous or noncolorable application. The sentence was in error, as paragraphs (e)(3)(i) through (iii) affords claimants notice and an opportunity to withdraw only three applications, whereas paragraph (e)(4) by its terms applies ''to all award applications pending as of the effective date of paragraph (e) of this section'' and affords claimants notice and an opportunity to withdraw *all* such pending award applications.[71] Given this scrivener's error, the Commission is proposing a technical amendment to delete the second sentence of Rule 21F–8(e)(4)(ii).

[62] *See* 21F(h)(2) of the Exchange Act, 15 U.S.C. 78u–6(h)(2) (imposing heightened confidentiality requirements in order to protect the identity of whistleblowers). *Id.* The SEC is required to keep a whistleblower's identity confidential unless and until it is required to be disclosed to a defendant in a public proceeding or unless the SEC deems it necessary to share it with certain other authorities (in which case those authorities must keep it confidential). *Id.*

[63] The Commission's long-standing general practice in public whistleblower award orders is to describe awards in actual dollar amount, rather than percentages (which are generally redacted). Adopting Release, 85 FR 70910. This practice has been followed for the common-sense reason that actual dollar figures—not abstract percentages—are most likely to advance the whistleblower award program's goal of incentivizing potential whistleblowers. *Id.*

[64] In reality, both the size and frequency of awards have increased since the 2020 Amendments. *See supra* note 59 and accompanying text (noting that, since the 2020 Amendments, the Commission has granted some of the highest awards in the program's history, including two awards at or above $110 million, without any suggestion that the award should be, or was being, lowered as a result of its dollar size). In 2020, the program awarded approximately $175 million to 39 individuals—at that time both the highest dollar amount and the highest number of individuals awarded in a given fiscal year in the program's history—triple the number of individuals awarded in 2018, the next-highest fiscal year, when the Commission awarded 13 individuals. *See* SEC 2020 Report on Whistleblower Program at 2, *available at https://www.sec.gov/files/2020AnnualReport_0.pdf.* Likewise, in 2020, the Commission received a 31 percent increase in tips from 2018, the second-highest tip year. *Id.* This trend continued—and accelerated—through 2021. Indeed, the Commission made more whistleblower awards in 2021 than in all prior years combined, awarding approximately $564 million to 108 individuals. *See* SEC 2021 Report on Whistleblower Program at 1, 10, *available at https://www.sec.gov/files/owb-2021-annual-report.pdf.*

[65] The proposed amendment would permit the Commission to increase the dollar amount of an award when considering any of the positive award factors in Rule 21F–6(a). This authority does not impact, and in fact is separate and distinct from, the maximum-award presumption that Rule 21F–6(c) establishes. *See* Adopting Release, 85 FR 70899 (''[W]ith a focus on increased transparency, efficiency and clarity, we are adding a specific provision to Rule 21F–6 that will create a presumption that, when (1) the statutory maximum authorized Award Amount is $5 million or less and (2) the negative Award Factors are not present, the Award Amount will be set at the statutory maximum, subject to the Commission's discretion to apply certain exclusions.'').

[66] The Commission is not reopening any aspect of Rule 21F–4(c) or Rule 21F–8(c) for public comment on other potential revisions, including potential substantive revisions, beyond the technical revisions proposed herein.

[67] *See* 76 FR 34365. *See also id.* at 34357 n.438.

[68] *See* Adopting Release, 85 FR 70920–22.

[69] *See id.* at 70920.

[70] *See id.* at 70921–22.

[71] The discussion in the adopting release for the 2020 Amendments is silent about this sentence, further indicating that it was a scrivener's error. *See id.*

III. General Request for Public Comment

We request and encourage any interested person to submit comments on any aspect of the proposed rule amendments, interpretations, or other items specified above, including the economic analysis contained below (especially if accompanied by supporting data and analysis of the issues addressed therein).

Finally, other than the items specifically identified in this release, persons wishing to comment are expressly advised that the Commission is not proposing any other changes to the whistleblower program rules (*i.e.,* 17 CFR 240.21F–1 through 240.21F–18 (Exchange Act Rules 21F–1 through 21F–18)), nor is the Commission otherwise reopening any of those rules for comment.[72]

IV. Economic Analysis

The Commission is sensitive to the economic consequences of its rules, including the benefits, costs, and effects on efficiency, competition, and capital formation. Section 23(a)(2)[73] of the Exchange Act requires the Commission, in promulgating rules under the Exchange Act, to consider the impact that any rule may have on competition and prohibits the Commission from adopting any rule that would impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. Further, Section 3(f) of the Exchange Act[74] requires the Commission, when engaging in rulemaking where it is required to consider or determine whether an action is necessary or appropriate in the public interest, to consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.

This economic analysis concerns the proposed amendments to Exchange Act Rule 21F–3 and Rule 21F–6. As discussed above, the proposed amendments to Rule 21F–3(b)(3) would allow awards for related actions if an alternative whistleblower program has an award range or award cap that would restrict the maximum potential award from that other program to an amount that is meaningfully lower than the maximum potential award that the Commission could make. The proposed amendment to Rule 21F–6 would eliminate the Commission's discretion to consider the dollar amounts to reduce an award. Although the impact of the proposed amendments is expected to be small, to the extent that there is an impact, the amendments could increase the size of some whistleblower awards and therefore the incentives for whistleblowers to submit tips.

The benefits and costs discussed below are difficult to quantify. For example, we do not have a way of estimating quantitatively the extent to which the proposed rules could affect our enforcement program by altering whistleblowing incentives. Similarly, we are unable to quantify any costs (or benefit) to the whistleblower program's IPF associated with the Comparability Approach or the three other approaches discussed above for amending Rule 21F–(b)(3). Therefore, the discussion of economic effects of the proposed amendments is qualitative in nature.

A. Economic Baseline

To examine the potential economic effects of the amendments, we employ as a baseline the set of rules that implement the SEC's whistleblower program as amended in September 2020.[75] Over the past 10 years, the whistleblower program has been an important component of the Commission's efforts to detect wrongdoing and protect investors in the marketplace, particularly where fraud is concealed or difficult to find. The program has received a high number of submissions from whistleblowers and it has also produced substantial awards.[76] Both the number of submissions and the number and dollar amount of awards per year have increased considerably since the program was initiated.[77]

Whistleblower programs, and the SEC's whistleblower program in particular, have been studied by economists who report findings consistent with award programs being effective at contributing to the discovery of violations. For example, a recent publication reports that, among other benefits, ''[w]histleblower involvement [in the enforcement process] is associated with higher monetary penalties for targeted firms and employees.''[78] In addition, current working papers report that the SEC's whistleblower program deters aggressive (*i.e.,* potentially misleading) financial reporting[79] and insider trading.[80]

B. Proposed Rules

1. Proposed Rule 21F–3(b)(3)

The proposed rule amendments may affect SEC whistleblower awards in cases where there is a potential related action that could be covered by another whistleblower program. Turning first to the Comparability Approach, it would authorize the Commission to make awards in particular situations where, under the Multiple-Recovery Rule, another award program would otherwise apply if that program has the more direct or relevant relationship to the underlying (non-Commission) related action.[81] The Comparability Approach would do this by authorizing the Commission to make an award irrespective of the related action's relative relationship to the two award programs if the other award program is discretionary, or structured to provide meaningfully smaller awards than the maximum potential award that could be granted by the SEC's program, or if the maximum total award amount that the Commission could pay is less than or equal to $5 million. The Whistleblower's Choice Option, by

[72] *See* Proposing Release, 83 FR 34734.

[73] 15 U.S.C. 78w(a)(2).

[74] 15 U.S.C. 78c(f).

[75] Earlier this year, the Commission issued a statement identifying procedures that could be used by whistleblower award program during an Interim Policy-Review Period. Release No. 34–81207 (Aug. 5, 2021), *available at https://www.sec.gov/rules/policy/2021/34-92565.pdf.* These procedures are considered in the economic baseline.

[76] In fiscal year (FY) 2021, the Commission awarded approximately $564 million to 108 individuals—both the largest dollar amount and the largest number of individuals awarded in a single fiscal year. The program was also very active in FY 2020, awarding approximately $175 million to 39 individuals. *See supra* note 59.

[77] *See* SEC 2020 Report on Whistleblower Program, at 9–16; U.S. Sec. & Exch. Comm'n, Div. of Enf. 2020 Ann. Rep., pp. 9–16 (November 2, 2020), *available at https://www.sec.gov/files/enforcement-annual-report-2020.pdf.*

[78] Andrew C. Call, et al., *Whistleblowers and Outcomes of Financial Misrepresentation Enforcement Actions,* 56 J. Acct. Res. 123, 126 (2018). *See also* Philip Berger, et al., *Did the Dodd-Frank Whistleblower Provision Deter Accounting Fraud?* (Jan. 2021) (unpublished manuscript) *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3059231* (''[F]ind[ing] that exposure to Dodd-Frank reduces the likelihood of accounting fraud of treatment firms by 17% relative to control firms.''); Alexander Dyck, et al., *Who Blows the Whistle on Corporate Fraud?,* 65 J. Fin. 2213, 2215 (2010) (''[A] strong monetary incentive to blow the whistle does motivate people with information to come forward.'').

[79] *See* Christine Weidman & Chummei Zhu, *Do the SEC Whistleblower Provisions of Dodd Frank Deter Aggressive Financial Reporting* (Feb. 24, 2020) (unpublished manuscript), *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3105521. See also* Jaron H. White, *The Deterrent Effect of Employee Whistleblowing on Firms' Financial Misreporting and Tax Aggressiveness,* 92 Acct. Rev., 247–80 (2017).

[80] *See* Jacob Raleigh, *The Deterrent Effect of Whistleblowing on Insider Trading* (Sept. 29, 2021) (unpublished manuscript), *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3672026.*

[81] It would be difficult to predict with any degree of certainty how often the Comparability Approach would be relevant, particularly as whistleblower programs change, and new whistleblower programs are implemented. That said, as discussed above, the Commission has seen an increase in the number of award matters that would potentially implicate the Comparability Approach.

contrast, would allow the Commission to make an award irrespective of the existence of another program and allow the whistleblower to decide whether to accept the Commission's award or the other program's award. While the two approaches are structured differently, the end result is that both the Comparability Approach and the Whistleblower's Choice Option may increase the total dollar award amount for a whistleblower compared to the baseline. Thus both options could increase the incentives for whistleblowers.[82]

The Whistleblower's Choice Option might have a slightly different incentive effect, since a comparison would be made between realizable award amounts rather than analysis of award structures.[83] To the extent that a whistleblower prefers to exercise discretion over the selection of awards for the same related action, the whistleblower may prefer the Whistleblower's Choice Option because the whistleblower would have an opportunity to make a decision in every instance where another award program might apply. In contrast, the Comparability Approach would not offer the whistleblower the opportunity to exercise discretion.

To the extent that these amendments increase the willingness of some individuals to come forward with information about potential securities law violations, this could, in turn, increase Commission enforcement activity and deter wrongdoing. The effects of the rule changes are expected to be small, due to the limited circumstances under which they would apply, and because there are many factors, including non-pecuniary incentives, that motivate whistleblowers.[84] Although the effects may be small, economic research suggests that changes in whistleblowing incentives may have an effect on the frequency of whistleblowing activity.[85]

Because these amendments may increase the amounts paid to whistleblowers under certain circumstances, there may be costs associated with the proposed changes. One possibility is that the IPF would be depleted.[86] For example, assume the DOJ collected $1.5 billion on a related action. If there were a meritorious whistleblower involved who was entitled to an award, then even a mid-range 20 percent award would require the Commission to pay the whistleblower $300 million, an amount that could well exhaust the IPF.[87] An award that exhausted the IPF could produce additional effects that would depend on the size of the shortfall and the SEC whistleblower awards that would otherwise be issued and paid during the shortfall period.[88]

In addition, we expect that these proposals would increase the administrative costs for the SEC's whistleblower program. For example, the Comparability Approach would require the Commission to compare whistleblower programs based on the expected award amounts from those programs. However, we believe these costs would be small relative to the baseline, and, to the extent that the program structures are stable, the comparisons may not need to be repeated for each case. In contrast, the Whistleblower's Choice Option could be expected to increase the administrative costs relative to the baseline more than the Comparability Approach because it would require the Commission to determine whether an award should be granted in each case where there is a related action and a separate whistleblower program.[89] As described above, the increase in administrative costs is expected to be greater for the Whistleblower's Choice Option than for the Comparability Approach.

2. Proposed Rule 21F–6

The proposed rule change would eliminate the Commission's discretionary authority to consider dollar amounts in reducing awards while retaining the Commissions' discretionary authority to consider dollar amounts to increase awards. The 2020 amendments that include express language to authorize the Commission to consider, in its discretion, the dollar amount of an award when making an award determination may have increased whistleblowers' uncertainty relating to the program and thus potentially reduced their willingness to report potential misconduct. To the extent that the 2020 amendments have created uncertainty that may have diminished a whistleblower's willingness to come forward, eliminating this discretionary authority would reduce uncertainty and thus potentially encourage more whistleblowing. However, we cannot determine with any reasonable degree of certainty if the proposed revisions to Rule 21F–6 would affect a whistleblower's willingness to report a potential securities law violation. To the extent that the Commission would have exercised the discretion to lower award amounts, the amendments to Rule 21F–6 would increase program costs by any such amounts.[90]

C. Additional Alternatives

As discussed above, the Offset Approach and the Topping-Off Approach are alternatives that may also increase whistleblower award incentives. For example, under certain circumstances, the Offset Approach may produce award amounts in related actions that are comparable, if not identical, to the awards produced under the Comparability Approach and the Whistleblower's Choice Approach. In contrast, the Topping-Off Approach may

[82] See *infra* notes 84 and 85.

[83] In theory, the Whistleblower's Choice Option could result in a larger award than the Comparability Approach. For example, a comparable program, such as the CFTC's program, might potentially determine an award amount at 20 percent. If, in that case, the Commission would have exercised its discretion to determine an award at 30 percent for the related action, the whistleblower would receive a larger amount under the Whistleblower's Choice Option than under the Comparability Approach.

[84] The complex mix of pecuniary and non-pecuniary elements that motivate whistleblowers were described in the economic analysis for the 2020 Adopting Release for Rule 21F–3(b)(3), section VI.B.2, *see* Adopting Release, 85 FR 70937.

[85] *See* Andrew C. Call, et al., *Rank and File Employees and the Discovery of Misreporting: The Role of Stock Options,* 62 J. Acct. & Econ. 277, 297–99 (2016). *See also* Jonas Heese & Gerardo Perez-Cavazos, *The Effect of Retaliation Costs on Employee Whistleblowing,* 71 J. Acct. & Econ. 101385 (2021).

[86] 17 CFR 240.21F–14(d) (Exchange Act Section 21F–14(d)), which describes the procedures applicable to the payment of awards, indicates that if there are insufficient amounts available in the IPF to pay the entire amount of an award within a reasonable period of time, then the balance of the payment shall be paid when amounts become available. These procedures specify the relative priority of competing claims.

[87] *See generally* Exchange Act Section 21F(g)(3)(A). At the end of FY 2021, the IPF's balance was $144,442,134. To date, the largest amount the award fund has ever had is approximately $453 million. *See* 2013 Annual Report to Congress on the Dodd-Frank Whistleblower Program available at *https://www.sec.gov/files/annual-report-2013.pdf.*

[88] *See supra* note 3. *See also* Exchange Act Section 21F(c)(1)(B)(ii).

[89] The award presumption established by Rule 21F–6(c) could help limit the overall administrative costs, however. *See* Adopting Release, 85 FR 70911 (discussing potential ''gains in efficiency from streamlining the award determination process'' when the $5 million award presumption would apply during the award-calculation phase).

[90] Similar to the proposed amendments to Rule 21F–3(b)(3), to the extent that program costs increase as a result of these proposed amendments, there would be an increase in the possibility that the IPF would be depleted. As described above, an award that exhausted the IPF could produce additional effects that would depend on the size of the shortfall and the SEC whistleblower awards that would otherwise be issued and paid during the shortfall period. *See supra* notes 86 through 88 and accompanying text.

result in smaller changes in the award amounts.[91]

As also discussed above, both of these approaches would likely increase the Commission's award-processing time, because the Commission's final award-amount determinations would be dependent on the completion resolution of the award process by the entity or authority administering the other award program. Additional delays may adversely affect whistleblower incentives. As a result, despite the generally positive expected impact on award amounts, the net impact on whistleblower incentives from the Offset Approach and the Topping-Off Approach is ambiguous.

D. Effects of the Proposed Rules on Efficiency, Competition, and Capital Formation

As discussed earlier, the Commission is sensitive to the economic consequences of its rules, including the effects on efficiency, competition, and capital formation. The Commission believes that the proposed amendments would make incremental changes to its whistleblower program. Thus, the Commission does not anticipate the effects on efficiency, competition, and capital formation to be significant.

The proposed rules could have a positive indirect impact on investment efficiency and capital formation by increasing the incentives of potential whistleblowers to provide information on possible violations. To the extent that increased whistleblowing incentives stemming from the proposed rules result in more timely reporting of useful information on possible violations or the reporting of higher quality information on possible violations, the Commission's enforcement activities could become more effective. More effective enforcement could lead to earlier detection of violations and increased deterrence of potential future violations, which could improve price efficiency and assist in a more efficient allocation of investment funds. Securities frauds, for example, can cause inefficiencies in the economy by diverting investment funds from legitimate, productive uses.[92]

Request for Comment

The Commission seeks commenters' views and suggestions on all aspects of its economic analysis of the proposed amendments. In particular, the Commission asks commenters to consider the following questions:

14. Are there costs and benefits associated with the proposed amendments that the Commission has not identified? If so, please identify them and, if possible, offer ways of estimating these costs and benefits.

15. Are there effects on efficiency, competition, and capital formation stemming from the proposed amendments that the Commission has not identified? If so, please identify them and explain how the identified effects result from one or more amendments.

V. Small Business Regulatory Enforcement Fairness Act

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''),[93] the Commission solicits data to determine whether the proposed rule amendments constitute a ''major'' rule. Under SBREFA, a rule is considered ''major'' where, if adopted, it results or is likely to result in:

- An annual effect on the economy of $100 million or more (either in the form of an increase or a decrease);
- A major increase in costs or prices for consumers or individual industries; or
- Significant adverse effects on competition, investment, or innovation.

Commenters should provide empirical data on: (a) The potential annual effect on the economy; (b) any increase in costs or prices for consumers or individual industries; and (c) any potential effect on competition, investment or innovation.

VI. Regulatory Flexibility Act Certification

Section 603(a) of the Regulatory Flexibility Act[94] requires the Commission to undertake an initial regulatory flexibility analysis of the proposed rules unless the Commission certifies that the proposed rules, if adopted, would not have a significant economic impact on a substantial number of small entities.[95]

Small entity is defined in Section 601(6) of Title 5 of the U.S. Code to mean ''small business,'' ''small organization,'' and ''small governmental jurisdiction'' (see Section 601(3) through (5)). The definition of ''small entity'' does not include individuals. The proposed rules apply only to an individual, or individuals acting jointly, who provide information to the Commission relating to the violation of the securities laws. Companies and other entities are not eligible to participate in the whistleblower award program as whistleblowers. Consequently, the persons that would be subject to the proposed rules are not ''small entities'' for purposes of the Regulatory Flexibility Act.

For the reasons stated above, the Commission certifies, pursuant to 605(b) of Title 5 of the U.S. Code that the proposed rules if adopted would not have a significant economic impact on a substantial number of small entities.

Solicitation of Comments: We encourage the submission of comments with respect to any aspect of this Regulatory Flexibility Act Certification. To the extent that commenters believe that the proposed rules if adopted might have a covered impact, we ask they describe the nature of any impact and provide empirical data supporting the extent of the impact. We will place any such comments in the same public file as comments on the proposed amendments themselves.

VII. Statutory Basis

The Commission proposes the rule amendments contained in this document under the authority set forth in Sections 3(b), 21F, and 23(a) of the Exchange Act.

List of Subjects in 17 CFR Part 240

Securities, Whistleblowing.

Text of the Proposed Amendments

For the reasons set out in the preamble, title 17, chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

■ 1. The authority citation for part 240 continues to read, in part, as follows:

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c–3, 78c–5, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78*l,* 78m, 78n, 78n–1, 78o, 78o–4, 78o–10, 78p, 78q, 78q–1, 78s, 78u–5, 78w, 78x, 78*dd,* 78*ll,* 78mm, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4, 80b–11, and 7201 *et seq.,* and 8302; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3); 18 U.S.C. 1350; Pub. L. 111–203, 939A, 124 Stat. 1376 (2010); and Pub. L. 112–106, sec. 503 and 602, 126 Stat. 326 (2012), unless otherwise noted.

* * * * *

Section 240.21F is also issued under Pub. L. 111–203, § 922(a), 124 Stat. 1841 (2010).

* * * * *

[91] As described above, the Topping-Off Approach would not allow the Commission to provide an increase to the covered-action in those instances where the Commission grants an award at the 30 percent statutory cap, which occurs in a substantial portion of cases.

[92] *See* Adopting Release, 76 FR 34362.

[93] Public Law 104–121, tit. II, 110 Stat 857 (1996).

[94] 5 U.S.C. 603(a).

[95] 5 U.S.C. 605(b).

Option 1

■ 2. Amend § 240.21F–3 by:
■ a. Revising paragraphs (b)(3) introductory text and (b)(3)(i) and (iii); and
■ b. Adding paragraphs (b)(3)(iv), (v), and (vi).

The revisions and additions read as follows:

§ 240.21F–3 Payment of awards.

* * * * *

(b) * * *

(3) The following provision shall apply where a claimant's application for a potential related action may also involve a potential recovery from a comparable whistleblower award program (as defined in paragraph (b)(3)(iv) of this section) for that same action.

(i) Notwithstanding paragraph (b)(1) of this section, if a judicial or administrative action is subject to a separate monetary award program established by the Federal Government, a state government, or a self-regulatory organization (SRO), the Commission will only potentially qualify for related-action status if either:

(A) The Commission finds that the maximum total award that could potentially be paid by the Commission would not exceed $5 million; or

(B) The Commission finds (based on the facts and circumstances of the action) that the Commission's whistleblower program has the more direct or relevant connection to that action.

* * * * *

(iii) The conditions in paragraphs (b)(3)(iii)(A) through (C) of this section apply to a determination under paragraph (b)(3)(ii) of this section.

(A) The Commission shall not make a related-action award to a claimant (or any payment on a related-action award if the Commission has already made an award determination) if the claimant receives any payment from the other program for that action.

(B) If a claimant was denied an award by the other award program, the claimant will not be permitted to readjudicate any issues before the Commission that the governmental/SRO entity responsible for administering the other whistleblower award program resolved, pursuant to a final order of such government/SRO entity, against the claimant as part of the award denial.

(C) If the Commission makes an award before an award determination is finalized by the governmental/SRO entity responsible for administering the other award program, the award shall be conditioned on the claimant making an irrevocable waiver of any claim to an award from the other award program. The claimant's irrevocable waiver must be made within 60 calendar days of the claimant receiving notification of the Commission's final order.

(iv) The provisions of paragraphs (b)(3)(iv)(A) through (D) of this section apply to program comparability determinations.

(A) For purposes of paragraph (b)(3) of this section, a comparable whistleblower award program is an award program that satisfies the following criteria:

(*1*) The award program is administered by an authority or entity other than the Commission;

(*2*) The award program does not have an award range that could operate in a particular action to yield an award for a claimant that is meaningfully lower (when assessed against the maximum and minimum potential awards that program would allow) than the award range that the Commission's program could yield (*i.e.,* 10 to 30 percent of collected monetary sanctions); and

(*3*) The award program does not have a cap that could operate in a particular action to yield an award for a claimant that is meaningfully lower than the maximum award the Commission could grant for the action (*i.e.,* 30 percent of collected monetary sanctions in the related action).

(*4*) The authority or entity administering the program may not in its sole discretion deny an award notwithstanding the fact that a whistleblower otherwise satisfies the established eligibility requirements and award criteria.

(B) The Commission shall make a determination on a case-by-case basis whether an alternative award program is a comparable award program for purposes of the particular action on which the claimant is seeking a related-action award with respect to paragraphs (b)(3)(iv)(A)(*1*) through (*3*) of this section.

(C) If the Commission determines that an alternative award program is not comparable, the Commission shall condition its award on the meritorious whistleblower making within 60 calendar days of receiving notification of the Commission's final award an irrevocable waiver of any claim to an award from the other award program.

(D) A whistleblower whose related-action award application is subject to the provisions of paragraph (b)(3) of this section (including a whistleblower whose related-action award application implicates another award program that does not qualify as a comparable program as a result of paragraph (b)(3)(iv)(A) of this section) has the affirmative obligation to demonstrate that the whistleblower has complied with the terms and conditions of this section regarding an irrevocable waiver. This shall include taking all steps necessary to authorize the administrators of the other program to confirm to staff in the Office of the Whistleblower (or in writing to the claimant or the Commission) that an irrevocable waiver has been made.

(v) A claimant seeking a related-action award also has an affirmative obligation to promptly inform the Office of the Whistleblower if the claimant applies for an award on the same action from another award program.

(vi) The Commission may deem a claimant ineligible for a related-action award if any of the conditions and requirements of paragraph (b)(3) of this section in connection with that related action are not satisfied.

Option 2

■ 3. Amend § 240.21F–3 by revising paragraph (b)(3) to read as follows:

§ 240.21F–3 Payment of awards.

* * * * *

(b) * * *

(3) The following terms and conditions apply whenever an award claimant's application for an award in connection with a related action may also involve a potential recovery from another whistleblower award program for that same action.

(i) If the Commission determines that the claimant qualifies for an award for the related action, any payment of that award shall be conditioned on the claimant making an irrevocable waiver of any award or potential award from the other award program. In determining whether a claimant qualifies for an award on a related action (and in setting the amount of any award), the Commission shall process the application without regard to the existence of the alternative award program or any award determination that the alternative program reaches.

(ii) The Commission shall not make a related-action award to a claimant (or any payment on an award if the Commission has already made an award determination) if the claimant has received at any point prior to the Commission making any payment on a related-action award any payment from the other program for that action.

(iii) To receive payment from the Commission for a related-action award, a claimant must make an irrevocable waiver of any award from the other program within 60 calendar days of receiving a final notification from both

award programs regarding the award amounts.

(iv) A claimant subject to paragraph (b)(3) of this section has the affirmative obligation to demonstrate to the satisfaction of the Commission that the claimant has complied with the terms and conditions of this section regarding an irrevocable waiver. This may include taking all steps necessary to authorize the administrators of the other program to confirm to staff in the Office of the Whistleblower (or in writing to the claimant or the Commission) that an irrevocable waiver has been made.

(v) A claimant seeking a related-action award has an affirmative obligation to promptly notify the Office of the Whistleblower in writing if the claimant applies for an award on the same action from another award program.

(vi) The Commission may deem a claimant ineligible for a related-action award if any of the conditions and requirements of paragraph (b)(3) of this section in connection with that related action are not satisfied.

■ 4. Amend § 240.21F–4 by revising paragraph (c)(2) to read as follows:

§ 240.21F–4 Other definitions.

* * * * *

(c) * * *

(2) You gave the Commission original information about conduct that was already under examination or investigation by the Commission, the Congress, any other authority of the Federal Government, a state attorney general or securities regulatory authority, any self-regulatory organization, or the PCAOB (except in cases where you were an original source of this information as defined in paragraph (b)(5) of this section), and your submission significantly contributed to the success of the action; or

* * * * *

■ 5. Amend § 240.21F–6 by adding paragraph (d) to read as follows:

§ 240.21F–6 Criteria for determining amount of award.

* * * * *

(d) *Consideration of the dollar amount of an award.* When applying the award factors specified in paragraphs (a) and (b) of this section, the Commission may consider the dollar amount of a potential award for the limited purpose of increasing the award amount. The Commission shall not, however, use the dollar amount of a potential award as a basis to lower a potential award, including but not limited to in applying the factors specified in paragraphs (a) and (b) of this section.

■ 6. Amend § 240.21F–8 by revising paragraph (e)(4)(ii) to read as follows:

§ 240.21F–8 Eligibility and forms.

* * * * *

(e) * * *

(4) * * *

(ii) If, within 30 calendar days of the Office of the Whistleblower providing the foregoing notification, you withdraw the relevant award application(s), the withdrawn award application(s) will not be considered by the Commission in determining whether to exercise its authority under paragraph (e) of this section.

■ 7. Amend § 240.21F–10 by revising paragraph (e) to read as follows:

§ 240.21F–10 Procedures for making a claim for a whistleblower award in SEC actions that result in monetary sanctions in excess of $1,000,000.

* * * * *

(e) You may contest the Preliminary Determination made by the Claims Review Staff by submitting a written response to the Office of the Whistleblower setting forth the grounds for your objection to either the denial of an award or the proposed amount of an award. The response must be in the form and manner that the Office of the Whistleblower shall require. You may also include documentation or other evidentiary support for the grounds advanced in your response. In applying the award factors specified in § 240.21F–6, and determining the award dollar and percentage amounts set forth in the Preliminary Determination, the award factors may be considered by the SEC staff and the Commission in dollar terms, percentage terms or some combination thereof, subject to the limitations imposed by § 240.21F–6(d). Should you choose to contest a Preliminary Determination, you may set forth the reasons for your objection to the proposed amount of an award, including the grounds therefore, in dollar terms, percentage terms or some combination thereof.

(1) Before determining whether to contest a Preliminary Determination, you may:

(i) Within 30 calendar days of the date of the Preliminary Determination, request that the Office of the Whistleblower make available for your review the materials from among those set forth in § 240.21F–12(a) that formed the basis of the Claims Review Staff's Preliminary Determination.

(ii) Within 30 calendar days of the date of the Preliminary Determination, request a meeting with the Office of the Whistleblower; however, such meetings are not required, and the office may in its sole discretion decline the request.

(2) If you decide to contest the Preliminary Determination, you must submit your written response and supporting materials within 60 calendar days of the date of the Preliminary Determination, or if a request to review materials is made pursuant to paragraph (e)(1) of this section, then within 60 calendar days of the Office of the Whistleblower making those materials available for your review.

* * * * *

■ 8. Amend § 240.21F–11 by revising paragraphs (a), (c), and (e) to read as follows:

§ 240.21F–11 Procedures for determining awards based upon a related action.

(a) If you are eligible to receive an award following a Commission action that results in monetary sanctions totaling more than $1,000,000, you also may be eligible to receive an award in connection with a related action (as defined in § 240.21F–3).

* * * * *

(c) The Office of the Whistleblower may request additional information from you in connection with your claim for an award in a related action to demonstrate that you directly (or through the Commission) voluntarily provided the governmental/SRO entity (as specified in § 240.21F–3(b)(1)) the same original information that led to the Commission's successful covered action, and that this information led to the successful enforcement of the related action. Further, the Office of the Whistleblower, in its discretion, may seek assistance and confirmation from the governmental/SRO entity in making an award determination. Additionally, if your related-action award application might implicate a second whistleblower program, the Office of the Whistleblower is authorized to request information from you or to contact any authority or entity responsible for administering that other program, including disclosing the whistleblower's identity if necessary, to ensure compliance with the terms of § 240.21F–3(b)(3).

* * * * *

(e) You may contest the Preliminary Determination made by the Claims Review Staff by submitting a written response to the Office of the Whistleblower setting forth the grounds for your objection to either the denial of an award or the proposed amount of an award. The response must be in the form and manner that the Office of the Whistleblower shall require. You may also include documentation or other evidentiary support for the grounds advanced in your response. In applying

the award factors specified in § 240.21F–6, and determining the award dollar and percentage amounts set forth in the Preliminary Determination, the award factors may be considered by the SEC staff and the Commission in dollar terms, percentage terms or some combination thereof, subject to the limitations imposed by § 240.21F–6(d). Should you choose to contest a Preliminary Determination, you may set forth the reasons for your objection to the proposed amount of an award, including the grounds therefore, in dollar terms, percentage terms or some combination thereof.

(1) Before determining whether to contest a Preliminary Determination, you may:

(i) Within 30 calendar days of the date of the Preliminary Determination, request that the Office of the Whistleblower make available for your review the materials from among those set forth in § 240.21F–12(a) that formed the basis of the Claims Review Staff's Preliminary Determination.

(ii) Within 30 calendar days of the date of the Preliminary Determination, request a meeting with the Office of the Whistleblower; however, such meetings are not required, and the office may in its sole discretion decline the request.

(2) If you decide to contest the Preliminary Determination, you must submit your written response and supporting materials within 60 calendar days of the date of the Preliminary Determination, or if a request to review materials is made pursuant to paragraph (e)(1) of this section, then within 60 calendar days of the Office of the Whistleblower making those materials available for your review.

* * * * *

By the Commission.

Dated: February 10, 2022.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2022–03223 Filed 2–17–22; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 192

[Docket No. FHWA–2020–0015]

RIN 2125–AF93

Drug Offender's Driver's License Suspension

AGENCY: Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: FHWA proposes to amend its regulations governing each State's certification of whether they choose to enact and enforce drug offender's driver's license requirements or choose to oppose enacting or enforcing the drug offender's driver's license requirement. The regulations apply to each State and specify the steps that States must take to avoid the withholding of Federal-aid highway funds for noncompliance with the certification requirements. Highway Safety is the top priority of both DOT and FHWA. The changes that FHWA has proposed to the regulations will not negatively impact safety, efforts to combat substance abuse, or the substantive protections provided by the State certification requirements. Rather, they simply update the regulations to align with the wording of relevant statutes, increase clarity, and reduce administrative burden on States. Reducing fatalities and serious injuries resulting from impairment will continue to be a top priority of the Department and FHWA.

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

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.

All submissions should include the agency name and the docket number that appears in the heading of this document or the Regulatory Identification Number (RIN) for the rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Pascual, Office of Safety, (HSA), (202) 366–0087, or via email at *sarah.pascual@dot.gov,* or Ms. Dawn Horan, Office of the Chief Counsel (HCC–30), (202) 366–9615, or via email at *dawn.m.horan@dot.gov.* Office hours are from 8:00 a.m. to 4:30 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

This document and all comments received may be viewed online at *http://www.regulations.gov* using the docket number listed above. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from the Office of the Federal Register's website at: *www.FederalRegister.gov* and the Government Publishing Office's website at: *www.GovInfo.gov.*

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, FHWA will also continue to file relevant information in the docket as it becomes available after the comment period closing date, and interested persons should continue to examine the docket for new material. A final rule may be published at any time after close of the comment period and after DOT has had the opportunity to review the comments submitted.

Background

FHWA is required to withhold an amount equal to 8 percent of the amount of Federal-aid highway funds required to be apportioned to any State under 23 U.S.C. 104(b)(1) and (2), the National Highway Performance Program and the Surface Transportation Block Grant Program, respectively, on the first day of each fiscal year if the State fails to meet the requirements in 23 U.S.C. 159 associated with the revocation or suspension of driver's licenses of individuals convicted of drug offenses. The statute (23 U.S.C. 159) provides for two ways the States can satisfy this requirement: (1) The State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception, the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted of any violation of the Controlled Substances Act [1] or any drug

[1] The Controlled Substances Act, Public Law 91–513, tit. II, 84 Stat. 1242 (1970), as amended, is codified at 21 U.S.C. 801 *et seq.*

offense;[2] or (2) the State submits a written certification stating that the Governor is opposed to the enactment or enforcement of a law involving the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders and submits written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law.

The regulations that implement this law first took effect in 1992. The current regulatory language references several administrative and fiscal provisions that were only applicable the first year the regulation was promulgated. This proposed rulemaking updates the administrative and fiscal language to what is currently required of the State. The current regulatory language also requires each State to annually certify their compliance with 23 U.S.C. 159, which has proved burdensome for the States. This proposed rulemaking eliminates the annual certification and only requires re-certification when there is a change to a State law affecting the State's method of compliance.

Legal Authority and Statement of the Issue

FHWA is required to withhold an amount equal to 8 percent of the amount required to be apportioned to any State under 23 U.S.C. 104(b)(1) and (2) on the first day of each fiscal year if the State fails to meet the requirements in 23 U.S.C. 159 associated with the revocation or suspension of driver's licenses of individuals convicted of drug offenses. The regulations implementing this law in 23 CFR part 192 reference administrative and fiscal provisions that were only applicable the first year the regulation was promulgated and require annual certifications from States. FHWA proposes to revise its regulations governing the certification requirements in 23 CFR part 192 that implement the 23 U.S.C. 159 requirements to update the regulatory language and reduce burden on States.

Discussion of General Requirements and Limitations

Consistent with 23 U.S.C. 159, FHWA is proposing to revise § 192.4 to update the amount of penalty withholding from 10 to 8 percent and update what apportioned funds the withholding applies to by changing sections 104(b)(1), 104(b)(3), and 104(b)(5) to sections 104(b)(1) and (b)(2) of title 23 of the U.S.C. Proposed § 192.4 also allows for the Governor of the State or their designee to submit a written certification through its respective FHWA Division Administrator. This provision would result in reduced administrative burdens for Governors of the State, including time to obtain written signatures on certifications.

In proposed § 192.5, FHWA sets out new requirements when certifications compliant with 23 U.S.C. 159 are required. FHWA proposes to require all States to certify to the Secretary of Transportation, through their respective FHWA Division Administrator, by a date to be determined that it meets the requirements of 23 U.S.C. 159. This certification is needed to obtain a baseline from which compliance can be determined for all States. Information is requested from States regarding how much time is needed to provide a certification compliance with 23 U.S.C. 159. Because the timing of the effective date of this final rulemaking is unknown relative to existing annual certification requirements, FHWA will either provide a timeframe calculated from the publication date of the final rule in the **Federal Register**, or pick a date certain depending on the time of publication, but in either case, the deadline to certify would not be less than 120 days from the publication date of the final rule in the **Federal Register**. The FHWA is further proposing in § 192.5 to require a State to certify to the Secretary of Transportation, through its FHWA Division Administrator, that it meets the requirements of 23 U.S.C. 159 when there is a change to the State law, regulation, or binding policy relating to the suspension, revocation, issuance, or reinstatement of driver's licenses of drug offenders within 90 days of the effective date of a such a change affecting State compliance with 23 U.S.C. 159. FHWA believes that States do not often have changes in State laws, regulations, and binding policies affecting compliance with 23 U.S.C. 159, and that annual certification is redundant and unnecessary. FHWA expects that States will continue to monitor State laws, regulations, and policies relating to the suspension, revocation, issuance, or reinstatement of driver's licenses of drug offenders and continue to notify their respective FHWA Division Administrator accordingly. FHWA also proposes to amend § 192.5 to update the wording of the certification to be consistent with allowing the Governor of the State or the Governor's designee to provide certification signatures. Lastly, FHWA also proposes to allow submission of electronic copies of signed certifications to the FHWA Division Administrator. These changes will reduce administrative burden by decreasing the number of submissions of original signed certifications.

FHWA is proposing in § 192.6 to clarify, in accordance with the statute, that funds withheld under § 192.4 from apportionment to any State will not be available for apportionment to the State and will lapse immediately.

FHWA proposes in § 192.7 to revise the procedures affecting States that are in noncompliance with 23 U.S.C. 159. FHWA proposes that States that fail to notify FHWA within 90 days of the effective date of a change to State law, regulation, or policy that affects State compliance with 23 U.S.C. 159, or are found to be in noncompliance based on the status of the State's certification, will be advised of the funds expected to be withheld under § 192.4 approximately 90 days before the beginning of the fiscal year for which the penalty withholding will be applied. The proposed revisions to § 192.7 also allow for a State to submit documentation demonstrating compliance. This provision gives a State an opportunity to rectify noncompliance prior to funds being withheld.

As stated, FHWA expects that States do not often change State laws, regulations, and binding policies affecting compliance with 23 U.S.C. 159, and would notify their respective FHWA Division Administrators in the event of such changes. Furthermore, the proposed regulation continues to allow FHWA to withhold Federal-aid funding, consistent with 23 U.S.C. 159, from a non-compliant State in the event the State either (1) does not notify FHWA in these circumstances or (2) does not provide certification in compliance with 23 U.S.C. 159. Consequently, the proposed changes reduce neither safety nor the substantive protections provided by 23 U.S.C. 159.

Finally, FHWA proposes to make minor technical and conforming changes in part 192 to align the rule's language with the wording of relevant statutes and to promote overall clarity of the rule.

FHWA requests comments on the proposed rule. FHWA also requests comments and information regarding the assumptions used in, and other aspects of, the economic analysis of the proposed rule to inform the economic analysis at the final rule stage. FHWA presents the economic analysis in a

[2] A ''drug offense'' is defined as ''any criminal offense which proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act; or the operation of a motor vehicle under the influence of such a substance.'' 23 U.S.C. 159(c)(2).

supporting statement and a spreadsheet found in the rulemaking docket (FHWA–2020–0015) and summarizes the analysis under the ''Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Rulemaking Policies and Procedures'' heading of this preamble.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Rulemaking Policies and Procedures

FHWA has determined that the proposed rule will not be a significant regulatory action within the meaning of Executive Order (E.O.) 12866 or DOT rulemaking policies and procedures.[3] This action complies with E.O. 12866 and 13563 to improve regulation. FHWA anticipates that the proposed rule would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. The proposed rule also does not raise any novel legal or policy issues.

FHWA has determined that this action could generate cost savings, measured in 2020 dollars and discounted at 7 percent, expected to total $181,812 over 10 years. The present value annualized total is $25,886 per year.

The quantified cost savings resulting from this action are generated from reducing administrative burdens. The proposed rule will reduce the burden on States and FHWA by significantly reducing the number of compliance certifications required annually, without compromising the intent of the statute.

Currently, States must certify their compliance with 23 U.S.C. 159 annually. The proposed rule requires States only notify FHWA of a change in type of compliance, instead of recertifying compliance every year. Furthermore, the proposed rule will result in additional cost savings by allowing the State Governors to appoint a designee to certify compliance, instead of requiring the Governor's signature on the certification. This change will result in a lower-level of staff time needed to complete the certification. Under the proposed rule, the States must certify compliance in the first year after the rule takes effect. This will be an administrative cost to all 52 States.[4] However, this certification may be made using the new rule, allowing the Governor of the State to appoint a designee. Therefore, the costs to the States in the first year will still be lower under the proposed rule.

The proposed rule is not expected to affect the number of States in compliance with 23 U.S.C. 159. FHWA reports no States out of compliance in the last 3 years. Furthermore, in recent years, only one State has failed to certify, and this failure is not considered a typical occurrence. Based on this current trend, there is no expectation that any States will be out of compliance in the future due to the proposed rule or otherwise. Therefore, FHWA believes there will be no negative social consequences or disbenefits from the proposed rule.

The proposed rule does not change the current requirement that State legislatures must pass a resolution in order to enact a change in type of compliance. Therefore, there will be no change in cost for the State legislature due to the proposed rule.

The method for estimating the cost savings from the proposed rule is as follows. The analysis uses a base year of 2020 and a 10-year analysis period. Estimated wage rates for FHWA employees at division offices, who currently process the State certifications, are based on 2020 General Schedule (GS) Locality Pay Tables.[5] Estimated wage rates for FHWA Headquarters staff, who compile and analyze the certifications nationwide, were obtained from the same source using the Washington, District of Columbia, locality table. Estimated wages for State government employees were obtained from the Bureau of Labor Statistics occupational employment statistics for State government employees. Lower wages were used in the proposed rule scenario, compared to the current regulation, in order to account for the ability of the Governor of the State to appoint a designee.[6] To account for the cost of employer provided benefits, all wage rates were multiplied by a factor of 1.61.[7] Wage rates were adjusted using this factor to generate a total cost of labor per hour, as seen in Table 1.

TABLE 1—HOURLY WAGE RATES

Position	Base wage per hour	Total wage per hour
FHWA Division Office Staff (GS–12)	$38.09	$61.33
FHWA Office of Safety Staff (GS–13)	49.19	79.20
FHWA Office of the Chief Counsel Staff (GS–14)	58.13	93.59
State Government Top Executives (11–1000)	45.85	75.74
State Government Business Operations Specialists (13–1198)	33.89	55.98

For State department of transportation administrative cost savings, under current regulation, all 50 States plus the District of Columbia and Puerto Rico must submit proof of compliance each year. Under the proposed rule, after the first year, only States which change compliance type must submit a certification. The estimated time burden

[3] *See* DOT Order 2100.6A, ''Rulemaking and Guidance Procedures'' (June 7, 2021).

[4] 50 States as well as Washington, DC and Puerto Rico.

[5] 2020 General Schedule (GS) Locality Pay Tables. An average GS–12, Step 1 wage was calculated using wages for all localities in which there is a FHWA Division Office: *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/general-schedule/*.

[6] BLS May 2019 National Industry-Specific Occupational Employment and Wage Estimates NAICS 999200—State Government, excluding schools and hospitals (OES Designation). The employees expected to work on the certification under the current regulation are Top Executives (11–1000). The employees expected to work on the certification under the proposed rule are Business Operations Specialists (13–1198): *https://www.bls.gov/oes/current/naics4_999200.htm*. Wage rates were adjusted to 2020 dollars using a 2.6% adjustment for inflation, which is the 2020 Federal cost of living adjustment: *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/GS.pdf*.

[7] BLS Employer Costs for Employee Compensation, June 2020, Table 3 (page 5) State and Local Government, State and Local Government Workers: *https://www.bls.gov/news.release/ecec.t03.htm*. For this group, 62.2 percent of employee compensation is wages and the remainder is the cost of benefits, which suggests factoring wages by 1.61 (100%/62.2%) to estimate the total cost of compensation.

on the States per certification is 5 hours in both the current and proposed rule scenarios. Given that FHWA historically receives 1–4 changes per year from States, going forward, the analysis assumed two compliance changes per year to be processed, after the first year of analysis. These changes were assumed to be medium to high level of administrative burden for processing by FHWA Division Office employees and Headquarters staff.

Under current regulation, the certification of compliance must be signed by the Governor of each State, while under the proposed rule, the Governor may appoint a designee. Based on current trends, FHWA assumes two States will make a change and submit for certification each year, under the proposed rule, with 5 hours of burden per State. Furthermore, the estimated wage rate was reduced to account for the appointment of a designee by the Governor under the proposed rule. Under the proposed rule, all 52 States will spend 5 hours certifying compliance in the first year, 2021, at a lower administrative cost due to the proposed rule, as seen in Table 2. For all years after the initial certification, rather than 52 States spending 5 hours per year submitting a certification with the Governor's signature, only 2 States will spend 5 hours per year submitting a certification with a designee's signature. This resulted in a yearly undiscounted cost savings of $19,132 for the States, beginning in 2022, as shown in Table 2.

TABLE 2—ESTIMATED CHANGE IN ADMINISTRATIVE BURDEN ON THE STATES

Year	State administrative cost, current	State administrative cost, proposed rule	Total administrative cost savings
2021	$19,692	$14,555	$5,137
2022	19,692	560	19,132
2023	19,692	560	19,132
2024	19,692	560	19,132
2025	19,692	560	19,132
2026	19,692	560	19,132
2027	19,692	560	19,132
2028	19,692	560	19,132
2029	19,692	560	19,132
2030	19,692	560	19,132
Total	196,918	19,594	177,325

For FHWA administrative cost savings, under current regulation, FHWA receives 52 certifications annually which are processed by both the division offices and Headquarters. FHWA estimates that approximately 38 of these certifications are a low administrative burden (30 minute processing time at the district office), 12 are a moderate administrative burden (2.5 hour processing time at the district office), and 2 are high administrative burden (20 hour processing time at the district office). Calculations assume a GS–12 wage for FHWA Division Office employees. In addition, under the current regulation, each of the 52 certifications is processed for an additional 2 hours at Headquarters at the GS–13 and GS–14 levels.

Under the proposed rule, two certifications per year were assumed, at a moderate and high administrative burden, respectively. Wage rates were assumed to be the same across the current and proposed rule scenarios for FHWA. This resulted in a yearly undiscounted administrative cost savings of $9,939 for FHWA, beginning in 2022, as shown in Table 3.

TABLE 3—ESTIMATED CHANGE IN ADMINISTRATIVE BURDEN ON FHWA

Year	FHWA administrative cost, current	FHWA administrative cost, proposed rule	Total administrative cost savings
2021	$12,168	$12,168	$0
2022	12,168	2,229	9,939
2023	12,168	2,229	9,939
2024	12,168	2,229	9,939
2025	12,168	2,229	9,939
2026	12,168	2,229	9,939
2027	12,168	2,229	9,939
2028	12,168	2,229	9,939
2029	12,168	2,229	9,939
2030	12,168	2,229	9,939
Total	121,680	32,233	89,448

Total cost savings were calculated by adding the State and FHWA administrative cost savings and discounting at 7 percent and 3 percent, as seen in Table 4. Overall, the total undiscounted administrative cost savings per year are $5,137 in 2021 and $29,071 after 2021. The total administrative cost savings over 10 years are $181,812, discounted at 7 percent and $224,741, discounted at 3 percent.

TABLE 4—ESTIMATED ADMINISTRATIVE COST SAVINGS FROM THE PROPOSED RULE

Year	Total administrative cost savings	Total administrative cost savings, discounted at 7%	Total administrative cost savings, discounted at 3%
2021	$5,137	$4,801	$4,987
2022	29,071	25,391	27,402
2023	29,071	23,730	26,604
2024	29,071	22,178	25,829
2025	29,071	20,727	25,077
2026	29,071	19,371	24,346
2027	29,071	18,104	23,637
2028	29,071	16,919	22,949
2029	29,071	15,812	22,280
2030	29,071	14,778	21,631
Total	266,772	181,812	224,741

Overall, the proposed rule would result in a reduced administrative burden to both the States and FHWA and lead to cost savings of $181,812 over 10 years, discounted at 7 percent. As noted above the rule is non-significant and is not expected to generate any other costs or benefits aside from the administrative cost savings.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601–612), FHWA has evaluated the effects of this proposed rule on small entities, such as local governments and businesses, and anticipates that this action would not have a significant economic impact on a substantial number of small entities. The proposed rule affects State governments and State governments do not meet the definition of a small entity. Therefore, FHWA certifies that the action will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

FHWA has determined that this proposed rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). The actions in this proposed rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $155 million or more in any one year (when adjusted for inflation) for either State, local, and Tribal governments in the aggregate, or by the private sector. In addition, the definition of ''Federal Mandate'' in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

Executive Order 13132 (Federalism Assessment)

FHWA has analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 13132. FHWA has determined that this action would not have sufficient federalism implications to warrant the preparation of a federalism assessment. FHWA has also determined that this action would not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The OMB has renewed their approval for information collection entitled ''Drug Offender's Driver's License Suspension Certification'' (OMB Control No. 2125–0579).

National Environmental Policy Act

The Agency has analyzed this proposed rulemaking action pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that it is categorically excluded under 23 CFR 771.117(c)(20), which applies to the promulgation of regulations, and that no unusual circumstances are present under 23 CFR 771.117(b). Categorically excluded actions meet the criteria for categorical exclusions under the Council on Environmental Quality regulations and under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA.

Executive Order 13175 (Tribal Consultation)

FHWA has analyzed this proposed rule under E.O. 13175 and believes that it will not have substantial direct effects on one or more Indian Tribes, does not impose substantial direct compliance costs on Indian Tribal governments, and does not preempt Tribal law. This proposed rule does not impose any direct compliance requirements on Indian Tribal governments nor does it have any economic or other impacts on the viability of Indian Tribes. Therefore, a Tribal summary impact statement is not required.

Executive Order 13211 (Energy Effects)

FHWA has analyzed this proposed rule under E.O. 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. FHWA has determined that this action is not a significant energy action under the E.O. and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

Executive Order 12898 (Environmental Justice)

E.O. 12898 requires that each Federal agency make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations. FHWA has determined that

this proposed rule does not raise any environmental justice issues.

Regulation Identification Number

A RIN is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 192

Administrative practice and procedure, Drug abuse, Grant programs—transportation, Highway safety, Reporting and recordkeeping requirements.

Issued under authority delegated in 49 CFR 1.81 and 1.85.

Stephanie Pollack,

Acting Administrator, Federal Highway Administration.

■ In consideration of the foregoing, FHWA proposes to revise 23 CFR part 192 to read as follows:

Authority: 23 U.S.C. 159, 315.

PART 192—DRUG OFFENDER'S DRIVER'S LICENSE SUSPENSION

Sec.

192.1 Scope.
192.2 Purpose.
192.3 Definitions.
192.4 Adoption of drug offender's driver's license suspension.
192.5 Certification requirements.
192.6 Period of availability of withheld funds.
192.7 Procedures affecting States in noncompliance.

Authority: 23 U.S.C. 159, 315.

§ 192.1 Scope.

This part prescribes the requirements necessary to implement 23 U.S.C. 159, which encourages States to enact and enforce drug offender's driver's license suspensions.

§ 192.2 Purpose.

The purpose of this part is to specify the steps that States must take to avoid the withholding of Federal-aid highway funds for noncompliance with 23 U.S.C. 159.

§ 192.3 Definitions.

As used in this part:

(a) *Convicted* includes adjudicated under juvenile proceedings.

(b) *Driver's license* means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

(c) *Drug offense* means:

(1) The possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act, or

(2) The operation of a motor vehicle under the influence of such a substance.

(d) *Substance the possession of which is prohibited under the Controlled Substances Act* or *substance* means a controlled or counterfeit substance, as those terms are defined in subsections 102(6) and (7) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802(6) and (7) and listed in 21 CFR 1308.11 through 1308.15.

§ 192.4 Adoption of drug offender's driver's license suspension.

(a) The Secretary shall withhold 8 percent of the amount required to be apportioned to any State under each of sections 104(b)(1) and (b)(2) of title 23 of the U.S.C. on the first day of the next fiscal year if the State does not meet the requirements of this section.

(b) A State meets the requirements of this section if:

(1) The State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception:

(i) The revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of

(A) Any violation of the Controlled Substances Act, or

(B) Any drug offense, and

(ii) A delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual otherwise would have been eligible to have a driver's license issued or reinstated if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted, or

(2) The Governor of the State or their designee:

(i) Submits to the Secretary through its respective FHWA Division Administrator a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in paragraph (b)(1) of this section relating to the revocation, suspension, issuance, or reinstatement of driver's licenses to convicted drug offenders; and

(ii) Submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in paragraph (b)(1) of this section.

(c) A State that makes exceptions for compelling circumstances must do so in accordance with a State law, regulation, binding policy directive or statewide published guidelines establishing the conditions for making such exceptions and in exceptional circumstances specific to the offender.

§ 192.5 Certification requirements.

(a) Each State shall certify to the Secretary by [DATE TO BE DETERMINED during development of FINAL RULE] that it meets the requirements of 23 U.S.C. 159 and this regulation. Subsequently, each State shall certify to the Secretary through its respective FHWA Division Administrator that it meets the requirements of 23 U.S.C. 159 and this regulation when there is a change to the State law, regulation, or binding policy relating to the suspension, revocation, issuance, or reinstatement or driver's licenses of drug offenders within 90 days of the effective date of a State legislative change that affects State compliance with this section.

(b) If the State believes it meets the requirements of 23 U.S.C. 159 and this regulation on the basis that it has enacted and is enforcing a law that suspends or revokes the driver's licenses of drug offenders, the certification shall contain a statement by the Governor of the State, or their designee, that the State has enacted and is enforcing a Drug Offender's Driver's License Suspension law that conforms to 23 U.S.C. 159(a)(3)(A). The certifying statement may be worded as follows: I, (Name of Governor or designee), (ADD TITLE on behalf of the) Governor of the (State or Commonwealth) of ____, do hereby certify that the (State or Commonwealth) of ____, has enacted and is enforcing a Drug Offender's Driver's License Suspension law that conforms to section 23 U.S.C. 159(a)(3)(A).

(c) If the State believes it meets the requirements of 23 U.S.C. 159(a)(3)(B) on the basis that it opposes a law that requires the suspension, revocation, or delay in issuance or reinstatement of the driver's licenses of drug offenders that conforms to 23 U.S.C. 159(a)(3)(A), the certification shall contain:

(1) A statement by the Governor of the State or their designee that the Governor is opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159(a)(3)(A) and that the State legislature has adopted a resolution expressing its opposition to such a law. The certifying statement may be worded

as follows: I, (Name of Governor or designee), (ADD TITLE on behalf of the) Governor of the (State or Commonwealth) of ____, do hereby certify that I am opposed to the enactment or enforcement of a law that conforms to 23 U.S.C. 159(a)(3)(A) and that the legislature of the (State or Commonwealth) of ____, has adopted a resolution expressing its opposition to such a law.

(2) Until a State has been determined to be in compliance with the requirements of 23 U.S.C. 159(a)(3)(B) and this regulation, the certification shall include a copy of the resolution.

(d) The Governor or their designee shall submit an electric copy of the certification to its respective FHWA Division Administrator. The FHWA Division Administrator shall retain an electronic copy and forward an electronic copy to both the FHWA Office of Safety and the FHWA Office of the Chief Counsel.

(e) Any changes to the certification or supplemental information necessitated by the review of the certifications as they are forwarded, State legislative changes that affects State compliance of this section, or changes in State enforcement activity shall be submitted within 90 days of the change being effective.

§ 192.6 Period of availability of withheld funds.

Funds withheld under § 192.4 from apportionment to any State will not be available for apportionment to the State and shall lapse immediately.

§ 192.7 Procedures affecting States in noncompliance.

(a) If FHWA determines that the State is not in compliance with 23 U.S.C. 159(a)(3), the State will be advised of the funds expected to be withheld under § 192.4 from apportionment, as part of the advance notice of apportionments required under 23 U.S.C. 104(e). This notification will normally occur not later than 90 days before the beginning of the fiscal year for which the sums to be apportioned are authorized. The State may, within 30 days of its receipt of the advance notice of apportionments, submit documentation demonstrating its compliance. Documentation shall be submitted electronically to the FHWA Division Administrator for that State. The FHWA Division Administrator shall retain an electronic copy and forward an electronic copy to both the FHWA Office of Safety and the FHWA Office of the Chief Counsel.

(b) Each fiscal year, each State determined not to be in compliance with 23 U.S.C. 159(a)(3), based on FHWA's final determination, will receive notice of the funds being withheld under § 192.4 from apportionment, as part of the certification of apportionments required under 23 U.S.C. 104(e), which normally occurs on October 1 of each fiscal year.

[FR Doc. 2022–03172 Filed 2–17–22; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–39

[FMR Case 2019–102–01; Docket No. GSA–FMR–2019–0015; Sequence No. 1]

RIN 3090–AK11

Federal Management Regulation; Replacement of Personal Property Pursuant to the Exchange/Sale Authority

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: GSA is proposing to amend the Federal Management Regulation (FMR) to clarify the exchange/sale provisions to improve the application of this important authority across Federal agencies. The related FMR part Replacement of Personal Property to the Exchange/Sale Authority was last revised November 1, 2011.

DATES: Interested parties should submit comments in writing on or before April 19, 2022.

ADDRESSES: Submit comments in response to FMR Case 2019–102–01 to *Regulations.gov* at *https://www.regulations.gov.* Enter ''FMR Case 2019–102–01'' under the heading ''Enter Keyword or ID'' and select ''Search''. Select the link ''Submit a Comment'' that corresponds with ''FMR Case 2019–102–01''. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''FMR Case 2019–102–01'' on your attached document.

All comments received will be posted without change, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact William Garrett, Director, Personal Property Policy Division, Office of Government-wide Policy, Office of Asset and Transportation Management (MA), at 202–368–8163 or *william.garrett@gsa.gov.* For information pertaining to status or publication schedules, contact the Regulatory Secretariat (MVCB), 202–501–4755. Please cite FMR Case 2019–102–01.

SUPPLEMENTARY INFORMATION:

A. Authority and Background of This Program

Personal property includes a wide variety of Government items such as computers, office equipment, furniture, and vehicles, as well as more specialized items specific to agencies, such as medical equipment for the U.S. Department of Veterans Affairs (VA) and medical helicopters for the U.S. Army. The Federal Government owns and manages more than a trillion dollars of personal property. In Fiscal Year (FY) 2020, Federal agencies reported approximately $1.9 trillion in capitalized personal property assets under their control. Over time, agencies' personal property may no longer adequately perform the task for which it was acquired. 40 United States Code (U.S.C.) § 503 authorizes agencies to exchange (trade-in) or sell such property still needed to meet mission needs and apply the exchange allowance or sale proceeds to acquire similar replacement property.

Such transactions are known as personal property ''exchange/sale'' transactions. These transactions facilitate the replacement of personal property by allowing agencies to offset the cost of new, similar property, resulting in savings to agency funds. Without this authority, agencies would have to expend the full purchase price of new personal property from appropriations, while depositing the proceeds from the disposition of worn property in the U.S. Treasury. Because exchange/sale transactions provide agencies with opportunities to save costs, it is important that agencies using this authority establish policies, processes, and procedures with effective controls, in order to ensure that they meet applicable requirements and are good stewards of Government resources.

GSA's regulations at 41 Code of Federal Regulations (CFR) Part 102–39 describe the terms, conditions, and reporting requirements for exchanges and sales of personal property. The personal property exchange/sale authority in FMR § 102–39.60 allows agencies to replace property that is not excess or surplus, *i.e.,* the property is still needed to meet the agency's continuing mission. In addition,

agencies must meet the following requirements to use the exchange/sale authority:

- The property exchanged or sold is similar to the property acquired.
- The personal property exchanged or sold was not acquired for the principal purpose of later exchanging it or selling it using the authority. For example, an agency cannot purchase a more costly piece of equipment than necessary to meet mission needs for the sole reason that it will deliver a higher value when sold using this exchange/sale authority.
- Proceeds from the sale can only be put toward the purchase of similar replacement property and cannot be used for services. In other words, an agency can use proceeds from the sale of a vehicle to purchase a new vehicle, but it cannot use proceeds to hire a mechanic to repair an existing vehicle.
- Proceeds from sale are available during the same fiscal year (FY) the property was sold and the following FY for replacement property. This means that for an item sold in FY 2021, an agency has the rest of FY 2021, as well as FY 2022 to purchase a replacement item. If agencies do not spend these funds by the end of the next FY, monies are to be deposited in the U.S. Treasury as miscellaneous receipts, except as otherwise authorized by law. Such legal authority may, for example, take the form of an authorized revolving fund where the rules of the program allow use of funds beyond the restrictions of the FMR.
- Agencies are prohibited from using the authority to replace certain types of property as detailed in FMR § 102–39.60 (weapons, nuclear ordinances, etc.).

Agencies may choose between two transaction methods to replace property, the exchange (trade-in) method or the sale method, but must determine which method provides the greatest return to the Government, including factoring in administrative and overhead expenses. A typical exchange occurs when the original manufacturer delivers a replacement item to the agency and removes the item being replaced. The manufacturer applies a trade-in credit (an allowance) for the purchase of the replacement item. If the sale method is used, the agency receives the sale proceeds for the sale of the item and applies those proceeds to the purchase of the replacement personal property.

If contemplating an exchange/sale, agencies are guided to follow a process similar to the disposal process for excess property by making it available to other Federal agencies and state agencies by posting it to GSAXcess at *https://gsaxcess.gov/.* This is GSA's website for reporting, searching, and selecting property. This process allows other Federal agencies or state agencies to obtain the property for the price required by the reporting agency to help fund the acquisition of replacement property under the exchange/sale authority.

Agencies are required to submit a summary report to GSA through the GSA Personal Property Reporting Tool (PPRT), *https://www.property.reporting.gov/PPRT/PPRTLogin,* at the end of each FY on the type, the quantity, the exchange allowances and/or sale proceeds, as applicable, and the original acquisition cost of items for both exchange and sale transactions. Agencies with no transactions during a FY must submit a negative report. Ultimately, agencies decide whether to use the exchange/sale authority to replace property in their inventories.

B. Changes Proposed by This Rule and Expected Impact

In 2018, the Government Accountability Office (GAO) Report 19–33, ''GSA and VA Have Opportunities to Improve the Exchange/Sale Process'', identified confusion among some agencies on the use of the exchange/sale authority which could be alleviated by, among other actions, revising FMR Part 102–39. In addition to amending the exchange/sale regulations found in FMR Part 102–39 with this rule, GSA published FMR Bulletin B–48, ''Exchange/Sale Financial Accounting,'' December 18, 2018, and other guidance, frequently asked questions, best practices, and deviation request procedures all of which can be found at *www.gsa.gov/exchangesale.*

- GSA is proposing to revise the definition of ''similar'' in FMR § 102–39.20 to more narrowly tailor one of the criteria of ''similar'' to require that replacement property fall within a defined Federal Supply Classification (FSC), which can be found at *https://public.logisticsinformationservice.dla.mil/H2/search.aspx,* as opposed to an FSC Group. A FSC Group is a two-digit number that categorizes types of property, whereas a FSC is a four-digit number that further categorizes types of property within the FSC Group. For example, FSC Group 12 is for Fire Control Equipment. Within FSC Group 12, there are FSCs that further categorize this type of property, *e.g.,* FSC 1210—Fire Control Directors. GSA observes that not all property within the same broad FSC Group would reasonably be considered ''similar.'' Further, another criterion to meet the definition of ''similar'' is being updated to reflect that items will be deemed to be ''similar'' for the purposes of an exchange/sale transaction if the assets are designed or constructed for the same general purpose, regardless of the assigned FSC. Only one of the criteria in this definition needs to be met for the property to be considered ''similar'' and eligible for an exchange/sale transaction.
- Amend FMR § 102–39.25 to allow all provisions in this part to be subject to deviation except for those mandated by statute and FMR § 102–39.80.
- Amend the question in FMR § 102–39.40 and clarify the difference between the exchange/sale authority and the more frequently used excess/surplus disposal process. The primary difference is that personal property disposal under the excess/surplus process does not allow for the use of proceeds or allowances (if any), in acquiring replacement similar assets. Exchange/sale property is replacement property that is non-excess and non-surplus, meaning the agency has a continuing need for the property, but the specific item(s) are no longer suitable to the need and must be replaced, and therefore are not reported to GSA as excess or surplus for transfer or donation purposes.
- Revise the ''prohibited list'' at FMR § 102–39.60 by removing FSC Groups 42, Firefighting, rescue, and safety equipment; 51, Hand tools; and 54, Prefabricated structure and scaffolding (FSC 5410 Prefabricated and Portable Buildings, FSC 5411 Rigid Wall Shelters, and FSC 5419 Collective Modular Support System only). The restrictions remaining in this section involve assets which are inherently dangerous or pose a significant public health or safety concern.
- Remove ''. . . , except medicinal chemicals'' from FMR § 102–39.60 as these are categorized under FSG 65, not FSG 68.
- Amend FMR § 102–39.65 to clarify that an exchange or sale under this FMR part may occur after the acquisition of the replacement property. For example, if a Magnetic Resonance Imaging (MRI) machine is needed for use daily, the replacement machine may be acquired and installed before the existing machine is removed and exchanged or sold. If the existing machine is sold, in accordance with agency policy, the funds may be returned to the appropriation used to acquire the replacement machine. If the existing machine is exchanged, in accordance with agency policy, the agency agreement with the entity providing the replacement must document the responsibilities of both parties to execute this transaction.

• Update FMR § 102–39.80 by adding parallel language from the edits to FMR § 102–39.25 that states that no deviations will be granted to this section.

• Update the reporting policy and processes in FMR § 102–39.85 to reflect the use of a new online reporting tool and reporting requirements.

• Add FMR § 102–39.90 in accordance with the recommendations of GAO Report 19–33 to provide additional guidance to agencies, such as reminding agencies of the publication of Bulletin B–48 and the guidance available at the GSA website on this exchange/sale topic.

According to GSA's annual summary data, 27 agencies reported using the exchange/sale authority and received a total of about $2.8 billion in exchange allowances or sale proceeds from fiscal year 2016 through fiscal year 2020. While many agencies used the authority, a few agencies, particularly GSA, together accounted for about 88 percent of all allowances and proceeds. Specifically, 5 of 27 agencies reported nearly all exchange allowances and sale proceeds. GSA accounted for about $1.5 billion of about $2.8 billion (or about 55 percent) of reported allowances and proceeds across the federal government. Four other agencies—the Departments of Homeland Security, Agriculture, Defense, and the Interior—accounted for about $899 million (or about 32 percent) of the total. The other 22 agencies using the authority reported about $340 million (or about 12 percent) in exchange allowances or sales proceeds over the 5-year period. Finally, agencies reported using the sale method more than the exchange method. Sales by agencies accounted for about $2.5 billion (or about 91 percent), while use of the exchange method accounted for about $247 million (or about 9 percent) of total transactions reported, primarily due to GSA's reporting more use of the sale method over the exchange method.

While some agencies reported hundreds of millions of dollars in exchange allowances and sale proceeds, the data show that 8 federal agencies—including the Department of Labor and the Office of Personnel Management—reported relatively few transactions, which totaled less than $200,000 in exchange allowances and sales proceeds.

By using the exchange/sale authority, agencies have an opportunity to be good stewards of government property by efficiently replacing needed property, including high-value items, that serves critical and continuing requirements to meet agency missions. GSA expects these proposed amendments to increase agency flexibility and understanding of this program. GSA believes these proposed amendments will help agencies take better advantage and increase the use of this authority, thereby becoming more effective stewards of government property and replenishing property more efficiently.

C. 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 not anticipated to be a significant regulatory action, and therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

D. Congressional Review Act

OIRA has determined that this rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). Additionally, this rule is excepted from Congressional Review Act reporting requirements prescribed under 5 U.S.C. 801 since it relates to agency management or personnel.

E. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

F. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FMR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Reporting requirements are only addressed to Federal agencies regarding their Federal personal property transactions.

List of Subjects in 41 CFR Part 102–39

Replacement of personal property pursuant to the exchange/sale authority; Government property management; surplus Government property.

Krystal J. Brumfield,

Associate Administrator, Office of Government-wide Policy.

For the reasons set forth in the preamble, GSA proposes to amend 41 CFR part 102–39 as set forth below:

■ 1. The authority for part 102–39 continues to read as follows:

Authority: 40 U.S.C. 121(c); 40 U.S.C. 503.

PART 102–39—REPLACEMENT OF PERSONAL PROPERTY PURSUANT TO THE EXCHANGE/SALE AUTHORITY

■ 2. Amend § 102–39.20, in the definition of ''Similar,'' by revising paragraphs (2) and (4) to read as follows:

§ 102–39.20 What definitions apply to this part?

* * * * *

Similar * * *

(2) Fall within a single Federal Supply Classification (FSC) (includes any and all forms of property within an FSC); or

* * * * *

(4) Are designed or constructed for the same general purpose (includes any and all forms of property regardless of the FSC to which they are assigned).

Note 1 to § 102–39.20: Only one of the criteria in this definition needs to be met for the property to be considered ''similar'' and eligible for an exchange/sale transaction.

* * * * *

■ 3. Revise § 102–39.25 to read as follows:

§ 102–39.25 Which exchange/sale provisions are subject to deviation?

All of the provisions in this part are subject to deviation (upon presentation of adequate justification) except for those mandated by statute, as described in the Note to § 102–39.60(a), and § 102–39.80. See the link on ''Exchange/Sale'' at *www.gsa.gov/personalpropertypolicy* for additional information on requesting deviations from this part.

■ 4. Revise § 102–39.40 to read as follows:

§ 102–39.40 How does the exchange/sale authority differ from the disposal process for excess/surplus personal property?

(a) The primary difference from your perspective is that sales proceeds or exchange allowances may be used to acquire similar replacement personal property that is still needed under the exchange/sale authority as described in this part; whereas under the more frequently used excess/surplus disposal process, you would not be able to use sales proceeds or exchange allowances

to acquire replacement personal property.

(b) Your use of the exchange/sale authority is optional and should be considered when needed replacement assets may be acquired under the provisions of this part. If exchange/sale is not practicable (for example, if conducting an exchange/sale transaction is not cost effective), you should dispose of the property through the excess/surplus disposal process by reporting the property as excess, as addressed in Part 102–36 of this chapter.

(c) In the excess/surplus disposal process, any net proceeds from the sale of surplus property generally must be forwarded to the miscellaneous receipts account at the United States Treasury, and thus would not be available to you for use in acquiring similar replacement property or for any other purpose. You may use the exchange/sale authority in the acquisition of personal property even if the acquisition is under a services contract, as long as the property acquired under the services contract is similar to the property exchanged or sold (*e.g.,* for a service life extension program (SLEP), exchange allowances or sales proceeds would be available for replacement of similar items, but not for services).

■ 5. Amend § 102–39.60 by revising paragraph (a) to read as follows:

§ 102–39.60 What restrictions and prohibitions apply to the exchange/sale of personal property?

* * * * *

(a) The following FSC Groups of personal property:

10 Weapons.
11 Nuclear ordinance.
44 Furnace, Steam Plant, and Drying Equipment; and Nuclear Reactors (FSC Class 4470, Nuclear Reactors only).
68 Chemical and chemical products.
84 Clothing, individual equipment, and insignia.

Note to 102–39.60(a): Under no circumstances will deviations be granted for FSC Class 1005, Guns through 30mm. Deviations are not required for Department of Defense (DoD) property in FSC Groups 10 (for classes other than FSC Class 1005), or any other FSC Group, for which the applicable DoD demilitarization requirements and any other applicable regulations and statutes are met.

* * * * *

■ 6. Amend § 102–39.65 by—
■ a. Removing ''and'' at the end of paragraph (d);
■ b. Redesignating paragraph (e) as paragraph (f); and
■ c. Adding a new paragraph (e).
The addition reads as follows:

§ 102–39.65 What conditions apply to the exchange/sale of personal property?

* * * * *

(e) Your agency documents at the time of exchange or sale (or at the time of acquiring the replacement property if acquisition precedes the exchange or sale) that the exchange allowance or sale proceeds will be applied to the acquisition of replacement property; and

* * * * *

■ 7. Amend § 102–39.80 by adding a sentence at the end of the section to read as follows:

§ 102–39.80 What are the accounting requirements for exchange allowances or proceeds of sale?

* * * Under no circumstances will deviations be granted to for § 102–39.80.

■ 8. Revise § 102–39.85 to read as follows:

§ 102–39.85 What information am I required to report?

You must submit, within 90 calendar days after the close of each FY, an exchange/sale report using the online Personal Property Reporting Tool template found at *https://www.property.reporting.gov/PPRT/PPRTlogin.* This template provides the specific information needed for your agency's report. You can contact the GSA Help Desk at *help.PPRT@gsa.gov* if you need assistance accessing the online reporting tool. All reports, including negative reports, must be submitted electronically through the Personal Property Reporting Tool. Transactions involving books and periodicals in your libraries need not be reported.

■ 9. Add § 102–39.90 to read as follows:

§ 102–39.90 Where do I obtain additional information?

Additional information is provided at the GSA websites *www.gsa.gov/bulletin* and *www.gsa.gov/exchangesale.*

[FR Doc. 2022–03379 Filed 2–17–22; 8:45 am]

BILLING CODE 6820–14–P

Notices

Federal Register
Vol. 87, No. 34
Friday, February 18, 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 15, 2022.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (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; 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 Utilities Service

Title: Advance of Loan Funds and Budgetary Control and Related Burdens.

OMB Control Number: 0572–0015.

Summary of Collection: The Rural Utilities Service (RUS) is authorized by the Rural Electrification Act (RE Act) of 1936, as amended, ''to make loans in several States and territories of the United States for rural electrification and for the purpose of furnishing and improving electric and telephone service in rural areas and to assist electric borrowers to implement demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems.'' Borrowers will provide the agency with information that supports the use of the funds as well as identify the type of projects for which they will use the funds.

Need and Use of the Information: RUS electric borrowers will submit RUS form 595 and 219. Form 595, Financial Requirement & Expenditure Statement, to request an advance of loan funds remaining for an existing approved loan and to report on the expenditure of previously advanced loan funds. Form 219, Inventory of Work Orders, serves as a connecting line and provides an audit trail that verifies the evidence supporting the propriety of expenditures for construction of retirement projects that supports the advance of funds. The information collected will ensure that loan funds are expended and advanced for RUS approved budget process and amounts. Failure to collect proper information could result in improper determinations of eligibility or improper use of funds.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 598.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 14,523.

Rural Utility Service

Title: 7 CFR 1773, Policy on Audits of RUS Borrowers.

OMB Control Number: 0572–0095.

Summary of Collection: Under the authority of the Rural Electrification Act of 1936 (ACT), as amended 7 U.S.C. 901 *et seq.,* the Administrator is authorized and empowered to make loans under certain specified circumstances for rural electrification and the furnishing of electric energy to persons in rural areas and for the purpose of furnishing and improving telephone service in rural areas. RUS, in representing the Federal Government as Mortgagee, relies on the information provided by the borrowers in their financial statements to make lending decisions as to borrowers' credit worthiness and to assure that loan funds are approved, advanced and disbursed for proper Act purposes. Borrowers are required to furnish a full and complete report of their financial condition, operations and cash flows, in form and substance satisfactory to RUS.

Need and Use of the Information: RUS will collect information to evaluate borrowers' financial performance, determine whether current loans are at financial risk, and determine the credit worthiness of future losses. If information is not collected, it would delay RUS' analysis of the borrowers' financial strength, thereby adversely impacting current lending decisions.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 1,300.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 14,439.

Rural Utility Service

Title: Substantially Underserved Trust Areas (SUTA), 7 CFR 1700, Subpart D.

OMB Control Number: 0572–0147.

Summary of Collection: The 2008 Farm Bill (Pub. L. 110–246) authorized the Substantially Underserved Trust Area (SUTA) initiative. The SUTA initiative identifies the need and improves the availability of Rural Utility Service (RUS) programs to reach trust areas. The initiative gives the Secretary of Agriculture certain discretionary authorities relating to financial assistance terms and conditions that can enhance the financing possibilities in areas that are underserved by certain RUS electric, water and waste, and telecom and broadband programs.

Need and Use of the Information: RUS provides loan, loan guarantee and grant programs for rural electric, water and waste, and telecommunications and broadband infrastructure. Eligible applicants notify RUS in writing, at the time of application, that it seeks consideration under the requirements of

7 CFR 1700, subpart D. The data covered by this collection are those materials necessary to allow the agency to determine applicant and community eligibility, and an explanation and documentation of the high need for the benefits of the SUTA provisions. Without this information RUS would not be able to make a prudent loan decision.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 2.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 60

Rural Utility Service

Title: The Rural Alaska Village Grant (RAVG) Program; 7 CFR part 1784.

OMB Control Number: 0572–0150.

Summary of Collection: The Rural Alaska Village Grant (RAVG) Program is authorized under (Section 3061 of the Consolidated Farm and Rural Development Act (CONACT), (7 U.S.C. 1926(d)), as amended. Governing regulations are codified in 7 CFR part 1784. Under the RAVG program, the Secretary may make grants to the State of Alaska for the benefit of rural or Native Villages in Alaska to provide for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those villages. To be eligible to receive a grant under the RAVG program, the project must provide 25 percent in matching funds from the State of Alaska. The matching funds must come from non-Federal sources.

Need and Use of the Information: The Rural Utilities Service (RUS) will collect information using several forms. RUS state and field offices collect the information from applicants, grantees, and consultants. The collected information is used to determine applicant eligibility and project feasibility. RUS also uses the information to ensure that grantees operate on a sound basis and use the grants funds for authorized purposes.

Description of Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 36.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 523.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2022–03594 Filed 2–17–22; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Fresh Fruits and Vegetables

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S Codex Office is sponsoring a public meeting on March 24, 2022. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 22nd Session of the Codex Committee on Fresh Fruits and Vegetables (CCFFV) of the Codex Alimentarius Commission, which will convene virtually April 25–May 4, 2022. The U.S. Manager for Codex Alimentarius and the Acting Deputy Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 22nd Session of the CCFFV and to address items on the agenda.

DATES: The public meeting is scheduled for March 24, 2022, from 1:00–2:30 p.m. ET.

ADDRESSES: The public meeting will take place via Video Teleconference only. Documents related to the 22nd Session of the CCFFV will be accessible via the internet at the following address: *https://www.fao.org/fao-who-codexalimentarius/meetings/detail/it/?meeting=CCFFV&session=22.*

Mr. Dorian Lafond, U.S. Delegate to the 22nd Session of the CCFFV, invites U.S. interested parties to submit their comments electronically to the following email address: *dorian.lafond@usda.gov.*

Registration: Attendees must register to attend the public meeting here: *https://www.zoomgov.com/meeting/register/vJItf-GrqjsvHxm0ZzGEBP4rZe8dAdqHjFE.* After registering, you will receive a confirmation email containing information about joining the meeting.

FOR FURTHER INFORMATION CONTACT: For further information about the 22nd Session of the CCFFV, contact U.S. Delegate, Mr. Dorian Lafond, *dorian.lafond@usda.gov,* +1 (202) 690–4944.

For further information about the public meeting Contact: U.S. Codex Office, 1400 Independence Avenue SW, Room 4861, South Agriculture Building, Washington, DC 20250. Phone (202) 720–7760, Fax: (202) 720–3157, Email: *uscodex@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Fresh Fruits and Vegetables (CCFFV) are:

(a) To elaborate worldwide standards and codes of practice as may be appropriate for fresh fruits and vegetables;

(b) to consult, as necessary, with other international organizations in the standards development process to avoid duplication.

The CCFFV is hosted by Mexico. The United States attends the CCFFV as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 22nd Session of the CCFFV will be discussed during the public meeting:

- Adoption of the Agenda
- Matters referred to the Committee by the CAC and other Codex Subsidiary Bodies
- Matters arising from other international organizations on the standardization of fresh fruits and vegetables
- Proposed draft standard for onions and shallots
- Proposed draft standard for berry fruits
- Proposed draft standard for fresh dates
- Discussion paper on glossary of terms used in the layout for Codex standards for fresh fruits and vegetables
- Consideration of the proposals for new work (replies to Circular Letter 2021/79–FFV)

Public Meeting

At the March 24, 2022, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Mr. Dorian Lafond, U.S. Delegate for the 22nd Session of the CCFFV (see

ADDRESSES). Written comments should state that they relate to activities of the 22nd Session of the CCFFV.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: *https://www.usda.gov/codex,* a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *https://www.usda.gov/sites/default/files/documents/ad-3027.pdf,* or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442, Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, American Sign Language, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on February 15, 2022.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2022–03592 Filed 2–17–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID: FSA–2022–0003]

Information Collection Request; Servicing Minor Program Loans

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on an extension of a currently approved information collection to support the Servicing Minor Program Loans.

DATES: We will consider comments that we receive by April 19, 2022.

ADDRESSES: We invite you to submit comments on this notice. You may submit comments, identified by Docket ID: FSA–2022–0003, in the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Steven R. Dusek, (580) 580–3018 or by email: *steven.dusek@usda.gov.* Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 or (844) 433–2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION:

Title: Servicing Minor Program Loans.

OMB Control Number: 0560–0230.

Expiration Date: June 30, 2022.

Type of Request: Extension.

Abstract: Section 331(b) of the Consolidated Farm and Rural Development Act (CONACT, 7 U.S.C. 1981(b)), in part, authorizes the Secretary of Agriculture to modify, subordinate and release terms of security instruments, leases, contracts, and agreements entered by FSA. That section also authorizes transfers of security property, as the Secretary deems necessary, to carry out the purpose of the loan or protect the Government's financial interest. Section 335 of the CONACT (7 U.S.C. 1985) provides servicing authority for real estate security; operation or lease of realty; disposition of property; conveyance of real property interest of the United States; easements; and condemnations.

The information collection relates to a program benefit recipient or loan borrower requesting action on security they own, which was purchased with FSA loan funds, improved with FSA loan funds or has otherwise been mortgaged to FSA to secure a Government loan. The information collected is primarily financial data not already on file, such as borrower asset values, current financial information and public use and employment data. There are no changes to the burden hours since the last OMB approval.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per responses hours multiplied by the estimated total annual responses.

Estimate of Annual Burden: Public reporting burden for this collection of information is estimated to average 0.64 hours per response.

Type of Respondents: Individuals, associations, partnerships, or corporations.

Estimated Number of Respondents: 58.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual of Responses: 58.

Estimated Average Time per Responses: 0.64 hours.

Estimated Total Annual Burden on Respondents: 37 hours.

We are requesting comments on all aspects of this information collection to help us:

(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 collection of information including the validity of the methodology and assumptions used;

(3) Evaluate the quality, utility, and clarity of the information technology; and

(4) Minimize the burden of the information collection on those who respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses where provided, will be made a matter of public record. Comments will be summarized and included in the

request for OMB approval of the information collection.

Zach Ducheneaux,

Administrator, Farm Service Agency.

[FR Doc. 2022–03547 Filed 2–17–22; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

[Docket ID: FSA–2022–0002]

Information Collection Request; Agricultural Foreign Investment Disclosure Act Report

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on a revision and an extension of a currently approved information collection request associated with the Agricultural Foreign Investment Disclosure Act (AFIDA) of 1978.

DATES: We will consider comments that we receive by April 19, 2022.

ADDRESSES: We invite you to submit comments on the notice. You may submit comments, identified by Docket ID: FSA–2022–0002, in the Federal eRulemaking Portal: Go to *https://www.regulations.gov.* Follow the online instructions for submitting comments.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting Tricia Barnes below.

FOR FURTHER INFORMATION CONTACT: Tricia Barnes, telephone: (202) 720–0604; email: *Tricia.Barnes@usda.gov.* Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice).

SUPPLEMENTARY INFORMATION:

Title: Agricultural Foreign Investment Disclosure Act Report.

OMB Control Number: 0560–0097.

Expiration Date of Approval: June 30, 2022.

Type of Request: Revision.

Abstract: AFIDA requires foreign persons who hold, acquire, or dispose of any interest in U.S. agricultural land to report the transactions and holdings to FSA on an AFIDA report (FSA–153). The information collected is made available to States. Also, the information collected from the AFIDA reports is used to prepare an annual report to Congress.

The number of respondents increased by 2,250, and the burden hours increased by 1,063. The increase is because more foreign persons acquired or transferred an interest in U.S. agricultural land than in prior years and must comply with AFIDA reporting requirements.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per responses hours multiplied by the estimated total annual responses.

Estimate of Respondent Burden: Public reporting burden for the information collection is estimated to average 0.476 hours per response.

Respondents: Individuals or households, businesses or other for profit farms.

Estimated Annual Number of Respondents: 7,775.

Estimated Number of Reponses per Respondent: 1.

Estimated Total Annual Responses: 7,775.

Estimated Average Time per Response: 0.476 hours.

Estimated Total Annual Burden on Respondents: 3,694 hours.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of the FSA's estimate of burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected;

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Zach Ducheneaux,

Administrator, Farm Service Agency.

[FR Doc. 2022–03487 Filed 2–17–22; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Modoc County Resource Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Modoc County Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with title II of the Act, as well as to make recommendations on recreation fee proposals for sites on Modoc National Forest within Modoc County, consistent with the Federal Lands Recreation Enhancement Act. RAC information and virtual meeting information can be found at the following website: *https://www.fs.usda.gov/main/modoc/workingtogether/advisorycommittees.*

DATES: The meeting will be held on March 9, 2022, 3:00 p.m.–7:00 p.m., Pacific Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting is open to the public and will be held virtually via telephone and/or video conference. Virtual meeting participation details can be found on the website listed under **SUMMARY** or can be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Chris Bielecki, Designated Federal Officer (DFO), by phone at 530–233–5811 or email at *christopher.s.bielecki@usda.gov* or Cynthia King, RAC Coordinator, at 530–233–8706 or email at *cynthia.king2@usda.gov.*

Individuals who use telecommunication devices for the deaf and hard-of-hearing (TDD) may call the

Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss outreach,
2. Hear from Title II project proponents and discuss Title II project proposals;
3. Make funding recommendations on Title II projects;
4. Approve meeting minutes; and
5. Schedule the next meeting.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing by March 3, 2022, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Cynthia King, 225 W 8th Street, Alturas, CA 96101 or by email to *cynthia.king2@usda.gov.*

Meeting Accommodations: Please make requests in advance for sign language interpreter services, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case-by-case basis.

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the RAC. To help ensure that recommendations of the RAC have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, political beliefs, income derived from a public assistance program, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs).

Dated: February 15, 2022.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2022–03549 Filed 2–17–22; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Census Bureau

Census Scientific Advisory Committee

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of public virtual meeting.

SUMMARY: The Census Bureau is giving notice of a virtual meeting of the Census Scientific Advisory Committee (CSAC). The Committee will address policy, research, and technical issues relating to a full range of Census Bureau programs and activities, including decennial, economic, field operations, information technology, and statistics. Last minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees website at *http://www.census.gov/cac* for the CSAC meeting information, including the agenda, and how to join the meeting.

DATES: The virtual meeting will be held on:

- Thursday, March 17, 2022, from 11:00 a.m. to 5:00 p.m. EDT, and
- Friday, March 18, 2022, from 11:00 a.m. to 5:00 p.m. EDT

ADDRESSES: The meeting will be held via the WebEx platform at the following presentation links:

- March 17, 2022—*https://uscensus.webex.com/uscensus/j.php?MTID=mebb67937a10ab5335c448bf37d9f1ebe*
- March 18, 2022—*https://uscensus.webex.com/uscensus/j.php?MTID=m8f0dc256007706a248bf1678e88ed7f3*

For audio, please call the following number: 1–888–324–9604. When prompted, please use the following Password: Census#1, and Passcode: 1371858.

FOR FURTHER INFORMATION CONTACT: Shana Banks, Advisory Committee Branch Chief, Office of Program, Performance and Stakeholder Integration (PPSI), *shana.j.banks@census.gov,* Department of Commerce, Census Bureau, telephone 301–763–3815. For TTY callers, please use the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Committee provides scientific and technical expertise to address Census Bureau program needs and objectives. The members of the CSAC are appointed by the Director of the Census Bureau. The Committee has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10).

All meetings are open to the public. A brief period will be set aside during the virtual meeting for public comments on March 18, 2022. However, individuals with extensive questions or statements must submit them in writing to *shana.j.banks@census.gov,* (subject line ''2022 CSAC Spring Virtual Meeting Public Comment'').

Robert L. Santos, Director, Census Bureau, approved the publication of this Notice in the **Federal Register**.

Dated: February 14, 2022.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–03488 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Current Population Survey, School Enrollment Supplement

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act (PRA) of 1995, invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment on the proposed revision of the Current Population Survey, School Enrollment Supplement, prior to the submission of the information collection request (ICR) to OMB for approval.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before April 19, 2022.

ADDRESSES: Interested persons are invited to submit written comments by email to *dsd.cps@census.gov.* Please reference the CPS School Enrollment Supplement in the subject line of your comments. You may also submit comments, identified by Docket Number USBC–2022–0001, to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* All comments

received are part of the public record. No comments will be posted to *http://www.regulations.gov* for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Lisa Cheok, Survey Statistician, 301–763–3663, *lisa.a.p.cheok@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance from the Office of Management and Budget (OMB) for the collection of data concerning the School Enrollment Supplement to be conducted in conjunction with the October Current Population Survey (CPS). The Census Bureau and the Bureau of Labor Statistics (BLS) sponsor the basic annual school enrollment questions, which have been collected annually in the CPS for over 50 years. The current clearance expires August 31, 2022. This request is for a revision of the data collection. The Census Bureau plans to remove seven questions from the data collection that were added in October 2020, which were designed to understand how the COVID–19 pandemic was affecting how children received education given specific circumstances in the spring of 2020.

This survey provides information on public/private elementary school, secondary school, and college enrollment, and on characteristics of private school students and their families, which is used for tracking historical trends, policy planning, and support.

This survey is the only source of national data on the age distribution and family characteristics of college students and the only source of demographic data on preprimary school enrollment. As part of the federal government's efforts to collect data and provide timely information to local governments for policymaking decisions, the survey provides national trends in enrollment and progress in school.

II. Method of Collection

The School Enrollment Supplement information will be collected by both personal visit and telephone interviews in conjunction with the regular October CPS interviewing. All interviews are conducted using computer-assisted interviewing.

III. Data

OMB Control Number: 0607–0464.

Form Number(s): None.

Type of Review: Regular submission, Request for a Revision of a Currently Approved Collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 54,000.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 2,700.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b), 141, and 182 authorize the Census Bureau and Title 29, United States Code, Section 2 authorizes the Bureau of Labor Statistics to collect this information. The Education Sciences Reform Act of 2002 (ESRA, Title 20, United States Code, Section 9543) authorizes the National Center for Education Statistics to collect this information.

IV. Request for Comments

We are soliciting public comments to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include, or summarize, each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–03588 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

National Advisory Committee

AGENCY: Census Bureau, Department of Commerce.

ACTION: Notice of public virtual meeting.

SUMMARY: The Census Bureau is giving notice of a virtual meeting of the National Advisory Committee (NAC). The Committee will address strategies for communicating the use of differential privacy for the 2020 Census data products. Additionally, the Committee will provide recommendations for messaging and communication strategies for information data users, of all skill levels, about what differential privacy is, the data protection it provides, the privacy/accuracy tradeoff, and the strengths and limitations of the 2020 Census data products. Last-minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees website at *http://www.census.gov/cac* for the NAC meeting information, including the agenda, and how to join the meeting.

DATES: The virtual meeting will be held on:

- Monday, March 7, 2022, from 2:30 p.m. to 5:30 p.m. EST

ADDRESSES: The meeting will be held via the WebEx platform at the following presentation link: *https://uscensus.webex.com/uscensus/onstage/g.php?MTID=ef2fcdf3c141cd9c576c2ccab7652d431*.

For audio, please call the following number: 888–566–6192. When prompted, please use the following Password: Census2022!, and Passcode: 4881978#.

FOR FURTHER INFORMATION CONTACT: Shana Banks, Advisory Committee Branch Chief, Office of Program, Performance and Stakeholder Integration (PPSI), *shana.j.banks@census.gov,* Department of Commerce,

U.S. Census Bureau, telephone 301–763–3815. For TTY callers, please use the Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The NAC provides technical expertise to address Census Bureau program needs and objectives. The members of the NAC are appointed by the Director of the Census Bureau. The NAC has been established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10).

All meetings are open to the public. A brief period will be set aside during the virtual meeting for public comments on March 7, 2022. However, individuals with extensive questions or statements must submit them in writing to *shana.j.banks@census.gov,* (subject line ''NAC Differential Privacy Virtual Meeting Public Comment'').

Robert L. Santos, Director, Census Bureau, approved the publication of this Notice in the **Federal Register**.

Dated: February 14, 2022.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–03548 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Request for Applicants for Appointment to the United States-Brazil CEO Forum

AGENCY: International Trade Administration (ITA), Department of Commerce (DOC).

ACTION: Solicitation of applications.

SUMMARY: In March 2007, the Governments of the United States and Brazil established the U.S.-Brazil CEO Forum (Forum). This notice announces the opportunity for up to twelve individuals for appointment to the U.S. Section of the Forum for a three-year term starting May 1, 2022 and ending May 1, 2025. Nominations received in response to this notice will also be considered for on-going appointments to fill any future vacancies that may arise before May 1, 2025.

DATES: Applications for current consideration should be received no later than the close of business on April 1, 2022. After that date, applications will continue to be accepted through April 30, 2025, to fill any new vacancies that may arise.

ADDRESSES: For inquiries and to request an application, please contact Christopher Di Trolio, Office of Latin America and the Caribbean, U.S. Department of Commerce, by email at *Christopher.DiTrolio@trade.gov*.

FOR FURTHER INFORMATION CONTACT: Christopher Di Trolio, (202) 823–0530, Office of Latin America and the Caribbean, U.S. Department of Commerce.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce and the Director of the National Economic Council, together with the Brazilian Minister of Economy and the Planalto Casa Civil Minister (Presidential Chief of Staff), co-chair the U.S.-Brazil CEO Forum (Forum), pursuant to the Terms of Reference signed in March 2007 by the U.S. and Brazilian governments, as amended, which set forth the objectives and structure of the Forum. The Terms of Reference may be viewed at: *https://www.trade.gov/us-brazil-ceo-forum-terms-reference/*. The Forum, consisting of both private and public sector members, brings together leaders of the respective business communities of the United States and Brazil to discuss issues of mutual interest, particularly ways to strengthen the economic and commercial ties between the two countries. The Forum consists of the U.S. and Brazilian Government co-chairs and a Committee comprised of private sector members. The Committee is composed of two Sections, each consisting of approximately ten to twelve members from the private sector, representing the views and interests of the private sector business community in the United States and Brazil. Each government appoints the members to its respective Section. The Committee provides joint recommendations to the two governments that reflect private sector views, needs, and concerns regarding the creation of an economic environment in which their respective private sectors can partner, thrive, and enhance bilateral commercial ties to expand trade between the United States and Brazil.

This notice seeks candidates to fill up to twelve positions on the U.S. Section of the Forum as well as any future vacancies that may arise before May 1, 2025. Each candidate must be the Chief Executive Officer or President, or equivalent chief executive of a company that is: (1) U.S.-owned or controlled, (2) is incorporated in or has its main headquarters or principal place of business in the United States, and (3) is currently conducting business in both countries. Each candidate also must be a U.S. citizen or otherwise legally authorized to work in the United States and able to travel to Brazil and locations in the United States to attend official Forum meetings as well as independent U.S. Section and Committee meetings. Travel and in-person activities are contingent upon safety and health conditions in the United States and Brazil. Should safety or health conditions not be appropriate for travel and/or in-person activities, a meeting may be postponed or a virtual meeting may be scheduled instead. In addition, the candidate must not be registered nor required to be registered as a foreign agent under the Foreign Agents Registration Act of 1938, as amended. Evaluation of applications for membership in the U.S. Section by eligible individuals will be based on who will be best carry out the objectives of the Forum and will include the following criteria:

(1) A demonstrated commitment by the individual's company to the Brazilian market either through exports or investment.

(2) A demonstrated strong interest in Brazil and its economic development.

(3) The ability to offer a broad perspective and business experience to the discussions.

(4) The ability to address cross-cutting issues that affect the entire business community.

(5) The ability to initiate and be responsible for activities in which the Forum will be active.

(6) A demonstrated commitment by the individual and/or the individual's company, particularly through activities in Brazil, to:

- Support inclusive economic growth;
- uphold worker rights and labor standards in its global supply chain;
- tackle the COVID–19 pandemic and bolster public health efforts;
- strengthen the resiliency of U.S. supply chains;
- advance environmental sustainability; and
- address climate change.

The U.S. Section of the Forum should include members who represent a diversity of business sectors. Applications from individuals representing companies in all sectors and of all sizes will be considered.

The Department of Commerce is committed to achieving diversity in the membership of the U.S. Section of the Forum to the maximum extent permitted by law and consistent with the need for balanced industry representation. Where possible, the Department of Commerce will also consider the ethnic, racial, and gender diversity of the United States.

U.S. members will receive no compensation for their participation in Forum-related activities. Individual members will be responsible for all travel and related expenses associated with their participation in the Forum, including attendance at Forum and Section meetings. Only appointed members may participate in official Forum meetings; substitutes and alternates will not be designated. According to the current Terms of Reference, members are normally to serve three-year terms, but may be reappointed. Members serve at the discretion of the Secretary.

To be considered for membership in the U.S. Section, please submit the following information as instructed in the **ADDRESSES** and **DATE** captions above: Full legal name(s) and title(s) of the applicant, the applicant company's name, place of incorporation, main headquarters address, and principal place of business address (if different); size of the company; size of company's export trade (at minimum, revenue and employee count), investment, and nature of operations or interest in Brazil; and a brief statement describing the candidate's qualifications that should be considered, including information about the candidate's ability to initiate and be responsible for activities in which the Forum will be active. The application should also include sufficient information to demonstrate the applicant's company is U.S.-owned or controlled, which may include, for example, an affirmation from the company that a majority of its voting stock is owned by U.S. citizens or other U.S. entities, an affirmation that a majority of its board of directors are U.S. citizens, or other indicia of U.S. ownership or control. Candidates who have previously been members of the U.S. Section will need to submit new application materials if they want to be considered. All candidates will be notified once selections have been made.

Authority: 15 U.S.C. 1512.

Dated: February 14, 2022.

Alexander Peacher,

Director for the Office of Latin America & the Caribbean.

[FR Doc. 2022–03519 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Ruling Applications Filed in Antidumping and Countervailing Duty Proceedings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) received scope ruling applications, requesting that scope inquiries be conducted to determine whether identified products are covered by the scope of antidumping duty (AD) and/or countervailing duty (CVD) orders and that Commerce issue scope rulings pursuant to those inquiries. In accordance with Commerce's regulations, we are notifying the public of the filing of the scope ruling applications listed below in the month of January 2022.

DATES: Applicable February 18, 2022.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

Notice of Scope Ruling Applications: In accordance with 19 CFR 351.225(d)(3), we are notifying the public of the following scope ruling applications related to AD and CVD orders and findings filed in or around the month of January 2022. This notification includes, for each scope application: (1) Identification of the AD and/or CVD orders at issue (19 CFR 351.225(c)(1)); (2) concise public descriptions of the products at issue, including the physical characteristics (including chemical, dimensional and technical characteristics) of the products (19 CFR 351.225(c)(2)(ii)); (3) the countries where the products are produced and the countries from where the products are exported (19 CFR 351.225(c)(2)(i)(B)); (4) the full names of the applicants; and (5) the dates that the scope applications were filed with Commerce and the name of the ACCESS scope segment where the scope applications can be found.[1] This notice does not include applications which have been rejected and not properly resubmitted. The scope ruling applications listed below are available on Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), at *https://access.trade.gov.*

Scope Ruling Applications

Certain Steel Trailer Wheels 12 to 16.5 Inches from the People's Republic of China (China) (A–570–090; C–570–091); Certain models of passenger vehicle wheels, produced in and exported from China;[2] submitted by Allied Wheel Components, Inc. (Allied Wheel); January 21, 2022; ACCESS scope segments ''Allied Wheel Passenger Vehicle Wheels.''

Wood Mouldings and Millwork Products from China (A–570–117; C–570–118); Flat jambs and super and stabled jambs (collectively, composite jambs);[3] produced in and exported from China; submitted by Composite Technology International, Inc. (CTI); January 25, 2022; ACCESS scope segments ''Composite Technology.''

Notification to Interested Parties

This list of scope ruling applications is not an identification of scope inquiries that have been initiated. In accordance with 19 CFR 351.225(d)(1), if Commerce has not rejected a scope ruling application nor initiated the scope inquiry within 30 days after the filing of the application, the application will be deemed accepted and a scope inquiry will be deemed initiated the

[1] *See Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws,* 86 FR 52300, 52316 (September 20, 2021) (*Final Rule*) (''It is our expectation that the **Federal Register** list will include, where appropriate, for each scope application the following data: (1) Identification of the AD and/or CVD orders at issue; (2) a concise public summary of the product's description, including the physical characteristics (including chemical, dimensional and technical characteristics) of the product; (3) the country(ies) where the product is produced and the country from where the product is exported; (4) the full name of the applicant; and (5) the date that the scope application was filed with Commerce.'')

[2] Allied Wheel's passenger vehicle wheels are within rim sizes ranging from 16 x 6 in. to 16 x 7 in., with bolt patterns of 8 x 6.5 in. and 8 x 170 mm, with center holes (*i.e.,* hub bore sizes) ranging from 4.57 to 4.93 inches, with load capacity ranging from 2,500 to 3,750, for use in passenger vehicle wheels, classified under HTSUS 8708.70.45.60. The products will be produced in, and exported from, China, with China as the declared country of origin.

[3] The composite jambs are predominantly made of composite materials. They are used as part of an interior door frame. The core of the composite jambs is made of 10 mm thick of OSB and is laminated with pine veneer on the face and back. The door stop is made from 9 mm thick layer of MDF. The flat jamb measures approximately 16.67 mm thick, 115.89 mm wide and 2,039.938 mm long and the super and stapled jamb measures approximately 16.67 mm thick, 115.89 mm wide and 2,039.938 mm long. The composite jambs are dadoed on one side and the other side has a flat smooth surface. They are not finger-jointed and/nor edge-glued.

The composite jambs and door stop are produced in China, have country of origin of China and are to be imported from China to the United States. CTI believes the HTSUS classification for the composite jambs is HTSUS subheading 4418.99.9590.

following day—day 31.[4] Commerce's practice generally dictates that where a deadline falls on a weekend, Federal holiday, or other non-business day, the appropriate deadline is the next business day.[5] Accordingly, if the 30th day after the filing of the application falls on a non-business day, the next business day will be considered the ''updated'' 30th day, and if the application is not rejected or a scope inquiry initiated by or on that particular business day, the application will be deemed accepted and a scope inquiry will be deemed initiated on the next business day which follows the ''updated'' 30th day.[6]

In accordance with 19 CFR 351.225(m)(2), if there are companion AD and CVD orders covering the same merchandise from the same country of origin, the scope inquiry will be conducted on the record of the AD proceeding. Further, please note that pursuant to 19 CFR 351.225(m)(1), Commerce may either apply a scope ruling to all products from the same country with the same relevant physical characteristics, (including chemical, dimensional, and technical characteristics) as the product at issue, on a country-wide basis, regardless of the producer, exporter, or importer of those products, or on a company-specific basis.

For further information on procedures for filing information with Commerce through ACCESS and participating in scope inquiries, please refer to the Filing Instructions section of the Scope Ruling Application Guide, at *https://access.trade.gov/help/Scope_Ruling_Guidance.pdf.* Interested parties, apart from the scope ruling applicant, who wish to participate in a scope inquiry and be added to the public service list for that segment of the proceeding must file an entry of appearance in accordance with 19 CFR 351.103(d)(1) and 19 CFR 351.225(n)(4). Interested parties are advised to refer to the case segment in ACCESS as well as 19 CFR 351.225(f) for further information on the scope inquiry procedures, including the timelines for the submission of comments.

Please note that this notice of scope ruling applications filed in AD and CVD proceedings may be published before any potential initiation, or after the initiation, of a given scope inquiry based on a scope ruling application identified in this notice. Therefore, please refer to the case segment on ACCESS to determine whether a scope ruling application has been accepted or rejected and whether a scope inquiry has been initiated.

Interested parties who wish to be served scope ruling applications for a particular AD or CVD order may file a request to be included on the annual inquiry service list during the anniversary month of the publication of the AD or CVD order in accordance with 19 CFR 351.225(n) and Commerce's procedures.[7]

Interested parties are invited to comment on the completeness of this monthly list of scope ruling applications received by Commerce. Any comments should be submitted to James Maeder, Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, via email to *CommerceCLU@trade.gov.*

This notice of scope ruling applications filed in AD and CVD proceedings is published in accordance with 19 CFR 351.225(d)(3).

Dated: February 14, 2022.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2022–03531 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–DS–P

[4] In accordance with 19 CFR 351.225(d)(2), within 30 days after the filing of a scope ruling application, if Commerce determines that it intends to address the scope issue raised in the application in another segment of the proceeding (such as a circumvention inquiry under 19 CFR 351.226 or a covered merchandise inquiry under 19 CFR 351.227), it will notify the applicant that it will not initiate a scope inquiry, but will instead determine if the product is covered by the scope at issue in that alternative segment.

[5] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[6] This structure maintains the intent of the applicable regulation, 19 CFR 351.225(d)(1), to allow a day of separation between day 30 and day 31.

[7] *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions,* 86 FR 53205 (September 27, 2021).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–812; A–535–903; A–520–807]

Circular Welded Carbon-Quality Steel Pipe From Oman, Pakistan, and the United Arab Emirates: Final Results of Expedited Sunset Reviews of Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of these expedited sunset reviews, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on circular welded carbon-quality steel pipe (CWP) from Oman, Pakistan, and the United Arab Emirates (UAE) would likely lead to a continuation or recurrence of dumping at the levels identified in the ''Final Results of Sunset Reviews'' section of this notice.

DATES: Applicable February 18, 2022.

FOR FURTHER INFORMATION CONTACT: Zachariah Hall, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6261.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 2016, Commerce published the AD orders on CWP from Oman, Pakistan, and the UAE in the **Federal Register**.[1] On November 1, 2021, the Department of Commerce (Commerce) published the notice of initiation of the first sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On November 16, 2021, Commerce received timely and complete notices of intent to participate in these sunset reviews from Nucor Tubular Products Inc. (Nucor Tubular), Bull Moose Tube Company (Bull Moose), Wheatland Tube Company (Wheatland Tube), and Maruichi American Corp (Maruichi American) (collectively, domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The domestic interested parties claimed interested party status under section

[1] *See Circular Welded Carbon-Quality Steel Pipe from the Sultanate of Oman, Pakistan, and the United Arab Emirates: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Orders,* 81 FR 91906 (December 19, 2016) (*Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 86 FR 60201 (November 1, 2021).

[3] *See* Domestic Interested Parties' Letters, ''Circular Welded Carbon-Quality Steel Pipe from Oman: Notice of Intent to Participate in Sunset Review''; ''Circular Welded Carbon-Quality Steel Pipe from Pakistan: Notice of Intent to Participate in Sunset Review''; ''Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Notice of Intent to Participate in Sunset Review,'' each dated November 16, 2021; ''Notice of Intent to Participate in the First Five-Year Review of the Antidumping Duty Order on Circular Welded Carbon-Quality Steel Pipe from Oman''; ''Notice of Intent to Participate in the First Five-Year Review of the Antidumping Duty Order on Circular Welded Carbon-Quality Steel Pipe from Pakistan''; ''Notice of Intent to Participate in the First Five-Year Review of the Antidumping Duty Order on Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates,'' each dated November 16, 2021 (Bull Moose, Wheatland Tube, and Maruichi American's Letters) (collectively, Notice of Intent to Participate Letters).

771(9)(C) of the Act as manufacturers in the United States of the domestic like product.[4]

On December 1, 2021, the domestic interested parties filed timely and adequate substantive responses, within the deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive adequate substantive responses from any respondent interested party, nor was a hearing requested.[6] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), we determine that the respondent interested parties did not provide an adequate response to the notice of initiation and, therefore, Commerce conducted expedited (120-day) sunset reviews of the *Orders.*

Scope of the Orders

The merchandise covered by the *Orders* is CWP from Oman, Pakistan, and the UAE. For a complete description of the scope of the *Orders, see* the Issues and Decision Memorandum.[7]

Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews is provided in the Issues and Decision Memorandum. A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Reviews

Pursuant to sections 751(c) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins of up to:

Country	Weighted average dumping margin (percent)
Oman	7.36
Pakistan	11.80
UAE	6.43

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective orders, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: February 11, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. History of the *Orders*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Dumping Margins Likely To Prevail
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2022–03532 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Amendment for Clean Air Trade Mission to India

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, is announcing amended dates, pricing, and format for the Clean Air Trade Mission to India previously announced and published in the **Federal Register**. The mission, originally scheduled to take place in person on May 2–5, 2022, will now be hosted virtually on May 4–6, 2022 with a revised agenda and fee structure as outlined below.

SUPPLEMENTARY INFORMATION: Amendment to Revise Trade Mission Dates, Fees, and Format.

Background

The United States Department of Commerce, International Trade Administration, is amending the Notice published at 86 FR 21697 (April 23, 2021), regarding the dates, format, and pricing of ITA's planned Clean Air Trade Mission to India, which will now be hosted as a virtual trade mission, from May 4–6, 2022 (revised from May 2–5, 2022). The Department has been closely monitoring COVID–19 developments and believes revising the format of the mission is the best decision for the health, safety, and welfare of the participants. The deadline for applications remains March 15, 2022. Applications may be accepted after that date if space remains and scheduling constraints permit. The schedule is updated as follows:

Proposed Timetable

Wednesday, May 4, 2022	• Virtual Matchmaking. • Welcome from U.S. Commercial Service India. • U.S. Government Panel. • Virtual Matchmaking.

[4] *See* Notice of Intent to Participate Letters.

[5] *See* Domestic Interested Parties' Letters, ''Circular Welded Carbon-Quality Steel Pipe from Oman: Substantive Response to Notice of Initiation of Sunset Review''; ''Circular Welded Carbon-Quality Steel Pipe from Pakistan: Substantive Response to Notice of Initiation of Sunset Review; and ''Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Substantive Response to Notice of Initiation of Sunset Review,'' each dated December 1, 2021 (collectively, Domestic Interested Parties' Substantive Responses).

[6] *See* Commerce's Letter, ''First Sunset Antidumping Duty Review of Circular Welded Carbon-Quality Steel Pipe from the United Arab Emirates: Adequacy of Substantive Response,'' dated December 17, 2021.

[7] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders on Circular Welded Carbon-Quality Steel Pipe from Oman, Pakistan, and the United Arab Emirates,'' dated concurrently with this notice.

Thursday, May 5, 2022	• Virtual Matchmaking. • India Pollution Control Board Panel. • Virtual Matchmaking.
Friday, May 6, 2022	• Virtual Matchmaking. • Industry Panel. • Virtual Matchmaking.

*** Note:** The final schedule, matchmaking meetings, and panel topics/speakers will depend on the availability of host government and business officials and specific goals of mission participants.

Fees and expenses have been revised in accordance with the transition to a virtual format. The fee for participating small and medium sized companies is $1,000 and $2,800 for large companies for a maximum of 5 meetings per company; additional meetings may be available for an incremental fee after the trade mission ends.

The U.S. Department of Commerce will review applications and make selection decisions on a comparative basis in accordance with the Notice published at 86 FR 21697 (April 23, 2021). The applicants selected will be notified as soon as possible.

Contacts

Jing Liu, Commercial Officer, U.S. Commercial Service, New Delhi, India, Tel: +91–11–2347 2000, Email: *Jing.Liu@trade.gov*

Arup Mitra, Senior Commercial Specialist, U.S. Commercial Service, Kolkata, India, Tel: +91–11–2347 2000, Email: *Arup.Mitra@trade.gov*

Megan Hyndman, India/Pakistan Desk Officer, Global Markets, Tel: +1–202–482–4437, Email: *Megan.Hyndman@trade.gov*

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David Dennis, International Trade Specialist, Office of Energy and Environmental Industries, Tel: 802.458.7678, Email: *David.Dennis@trade.gov*

Gemal Brangman,

Director, ITA Events Management Task Force.

[FR Doc. 2022–03527 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Amended Dates for the Trade Mission to Central America in Conjunction With The Trade Americas and the US-UK Financial Innovation Partnership Trade Mission

AGENCY: Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, is announcing amended dates and deadlines for submitting applications for two upcoming trade missions that were previously announced and published in the **Federal Register**:

• Trade Mission to Central America in Conjunction with The Trade Americas—Business Opportunities in Central America Conference scheduled for March 27–April 1, 2022, postponed to August 21–26, 2022.

• US–UK Financial Innovation Partnership Trade Mission to the United Kingdom scheduled for June 20–23, 2022, postponed to June 27–29, 2022.

SUPPLEMENTARY INFORMATION: Amendments to Revise Trade Mission Dates, and Deadline for Submitting Applications.

Background

Trade Mission to Central America in Conjunction With The Trade Americas—Business Opportunities in Central America Conference

Due to the recent Omicron variant wave in the region, the International Trade Administration has determined that to allow for optimal execution of recruitment and event scheduling for the mission, the dates of the mission are modified from March 27–April 1, 2022 to August 21–26, 2022. As a result of the shift of the event dates the date of the application deadline is also revised from January 28, 2022 to May 27, 2022 (and after that date if space remains and scheduling constraints permit). Interested U.S. companies and trade associations/organizations that have not already applied are encouraged to do so. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis in accordance with the original Notice published at 87 FR 2130 (January 13, 2022). The applicants selected will be notified as soon as possible. The proposed schedule is updated as follows: *

Proposed Timetable

August 20, 2022	Travel Day/Arrival in Guatemala City. Optional Local Tour.
August 21, 2022	Guatemala City. Afternoon: Registration, U.S. Embassy Officer Consultations and Market Briefing. Evening: Networking Reception.
August 22, 2022	Guatemala City. Morning: Registration and Trade Americas—Business Opportunities in Central America Conference. Afternoon: U.S. Embassy Officer Consultations and Workshops. Evening: Networking Reception.

Optional

August 23–26, 2022	Travel and Business-to-Business Meetings in (choice of up to two markets): Option (A) Costa Rica. Option (B) Guatemala. Option (C) El Salvador. Option (D) Belize Option (E) Honduras. Option (F) Panama.
August 27, 2022	Travel Day. Return to the U.S.

* *Note:* The final schedule of meetings, events, and site visits will depend on the availability of host government and business officials, specific goals of mission participants, flight availability and ground transportation options.

Contact Information: Delia Valdivia, Senior International Trade Specialist, U.S. Commercial Service—Los Angeles (West), CA, *delia.valdivia@trade.gov,* Tel: 310–235–7203.

Background

US-UK Financial Innovation Partnership Trade Mission to the United Kingdom

The United States Department of Commerce, International Trade Administration, is amending the Notice published at 86 FR 13526 (March 8, 2021), regarding the dates of ITA's planned US-UK Financial Innovation Partnership Trade Mission to the United Kingdom, which have been modified from June 20–23, 2022, to June 27–29, 2022. The new deadline for applications has been extended to March 25, 2022. Applications may be accepted after that date if space remains and scheduling constraints permit. Interested U.S. companies and trade associations/organizations that have not already submitted an application are encouraged to do so. The schedule is updated as follows:

Proposed Timetable

Monday, June 27, 2022	• Trade Mission Participants Arrive. • No Host Dinner/Delegation Meet Up/Evening Activity (*i.e.,* London Eye).
Tuesday, June 28, 2022	*Morning: Panel Discussions.* • Opening Breakfast. • Expanding into the UK from UK FinTech Thought Leaders. • FCA Sandbox Discussion. • Armchair Discussions with UK Banks. *Afternoon: Site Visit.* • Level 39 Accelerator or Barclays incubator. • Evening Reception.
Wednesday, June 29, 2022	*Morning: London Stock Exchange & HMG Engagement.* • Opening of London Stock Exchange Networking, Ceremony, and Information on Listing on the Exchange. • Bank of England Show Round and Discussion. • FIP Roundtable Discussion with HMG, FinTech Alliance, DIT. • Group Tour of Parliament. *Afternoon: Pitchfest and/or Matchmaking Event.* • Venue TBD. • *Official Trade Mission Program Concludes.*
Thursday, June 30, 2022	• Optional spinoffs Tentative/TBD (not part of official mission).

* **Note:** The final schedule and potential site visits will depend on the availability of host government and business officials, specific goals of mission participants, and ground transportation.

The participation fee for the US–UK Financial Innovation Partnership Trade Mission has been updated to $1,500 for small or medium-sized enterprises (SME); and $2,450 or large firms or trade associations. The fee for each additional firm representative (large firm or SME/trade organization) is $750. The U.S. Department of Commerce will review applications and make selection decisions on a rolling basis in accordance with the Notice published at 85 FR 56578 (September 14, 2020). The applicants selected will be notified as soon as possible.

Contacts: Vincent Tran, International Trade Specialist, Office of Finance and Insurance Industries, Washington, DC, (202) 482–2967, *Vincent.Tran@trade.gov.*

Gemal Brangman.

Director, ITA Events Management Task Force.

[FR Doc. 2022–03526 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Section Membership Opportunities to the United States-India CEO Forum

AGENCY: International Trade Administration (ITA), Department of Commerce.

ACTION: Notice.

SUMMARY: This notice announces membership opportunities for appointment, or reappointment, to the U.S. Section of the U.S.-India CEO Forum (''Forum'').

DATES: ITA will accept nominations on a rolling basis for membership on the Forum for terms that will begin upon appointment and will expire on December 31, 2024. Immediate consideration will be given to applications received by March 21, 2022. ITA will accept nominations under this notice on an on-going basis during the charter term to fill vacancies as they arise.

ADDRESSES: For inquiries and an application, please contact Noor Sclafani, International Trade Specialist, Office of South Asia, U.S. Department of Commerce, by email at *noor.sclafani@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Noor Sclafani, International Trade Specialist, Office of South Asia, U.S. Department of Commerce, telephone: (202) 823–1840.

SUPPLEMENTARY INFORMATION: Established in 2005, the U.S.-India CEO Forum brings together leaders of the respective business communities of the United States and India to discuss issues of mutual interest, particularly ways to strengthen the economic and commercial ties between the two countries, and to communicate their joint recommendations to the U.S. and Indian governments.

The Forum will have U.S. and Indian public and private sector co-chairs. The Secretary of Commerce will serve as a public sector co-chair. Other senior U.S. Government officials may also participate in the Forum.

The Forum also includes U.S. and Indian private sector members, who will be divided into two sections. The U.S. Section will consist of up to 20 members representing the views and interests of the private sector business community in the United States. Each government will appoint the members

to its respective Section. The Secretary of Commerce will appoint the U.S. Section and the U.S. Section's private sector co-chair. The Forum will allow the private sector to develop and provide joint recommendations to the two governments that reflect private sector views, needs, concerns, and suggestions about the creation of an environment in which their respective private sectors can partner, thrive, and enhance bilateral commercial ties to expand trade and economic links between the United States and India. The Forum will work in tandem with, and provide input to, the government-to-government U.S.-India Commercial Dialogue.

Candidates are currently being sought for membership in the U.S. Section. Each candidate must be the Chief Executive Officer, President, or equivalent chief executive of a company that is (1) U.S.-owned or controlled, (2) is incorporated in or has its main headquarters or principal place of business in the United States, and (3) is currently conducting business in both countries.

Candidates must be U.S. citizens or otherwise legally authorized to work in the United States and be generally able to travel to India and locations in the United States to attend Forum meetings as well as U.S. Section meetings. Travel and in-person activities are contingent upon the safety and health conditions in the United States and India. Should safety or health conditions not be appropriate for travel and/or in-person activities, a meeting may be postponed or a virtual meeting may be scheduled instead. The candidate may not be a registered foreign agent, nor required to be registered, with the Department of Justice under the Foreign Agents Registration Act (FARA) of 1938, as amended.

Applications for membership in the U.S. Section by eligible individuals will be evaluated based on the following criteria:

(1) A demonstrated commitment by the individual's company to the Indian market either through exports or investment.

(2) A demonstrated strong interest in India and its economic development.

(3) The ability to offer a broad perspective and business experience to the discussions.

(4) The ability to address cross-cutting issues that affect the entire business community.

(5) The ability to initiate and be responsible for activities in which the Forum will be active.

(6) A demonstrated commitment by the individual and/or the individual's company, particularly through activities in India, to:

- Support inclusive economic growth;
- uphold worker rights and labor standards in its global supply chain;
- tackle the COVID–19 pandemic and bolster public health efforts;
- strengthen the resiliency of U.S. supply chains;
- advance environmental sustainability; and
- address climate change.

The U.S. Section of the Forum should include members who represent a diversity of business sectors. Applications from individuals representing companies in all sectors and of all sizes will be considered.

The Department of Commerce is committed to achieving diversity in the membership of the U.S. Section of the Forum to the maximum extent permitted by law and consistent with the need for balanced industry representation. Where possible, the Department of Commerce will also consider the ethnic, racial, and gender diversity of the United States.

U.S. Section members will receive no compensation for their participation in Forum-related activities. Individual members will be responsible for all travel and related expenses associated with their participation, including attendance at Forum and Section meetings. At the meetings, the U.S. and Indian Sections will be expected to offer recommendations to the U.S. and Indian governments. Only appointed members may participate in official Forum meetings; substitutes and alternates may not participate. U.S. Section members will serve for three-year terms but may be reappointed. Members serve at the discretion of the Secretary.

This notice supersedes the notice announcing membership opportunities for appointment, or reappointment, to the U.S. Section of the Forum published in the **Federal Register** on May 18, 2021 (86 FR 26907).

To be considered for membership in the U.S. Section, please submit the following information as instructed in the **ADDRESSES** and **DATE** captions above: Name and title of the applicant; the applicant company's name, place of incorporation, main headquarters address, and principal place of business address (if different); size of the company; size of company's export trade, investment, and nature of operations or interest in India; and a brief statement describing the candidate's qualifications that should be considered, including information about the candidate's ability to initiate and be responsible for activities in which the Forum will be active. The application should also include sufficient information to demonstrate the applicant's company is U.S.-owned or controlled, which may include, for example, an affirmation from the company that a majority of its voting stock is owned by U.S. citizens or other U.S. entities, an affirmation that a majority of its board of directors are U.S. citizens, or other indicia of U.S. ownership or control. Candidates who have previously been members of the U.S. Section or who applied under the previous notice will need to submit new application materials if they want to be considered. All candidates will be notified once selections have been made.

Dated: February 14, 2022.

Noor Sclafani,

International Trade Specialist, Office of South Asia.

[FR Doc. 2022–03514 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting of a Federal advisory committee.

SUMMARY: This notice sets forth the schedule and proposed topics for a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Tuesday, March 8, 2022 from 10:00 a.m. to 2:00 p.m. Eastern Standard Time (EST). The deadline for members of the public to register to participate, including requests to make comments during the meeting and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5:00 p.m. EST on Tuesday, March 1, 2022.

ADDRESSES: The meeting will be held virtually via Webex. Requests to register to participate (including to speak or for auxiliary aids) and any written comments should be submitted via email to Ms. Victoria Yue, Office of Energy & Environmental Industries, International Trade Administration, at *Victoria.yue@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Victoria Yue, Office of Energy & Environmental Industries, International

Trade Administration (Phone: 202–482–3492; email: *Victoria.yue@trade.gov*).

SUPPLEMENTARY INFORMATION: The meeting will take place on Tuesday, March 8, 2022 from 10:00 a.m. to 2:00 p.m. EST. The general meeting is open to the public and time will be permitted for public comment. Members of the public seeking to attend the meeting are required to register in advance. Those interested in attending must provide notification by Tuesday, March 1, 2022, at 5:00 p.m. EST, via the contact information provided above. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Victoria Yue at *Victoria.Yue@trade.gov* or (202) 482–3492 no less than one week prior to the meeting. Requests received after this date will be accepted, but it may not be possible to accommodate them.

Written comments concerning ETTAC affairs are welcome any time before or after the meeting. To be considered during the meeting, written comments must be received by Tuesday, March 1, 2022, at 5:00 p.m. EST to ensure transmission to the members before the meeting. Minutes will be available within 30 days of this meeting.

Topics to be considered: During the March 8 meeting, which will be the fifth meeting of the current charter term, the Committee will review draft recommendations and conduct subcommittee breakouts under the themes of Trade Policy and Export Competitiveness, Climate Change Mitigation and Resilience Technologies, and Waste Management and Circular Economy. An agenda will be made available one week prior to the meeting upon request to Victoria Yue.

Background: The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was most recently re-chartered through August 15, 2022.

Dated: February 10, 2021.

Devin Horne,

Senior International Trade Specialist, Office of Energy and Environmental Industries.

[FR Doc. 2022–03525 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Recruitment for the Clean EDGE Asia Business Development Mission to Indonesia and Vietnam

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The International Trade Administration (ITA), United States Department of Commerce, is announcing recruitment for the Clean EDGE Asia Business Development Mission to Indonesia and Vietnam (previously announced and published in the **Federal Register** as the Asia EDGE Business Development Mission to Indonesia and Vietnam). The Mission will be hosted from June 6–10, 2022, with dates, fee structure, and scope as outlined below. The Mission includes stops to Indonesia and Vietnam, with an optional stop to the Philippines.

SUPPLEMENTARY INFORMATION: Notice of dates, pricing, and scope for the Clean EDGE Asia Business Development Mission to Indonesia and Vietnam.

Background

The International Trade Administration (ITA), United States Department of Commerce, is announcing dates, pricing, and scope for the executive-led Clean EDGE Asia Business Development Mission to Indonesia and Vietnam. The Mission will take place from June 6–10, 2022 and includes stops to Indonesia (Jakarta) and Vietnam (Ho Chi Minh City and Hanoi), with an optional program in the Philippines (Manila) from June 13–14, 2022. The Mission was previously announced and published in the **Federal Register** as the Asia EDGE Business Development Mission (84 FR 48590) and was initially scheduled for March 16–24, 2020. The Mission was postponed multiple times due to COVID–19. The Mission is now being organized under the Biden-Harris Administration's new Indo-Pacific clean energy initiative, Clean EDGE Asia, and is focused on promoting U.S. products and services exports that strengthen energy security, enhance energy access, promote open and efficient energy markets, and advance clean energy and climate goals in Southeast Asia.

The Mission will support the U.S. vision to grow sustainable, secure, and clean energy markets throughout Asia by promoting U.S. exports, mobilizing private sector investment, removing trade barriers, and strengthening standards and procurement practices. Drawing on expertise and resources from across the U.S. government, this trade mission will advance global efforts to realize net-zero emissions by midcentury, while supporting the strategic objectives of strengthening energy security, expanding energy access, and promoting energy markets that are open, efficient, rule-based, and transparent. The Mission will highlight the range of energy sectors in which U.S. companies are competitive, including those that are at the forefront of supporting efforts to reduce global greenhouse gas emissions and decarbonize the energy sector. The Mission will build on several existing energy programs and events, including those organized under the U.S.-Indonesia and U.S.-Vietnam Energy Industry Networks.

Mission participants will have the opportunity to meet with key Southeast Asian decision makers to discuss how to foster policies, regulations, and financial investment that support the development of sustainable, secure, and profitable energy markets. Mission participants will network with regional government officials, be introduced to prospective business partners, and facilitate discussions on best practices in their areas of technical expertise. Participants will gain market insights, make industry contacts, solidify business strategies, discuss enabling policies, and advance specific projects, with the primary goal of increasing U.S. exports of products and services to the Indo-Pacific. The Mission will include customized one-on-one business appointments, meetings with state and local government officials, and networking events. Participation will be open to energy sector stakeholders meeting the prerequisites for participation outlined in the Conditions of Participation.

Best Prospects

The below list, while not exhaustive, identifies key products, services, and technologies that would be an appropriate fit for the trade mission. Companies across all energy sectors are welcome to apply. ITA is committed to assembling a trade mission delegation that is representative of a broad range of energy sectors, with an emphasis on those sectors that advance clean and sustainable energy goals.

- Renewable Power Generation (Solar, Wind, Geothermal, etc.)
- Civil Nuclear Power Generation
- Carbon Abatement Technologies for Thermal Power Generation
- Distributed Energy Resources
- Microgrids

- Transmission and Distribution (T&D) Equipment
- Smart Grid Information Communications Technologies and Services
- Distribution Automation/Substation Automation
- Energy Storage Technologies
- Supervisory Control and DataAcquisition (SCADA) Systems
- Energy Cybersecurity Software and Services
- Engineering and Design Services
- Project Management Services/ Consulting Services
- Predictive Maintenance/Corrosion Control/Condition Monitoring Systems
- Energy Management Systems
- Biofuels
- Electric Vehicle Charging Infrastructure

Other Products and Services

Applications from companies exporting products or services within the scope of the Mission, but not specifically identified, will be considered and evaluated by the U.S. Department of Commerce. Companies whose products or services do not fit the scope of the Mission may contact their local U.S. Export Assistance Center (USEAC) to learn about other business development missions and services that may provide more targeted export opportunities. Companies may call 1–800–872–8723 or visit *https://help.export.gov/* to obtain such information. This information also may be found on the website: *https://www.export.gov.*

Proposed Timetable *

June 4–14, 2022

Saturday/Sunday, June 4/5, 2022	• Travel to JAKARTA.
Monday, June 6, 2022	• *Official Trade Mission Program Commences*.
	• JAKARTA (Full Day Sessions).
Tuesday, June 7, 2022	• JAKARTA (Morning Sessions).
	• Travel to HO CHI MINH CITY.
Wednesday, June 8, 2022	• HO CHI MINH CITY (Full Day Sessions).
Thursday, June 9, 2022	• Travel to HANOI.
	• HANOI (Evening Reception).
Friday, June 10, 2022	• HANOI (Full Day Sessions).
Saturday/Sunday, June 11/12, 2022	• *Optional Spin Off Program Commences*.
	• Travel to MANILA.
Monday, June 13, 2022	• MANILA (Full Day Sessions).
Tuesday, June 14, 2022	• MANILA (Full Day Sessions).
	• *Trade Mission Concludes*.

* **Note:** The final schedule of meetings, events, and site visits will depend on the availability of host government and business officials, specific goals of mission participants, and flight availability and ground transportation options.

Participation Requirements

Applicants must sign and submit a completed trade mission application form and satisfy all the conditions of participation to be eligible for consideration. Applicants are also asked to submit a supplemental statement to ITA outlining how their products and services advance clean energy and climate goals in Southeast Asia and elaborate on any current sustainable energy projects that they are supporting in the region. ITA plans to select a minimum of 10 and a maximum of 20 firms and/or trade associations to participate in the Mission. Firms that were previously selected to the Asia EDGE Business Development Mission are encouraged to review the new scope of the trade mission and re-apply if interested.

Fees and Expenses

After a firm or trade association has been selected to participate on the Mission, a payment to the U.S. Department of Commerce in the form of a participation fee is required. The participation fee for this Business Development Mission will be $4,700 for small or medium-sized enterprises (SME) [1]; and $6,700 for large firms or trade associations. The fee for each additional firm representative (large firm, SME or trade association) is $1,000. The fee for the spin off to Manila will be $1,300 for SMEs; and $2,000 for large firms or trade associations.

Participants selected for the Mission will be expected to pay for the cost of all personal expenses, including but not limited to, international travel, lodging, meals, transportation, communication, and incidentals, unless otherwise noted. In the event that the Mission is cancelled, no personal expenses paid in anticipation of the trade mission will be reimbursed. However, participation fees for a cancelled trade mission will be reimbursed to the extent they have not already been expended in anticipation of the Mission. Delegation members will be able to take advantage of U.S. Embassy rates for hotel room package, which typically includes breakfast and airport-hotel transfers. Local ground transportation for meetings and events will be provided for the group.

Participants must obtain individual country visas to enter Indonesia, Vietnam, and the Philippines (if electing to join the optional spin-off activities in Manila). Government fees and processing expenses to obtain visas are not included in the mission costs. The U.S. Department of Commerce will provide instructions to each participant on the procedures to obtain the required visas.

Trade mission members participate in this Business Development Mission and undertake mission-related travel at their own risk. The nature of the security situation in a given foreign market at a given time cannot be guaranteed. The U.S. Government does not make any representations or guarantees as to the safety or security of participants. The U.S. Department of State issues U.S. Government international travel alerts and warnings for U.S. citizens, available at *https://travel.state.gov/content/passports/en/alertswarnings.html.* Any question regarding insurance coverage must be resolved by the participant and his/her insurers of choice.

Definition of Small and Medium Sized Enterprise

For purposes of assessing participation fees, an applicant is a small or medium-sized enterprise (SME) if it qualifies under the Small Business Administration's (SBA) size standards (*https://www.sba.gov/document/support-table-size-standards*), which vary by North American Industry Classification System (NAICS) Code. The SBA Size Standards Tool [*https://www.sba.gov/size-standards/*] can help you determine the qualifications that apply to your company.

Important Note About the COVID–19 Pandemic

Travel and in-person activities are contingent upon the safety and health conditions in the United States and the mission countries. Should safety or health conditions not be appropriate for travel and/or in-person activities, the Department will consider postponing the event or offering a virtual program in lieu of an in-person agenda. In the event of a postponement, the Department will notify the public and applicants previously selected to participate in this mission will need to confirm their availability but need not reapply. Should the decision be made to organize a virtual program, the Department will adjust fees, accordingly, prepare an agenda for virtual activities, and notify the previous selected applicants with the option to opt-in to the new virtual program.

Conditions of Participation

An applicant must submit a completed and signed mission application and supplemental application materials, including adequate information on the company's products and/or services, primary market objectives, and goals for participation. Applicants must also submit a supplemental statement to ITA outlining how their products and services advance clean energy and climate goals in Southeast Asia and describing any current sustainable energy projects they are supporting in the region. If an incomplete application is received, the U.S. Department of Commerce may reject the application, request additional information, or take the lack of information into account when evaluating the applications.

Each applicant must provide certification that its products and/or services are being manufactured or produced in the United States or, if manufactured/produced outside of the United States, its products and/or services are marketed under the name of a U.S. firm and have U.S. content representing at least 51 percent of the value of the finished product or service. In the case of a trade association, the applicant must certify that, for each company to be represented by the trade association on the mission, the products and services that the represented company seeks to export are either produced in the United States or, if not, marketed under the name of a U.S. firm and have at least 51 percent U.S. content. Applicants are encouraged to reach out to ITA staff if they have any questions.

In addition, each applicant must:

- Certify that the export of the products and services that it wishes to market through the mission would be in compliance with U.S. export controls and regulations;
- Certify that it has identified any matter pending before any bureau or office in the U.S. Department of Commerce;
- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the U.S. Department of Commerce;
- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this mission, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials; and
- Certify that it meets the minimum requirements as stated in this announcement.

In the case of a trade association/organization, the applicant must certify that each firm or service provider to be represented by the association/organization can make the above certifications.

The following criteria will be evaluated in selecting participants:

- Suitability of the applicant's (or in the case of a trade association/organization, represented firm or service provider's) products or services to these markets;
- Firm's or service provider's (or in the case of a trade association/organization, represented firms') potential for business in the markets visited and broader Indo-Pacific region, including likelihood of U.S. exports resulting from or otherwise advanced by the mission.
- Consistency of the firm's or service provider's (or in the case of a trade association/organization, represented firms') goals and objectives with the stated scope of the mission.

Balance of company size and location may also be considered during the overall review process. Referrals from a political party or partisan political group or any information, including on the application, containing references to political contributions or other partisan political activities will be excluded from the application and will not be considered during the selection process. The sender will be notified of these exclusions.

Timeline for Recruitment and Applications

Mission recruitment will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the U.S. Department of Commerce trade mission calendar (*https://export.gov/trademissions*) and other internet websites, press releases to general and trade media, direct mail, notices by industry trade associations and other multiplier groups, and publicity at industry meetings, symposia, conferences, and trade shows. Recruitment for the Mission will begin immediately.

The Department of Commerce will evaluate applications and inform applicants of selection decisions following the recruitment period. Applications received after April 1, 2022, will be considered only if space and scheduling constraints permit.

Contacts

Victoria Yue, Senior International Trade Specialist, Office of Energy and Environmental Industries, U.S. Department of Commerce, Phone: 1–202–482–3492, Email: *victoria.yue@trade.gov*

Daniel Pint, Commercial Officer, U.S. Consulate General Ho Chi Minh City (Vietnam), U.S. Department of Commerce, Phone: 84–28–3520–4651, Email: *daniel.pint@trade.gov*

Paul Taylor, Senior Commercial Officer (Acting), U.S. Embassy Jakarta (Indonesia), U.S. Department of Commerce, Phone: 62–815–1080–0475, Email: *paul.taylor@trade.gov*

Darrel Ching, Commercial Officer, U.S. Embassy Manila, Philippines, U.S. Department of Commerce, Phone: 63–2–5301–6366, Email: *darrel.ching@trade.gov*

Barton Meroney,

Executive Director for Manufacturing, Office of Manufacturing.

[FR Doc. 2022–03502 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Construction Safety Team Advisory Committee Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce

ACTION: Notice of open meeting.

SUMMARY: The National Construction Safety Team (NCST) Advisory Committee (Committee) will hold a virtual meeting via web conference on Wednesday, June 8, 2021, from 11:00 a.m. to 5:00 p.m. and Thursday, June 9,

2021, from 11:00 a.m. to 5:00 p.m. Eastern Time. The primary purpose of this meeting is to update the Committee on the progress of the NCST investigation focused on the impacts of Hurricane Maria in Puerto Rico, progress of the NCST investigation focused on the Champlain Towers South partial building collapse that occurred in Surfside, Florida, and the implementation of recommendations from the Joplin tornado investigation. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings.*

DATES: The NCST Advisory Committee will meet on Wednesday, June 8, 2021, from 11:00 a.m. to 5:00 p.m. and Thursday, June 9, 2021, from 11:00 a.m. to 5:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held via web conference. For instructions on how to participate in the meeting, please see the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Tanya Brown-Giammanco, Disaster and Failure Studies Program, Engineering Laboratory, NIST. Tanya Brown-Giammanco's email address is *Tanya.Brown-Giammanco@nist.gov* and her phone number is (240) 267–9504.

SUPPLEMENTARY INFORMATION: The Committee was established pursuant to Section 11 of the NCST Act (Pub. L. 107–231, codified at 15 U.S.C. 7301 *et seq.*). The Committee is currently composed of seven members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams. The Committee advises the Director of NIST on carrying out the NCST Act; reviews the procedures developed for conducting investigations; and reviews the reports issued documenting investigations. Background information on the NCST Act and information on the NCST Advisory Committee is available at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NCST Advisory Committee will meet on Wednesday, June 8, 2021, from 11:00 a.m. to 5:00 p.m. and Thursday, June 9, 2021, from 11:00 a.m. to 5:00 p.m. Eastern Time. The meeting will be open to the public and will be held via web conference. Interested members of the public will be able to participate in the meeting from remote locations. The primary purpose of this meeting is to update the Committee on the progress of the NCST investigation focused on the impacts of Hurricane Maria in Puerto Rico, progress of the NCST investigation focused on the Champlain Towers South partial building collapse that occurred in Surfside, Florida, and the implementation of recommendations from the Joplin tornado investigation. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST website at *https://www.nist.gov/topics/disaster-failure-studies/national-construction-safety-team-ncst/advisory-committee-meetings.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to request a place on the agenda. Approximately thirty minutes will be reserved for public comments and speaking times will be assigned on a first-come, first-served basis. Public comments can be provided via email or by web conference attendance. The amount of time per speaker will be determined by the number of requests received. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Peter Gale at *Peter.Gale@nist.gov* by 5:00 p.m. Eastern Time, Tuesday, May 31, 2022. Speakers who wish to expand upon their oral statements, those who wish to speak but cannot be accommodated on the agenda, and those who are unable to attend are invited to submit written statements electronically by email to *disaster@nist.gov.*

Anyone wishing to attend this meeting via web conference must register by 5:00 p.m. Eastern Time, Tuesday, May 31, 2022, to attend. Please submit your full name, the organization you represent (if applicable), email address, and phone number to Peter Gale at *Peter.Gale@nist.gov.*

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2022–03560 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–13–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; Licensing of Private Remote-Sensing Space Systems

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; correction.

SUMMARY: On February 8, 2022, the Department of Commerce, published a 60-day public comment period notice in the **Federal Register** with FR Document Number 2022–02601 (Pages 7156–7157) seeking public comments for an information collection entitled, ''Licensing of Private Remote Sensing Space Systems.'' This document referenced incomplete information in the ABSTRACT and DATA sections, and Commerce hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: For additional information concerning this correction, contact Adrienne Thomas, NOAA PRA Officer, at 240–577–2372 or *NOAA.PRA@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Correction

Abstract

NOAA is proposing to add a third new form to this information collection. The optional Licensee Notification Form (LNF) information includes contact information and the option to report one of four types of events, including (1) the launch or deployment of a system component; (2) the disposal of a system component; (3) the detection of an anomaly in a system; and (4) the financial insolvency of the licensee. The existing IC already allows for the collection of this information, the collection of which is required by statute and regulations. The LNF will ease the burden on licensees when reporting this already-required information. The LNF may be submitted electronically through the NOAA website throughout the term of a license. The LNF information received is used to record events in the lifecycle of the system and to help determine if modifications to a license are required. The LNF ensures that only required information is submitted, thereby reducing unnecessary paperwork and/or follow-up correspondence.

Data

Estimated Time per Response: 15 minutes for the Licensee Notification Form.

Estimated Total Annual Burden Hours: 5 hours for the LNF.

Respondent's Obligation: The LNF is voluntary.

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2022–03419 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB817]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Ecosystem-Based Fishery Management Committee and Plan Development Team via webinar to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Thursday, March 10, 2022, at 9 a.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/1608820128384150544.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee and Plan Development Team will discuss and provide feedback on outreach strategies proposed by the Council's facilitator, Tom Balf of OceanVest. They will review a draft planning document and develop recommendations for a prototype Management Strategy Evaluation (MSE) process to be presented at the April Council meeting. A planning document for the process will include a purpose and objectives for conducting a prototype MSE as well as recommendations about how it will be conducted. It will also include recommendations for stakeholder participants. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: February 14, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–03491 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XB820]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold online and in-person public meetings.

DATES: The Pacific Council and its advisory entities will meet March 8–14, 2022 in a hybrid format with the Pacific Council and its salmon advisory bodies meeting in-person with live streaming and remote participation options. All other ancillary meetings will be held by online meeting only. The Pacific Council meeting will begin on Wednesday, March 9, 2022, at 8 a.m. Pacific Standard Time (PST), reconvening at 8 a.m. on Thursday, March 10 through Monday, March 14, 2022. All meetings are open to the public, except for a Closed Session held from 8 a.m. to 9 a.m., Wednesday, March 9, 2022 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES:

Meeting address: Meetings of the Pacific Council and its salmon advisory entities will be held at the Doubletree by Hilton San Jose, 2050 Gateway Place, San Jose, CA; telephone: (408) 453–4000. Other ancillary meetings will be held by online meeting only. All meetings of the Pacific Council and its advisory entities will include live streaming and remote participation options. Specific meeting information, including directions on joining the meeting, connecting to the live stream broadcast, and system requirements will be provided in the meeting announcement on the Pacific Council's website (see *www.pcouncil.org*). You

may send an email to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov*) or contact him at (503) 820–2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Merrick Burden, Executive Director, Pacific Council; telephone: (503) 820–2418 or (866) 806–7204 toll-free, or access the Pacific Council website, *www.pcouncil.org,* for the proposed agenda and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The March 8–14, 2022 meeting of the Pacific Council will be streamed live on the internet. The broadcasts begin initially at 9 a.m. PST Wednesday, March 9, 2022, and through Monday, March 14, 2022. Broadcasts end when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion for the public is listen-only except that an opportunity for oral public comment will be provided prior to Council Action on each agenda item. Additional information and instructions on joining or listening to the meeting can be found on the Pacific Council's website (see *www.pcouncil.org*).

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as ''Final Action'' refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, and advisory entity meeting times, are described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance March 2022 briefing materials and posted on the Pacific Council website at *www.pcouncil.org* no later than Friday, February 18, 2022.

A. Call to Order
1. Opening Remarks
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

B. Open Comment Period
1. Comments on Non-Agenda Items

C. Administrative Matters
1. Report of the Office of National Marine Sanctuaries
2. Marine Planning
3. Fiscal Matters
4. Legislative Matters
5. Approval of Council Meeting Record
6. Membership Appointments and Council Operating Procedures
7. Future Council Meeting Agenda and Workload Planning

D. Salmon Management
1. National Marine Fisheries Service Report
2. Review of 2021 Fisheries and Summary of 2022 Stock Forecasts
3. Identify Management Objectives and Preliminary Definition of 2022 Management Alternatives
4. Recommendations for 2022 Management Alternative Analysis
5. Further Direction for 2022 Management Alternatives
6. Further Direction for 2022 Management Alternatives
7. Adopt 2022 Management Alternatives for Public Review
8. Appoint Salmon Hearing Officers

E. Groundfish Management
1. National Marine Fisheries Service Report
2. Pacific Whiting Utilization—Final Action
3. Stock Definitions
4. Limited Entry Fixed Gear Catch Share Program Review
5. Fixed Gear Logbooks—Final Action
6. Workload and New Management Measure Priorities
7. Inseason Adjustments—Final Action
8. Initial Stock Assessment Plan and Terms of Reference
9. Update on 2023–2024 Harvest Specifications and Management Measures

F. Pacific Halibut Management
1. Annual International Pacific Halibut Commission Meeting Report
2. Incidental Catch Recommendations: Options for Salmon Troll and Final Action on Recommendations for Fixed Gear Sablefish Fisheries

G. Habitat Issues
1. Current Habitat Issues

H. Ecosystem Management
1. Fishery Ecosystem Plan (FEP) Five-Year Review—Final Action
2. 2021–22 California Current Ecosystem Status Report and Science Review Topics
3. Review of Fishery Ecosystem Plan Initiatives

I. Highly Migratory Species Management
1. National Marine Fisheries Service Report
2. International Management Activities

Advisory Body Agendas

Advisory body agendas will include discussions of relevant issues that are on the Pacific Council agenda for this meeting and may also include issues that may be relevant to future Council meetings. Proposed advisory body agendas for this meeting will be available on the Pacific Council website, *www.pcouncil.org,* no later than Friday, February 18, 2022.

Schedule of Ancillary Meetings

Day 1—Tuesday, March 8, 2022

Ecosystem Advisory Subpanel 8 a.m.
Ad Hoc Ecosystem Workgroup 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Habitat Committee 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Enforcement Consultants 9 a.m.
Legislative Committee 10 a.m.
Budget Committee 1 p.m.

Day 2—Wednesday, March 9, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Ecosystem Advisory Subpanel 8 a.m.
Ad Hoc Ecosystem Workgroup 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Habitat Committee 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Enforcement Consultants As Necessary

Day 3— Thursday, March 10, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Ecosystem Advisory Subpanel 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants As Necessary

Day 4—Friday, March 11, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants As Necessary

Day 5—Saturday, March 12, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.

Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants As Necessary

Day 6—Sunday, March 13, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants As Necessary

Day 7— Monday, March 14, 2022

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Salmon Technical Team 8 a.m.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (*kris.kleinschmidt@noaa.gov;* (503) 820–2412) at least 10 business days prior to the meeting date.

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

Dated: February 14, 2022.

Tracey L. Thompson,

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

[FR Doc. 2022–03492 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Patents for Humanity Program

The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on November 30, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: United States Patent and Trademark Office, Department of Commerce.

Title: Patents for Humanity Program.

OMB Control Number: 0651–0066.

Needs and Uses: Since 2012, the United States Patent and Trademark Office (USPTO) has conducted the Patents for Humanity Program, an annual award program to incentivize the distribution of patented technologies or products for the purpose of addressing humanitarian needs. The program is open to any patent owners or patent licensees, including inventors who have not assigned their ownership rights to others, assignees, and exclusive or non-exclusive licenses. USPTO collects information from applicants that describe what actions they have taken with their patented technology to address the welfare of impoverished populations, or how they furthered research by others on technologies for humanitarian purposes. There are numerous categories of awards including: Medicine, Nutrition, Sanitation, Household Energy, and Living Standards. Sometimes the program includes additional categories specific for that year, for example COVID–19. This information collection covers two application forms for the Patents for Humanity Program. The first application covers the humanitarian uses of technologies or products, and the second application covers humanitarian research. In both, applicants are required to describe how their technology or product satisfies the program criteria to address humanitarian issues. Additionally, applicants must provide non-public contact information in order for USPTO to notify them about their award status. Applicants may optionally provide contact information for the public to reach them with any inquiries. Applications must be submitted via email and will be posted on USPTO's website. Qualified judges from outside USPTO will review and score the applications. USPTO will then forward the top-scoring applications to reviewers from participating Federal agencies to recommend award recipients. Winners are invited to participate in an awards ceremony at USPTO. Those applications that are chosen for an award will receive a certificate redeemable to accelerate select matters before USPTO. The certificates can be redeemed to accelerate one of the following matters: An ex parte reexamination proceeding, including one appeal to the Patent Trial and Appeal Board (PTAB) from that proceeding; a patent application, including one appeal to the PTAB from that application; or an appeal to the PTAB of a claim twice rejected in a patent application or reissue application or finally rejected in an ex parte reexamination, without accelerating the underlying matter which generated the appeal. This information collection also covers the information gathered in petitions to extend an acceleration certificate redemption beyond 12 months. Finally, winners are now able to transfer their certificates to third parties, including by sale, due to the January 2021 passage of the Patents for Humanity Program Improvement Act.

Form Numbers:

- PTO/PFH/001 (Patents for Humanity Competition: Humanitarian Use Application)
- PTO/PFH/002 (Patents for Humanity Competition: Research Use Application)
- PTO/SB/431 (Patents for Humanity Competition: Petition to Extend Redemption)

Type of Review: Extension and revision of a currently approved information collection.

Affected Public: Private sector; individuals or households; state, local, and tribal governments; and Federal government.

Respondent's Obligation: Voluntary.

Frequency: On occasion.

Estimated Number of Annual Respondents: 115 respondents.

Estimated Number of Annual Responses: 115 responses.

Estimated Time per Response: The USPTO estimates that the responses in this information collection will take the public 30 minutes to 4 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 428 hours.

Estimated Total Annual Respondent Non-Hourly Cost Burden: $0.

This information collection request may be viewed at *www.reginfo.gov.*

Follow the instructions to view Department of Commerce, USPTO information collections currently under review by OMB.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the information collection or the OMB Control Number 0651–0066.

Further information can be obtained by:

• *Email: InformationCollection@uspto.gov.* Include ''0651–0066 information request'' in the subject line of the message.

• *Mail:* Kimberly Hardy, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Kimberly Hardy,

Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.

[FR Doc. 2022–03513 Filed 2–17–22; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to the procurement list.

SUMMARY: The Committee is proposing to add service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: March 20, 2022.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 785–6404, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) and service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following service(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Service(s)

Service Type: Base Supply Center
Mandatory for: Hanscom Air Force Base
Designated Source of Supply: Industries for the Blind and Visually Impaired, Inc., West Allis, WI
Contracting Activity: DEPT OF THE AIR FORCE, FA2835 AFLCMC HANSCOM PZI

Michael R. Jurkowski,

Acting Director, Business Operations.

[FR Doc. 2022–03604 Filed 2–17–22; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the procurement list.

SUMMARY: This action adds product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* March 20, 2022.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 785–6404 or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 11/26/2021, 12/3/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) to the Government.

2. The action will result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):
MR 10815—Meat Baller, Includes Shipper 20815
MR 10814—Ice Ball Tray, Includes Shipper 20814
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc, Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency
Distribution: C-List

Deletions

On 8/27/2021, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) and service(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action may result in authorizing small entities to furnish the product(s) and service(s) to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
7930–01–512–7169—Cleaner, Carpet and Upholstery, 1 Gal
8520–01–512–7757—Soap, Hand, Biobased, Coconut Oil, 1 Gallon
Designated Source of Supply; The Lighthouse for the Blind, St. Louis, MO
Contracting Activity: GSA/FSS GREATER SOUTHWEST ACQUISITI, FORT WORTH, TX

NSN(s)—Product Name(s): 7045–01–370–9678—Mini-Cartridge, Data, 120 MB, 3½″
Designated Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
7530–01–600–7627—Monthly Desk Planner, Dated 2020, Wire Bound, Non-refillable, Black Cover
7530–01–600–7612—Weekly Planner Book, Dated 2020, 5″ x 8″, Black
7510–01–600–7571—Wall Calendar, Dated 2020, Wire Bound w/hanger, 15.5″ x 22″
7510–01–600–7577—Monthly Wall Calendar, Dated 2020, Jan-Dec, 8½″x11″
Designated Source of Supply: Chicago Lighthouse Industries, Chicago, IL
Contracting Activity: GSA/FAS ADMIN SVCS ACQUISITION BR(2, NEW YORK, NY

Service(s)

Service Type: Janitorial Services
Mandatory for: Department of Veteran Affairs, Ventura Vet Center, 790 East Santa Clara Street, Suite 100, Ventura, CA
Designated Source of Supply: The ARC of Ventura County, Inc., Ventura, CA
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, 262–NETWORK CONTRACT OFFICE 22

Service Type: Janitorial Service
Mandatory for: US Coast Guard, C3CEN–R21-Juneau Detachment, Douglas, AK, 100 Savikko, Douglas, AK
Designated Source of Supply: REACH, Inc., Juneau, AK
Contracting Activity: U.S. COAST GUARD, BASE KETCHIKAN(00035)

Michael R. Jurkowski,
Acting Director, Business Operations.

[FR Doc. 2022–03606 Filed 2–17–22; 8:45 am]
BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for Proposed Land Acquisition for the Washington Navy Yard, Washington, District of Columbia, and To Announce Virtual Public Scoping Meetings

AGENCY: Department of the Navy (DoN), Department of Defense (DoD).

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations, the DoN announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the potential environmental effects associated with the acquisition of land at the Southeast Federal Center (SEFC), for the Washington Navy Yard (WNY), Washington, District of Columbia (D.C.). The DoN is initiating a 30-day public scoping process to identify potential alternatives, information and analysis relevant to the proposed action, and to solicit input on specific resources and issues the public would like to see addressed in the EIS.

DATES: The public 30-day scoping period begins on February 18, 2022 and extends to March 21, 2022. Comments must be postmarked or submitted electronically via email no later than March 21, 2022 for consideration in the Draft EIS.

Due to current Federal and State guidance on social distancing in response to the COVID–19 pandemic, the DoN will hold two virtual public scoping meetings to receive comments on the scope of the EIS. The meetings will be held on the following days and times:

1. March 8, 2022, 6 p.m. to 8 p.m.
2. March 9, 2022, 1 p.m. to 3 p.m.

Information on how to participate in the meetings is available on the DoN website at: *https://www.cnic.navy.mil/wny_land_acquisition.* Notices of the virtual public scoping meetings will also be published in ''The Washington Post'' and through press releases.

Concurrent with the NEPA public involvement process, the DoN is conducting National Historic Preservation Act Section 106 consultations regarding potential effects of the Proposed Action on historic properties. Historic properties include districts, sites, buildings, structures, or objects listed or eligible for listing in the National Register of Historic Places. The public will have the opportunity to participate in the Section 106 process through verbal comments presented during each of the two virtual public scoping meetings, written comments mailed via U.S. Postal Service, and electronic comments via email.

ADDRESSES: The DoN invites all interested parties to submit scoping comments on the Land Acquisition for the Washington Navy Yard EIS by mail to the physical and email addresses listed in the section below. Please visit the project website at *https://www.cnic.navy.mil/wny_land_acquisition* for further information.

Comments may be received:

- At the virtual public meetings;
- electronically via email: *NAVFACWashNEPA1@navy.mil;* or
- by mail, postmarked no later than March 21, 2022 to the following address: Naval Facilities Engineering System Command Washington, Washington Navy Yard, ATTN: EIS Project Manager, 1314 Hardwood Street SE, Washington, DC 20374.

FOR FURTHER INFORMATION CONTACT: Naval Facilities Engineering Systems Command Washington, Washington Navy Yard, ATTN: Nik Tompkins-Flagg, Navy EIS Project Manager, 1314 Hardwood Street SE, Washington, DC 20374, *NAVFACWashNEPA1@navy.mil,* 202–685–8437.

SUPPLEMENTARY INFORMATION: The DoN proposes to obtain six acres of land on the SEFC (the SEFC E Parcels) to improve the overall antiterrorism/force protection (AT/FP) posture of the WNY. Obtaining the SEFC E Parcels would improve the WNY AT/FP posture by reducing the encroachment threat posed by existing development rights on the SEFC E Parcels, protecting mission-critical activities conducted at the WNY from encroachment and enhancing the overall safety of personnel, facilities, and infrastructure at the WNY. Obtaining the SEFC E Parcels would additionally permit increased physical security and antiterrorism mitigation measures to protect mission-critical activities from visual surveillance and acoustic and electronic eavesdropping.

After obtaining ownership of the SEFC E Parcels, the DoN proposes three alternative uses for the acquired property which support the DoN's AT/FP requirements and military mission.

An EIS is considered the appropriate document for comprehensively analyzing the proposed action to acquire land through an exchange or direct purchase and analyzing potential uses of the proposed acquired land.

The purpose of the Proposed Action is to improve the overall WNY AT/FP posture (*i.e.,* increase physical security and antiterrorism mitigation measures), as well as protect mission-critical activities from visual surveillance and acoustic and electronic eavesdropping. The need for the Proposed Action is to protect mission-critical activities conducted at the WNY from encroachment that could result from proposed private development adjacent to the WNY northwest perimeter on SEFC E Parcels, while enhancing the overall safety of personnel, facilities, and infrastructure at the WNY.

Comprehensive AT/FP programs that integrate physical security, law enforcement, and emergency management are routinely implemented at military installations across the country. These programs also prepare military installations to plan for, defend against, and respond to terrorist incidents. Periodic evaluations of AT/FP programs are conducted to determine their effectiveness in mitigating the risk of injury, death, or damage resulting from physical security breaches and terrorist activities at military installations. Naval Facilities Engineering Systems Command (NAVFAC) Atlantic and NAVFAC Washington Structural Engineering and AT/FP Subject Matter Experts performed an AT/FP conformance evaluation of buildings in the northwest area of the WNY. This evaluation informed the DoN that acquisition of the SEFC E Parcels is recommended to protect the buildings in the northwest area of the WNY and the activities it hosts. Additionally, the DoN will analyze alternative uses for the acquired property which support the DoN's AT/FP requirements and military mission.

The DoN has identified two preliminary action alternatives, each with three sub-alternatives that meet the purpose of and need for the Proposed Action, as well as a no action alternative.

Under Alternative 1 (Land Acquisition through Land Exchange), the DoN would enter into a real estate agreement with the owner of the SEFC E Parcel development rights (''developer'') to acquire the development rights to the approximately 6.3-acre SEFC E Parcels adjacent to the northwestern perimeter of the WNY. In exchange, the DoN would transfer and/or lease underutilized assets at the southeast corner of the WNY to the developer. Concurrent with this exchange of the development rights and assets, U.S. General Services Administration (GSA) would transfer ownership of the SEFC E Parcels to the DoN through a federal-to-federal transfer. The proposed DoN use of the SEFC E Parcels that would be evaluated includes the following sub-alternatives: (a) Construct a new National Museum of the United States Navy; (b) incorporate the parcels within the WNY fence line and construct DoN administrative facilities; or (c) incorporate the parcels within the WNY fence line but leave parcels in their current underdeveloped state, with no foreseeable development planned.

Under Alternative 2 (Direct Land Acquisition), the DoN would purchase the SEFC E Parcel development rights outright from the developer and obtain the SEFC E Parcels from GSA through a federal-to-federal transfer. No land exchange would occur. The proposed DoN use of the SEFC E Parcels to be evaluated would be the same three sub-alternatives discussed under Alternative 1.

Under the No Action Alternative, the Proposed Action would not occur, and the developer could exercise its development rights to construct several multi-story buildings, up to approximately 110 feet in height, on the SEFC E Parcels. As a result, mission-critical activities would operate inconsistently with AT/FP requirements, and the safety of personnel, facilities, and infrastructure on the WNY adjacent to the SEFC E Parcels would be degraded, thereby threatening national security.

Environmental resources to be examined and addressed in the EIS include, but are not limited to: Utilities and Infrastructure; Cultural Resources; Construction Noise; Geological Resources; Air Quality; Water Resources; Land Use/Zoning; Transportation; Socioeconomics; Environmental Justice; Hazardous Materials and Waste; and Cumulative Effects. The EIS will also analyze measures that would avoid or mitigate environmental effects.

The DoN will confer or consult with: The U.S. Air Force; White House Communications Agency; U.S. Environmental Protection Agency; Advisory Council on Historic Preservation; National Park Service; National Capital Area; National Capital Parks—East; DC State Historic Preservation Office; DC Department of Transportation; DC Department of Energy and Environment; DC Office of Planning; National Capital Planning Commission; U.S. Commission on Fine Arts; GSA; Advisory Neighborhood Commissions; Capitol Hill Restoration Society; and Capitol Riverfront Business Improvement District regarding this Proposed Action. Identification of other agencies and/or community groups during public scoping is possible. The DoN will conduct all coordination and consultation activities required by the National Historic Preservation Act.

The DoN encourages interested persons to submit comments concerning potential alternatives, information and analysis for study in the EIS. Federal and local agencies, and interested persons are encouraged to provide comments to the DoN to identify specific environmental resources or topics of environmental concern that the DoN should consider when developing the Draft EIS. Additionally, the DoN encourages interested persons to submit comments concerning historic resources under Section 106 of the NHPA. All comments received during the public scoping period will be considered during the Draft EIS preparation.

Additional opportunities for public comment will occur after the release of the Draft EIS. The DoN anticipates releasing the Draft EIS October 2022, a Final EIS in March 2023, and a Record of Decision by April 2023.

Dated: February 15, 2022.

J.M. Pike,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Liaison Officer.

[FR Doc. 2022–03632 Filed 2–17–22; 8:45 am]

BILLING CODE 3810–FF–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Senior Executive Service Performance Review Board

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of members of senior executive service performance review board.

SUMMARY: This notice announces the membership of the Defense Nuclear Facilities Safety Board (DNFSB) Senior Executive Service (SES) Performance Review Board (PRB).

DATES: These appointments were effective on February 3, 2022.

ADDRESSES: Send comments concerning this notice to: Defense Nuclear Facilities

Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2001.

FOR FURTHER INFORMATION CONTACT: Deborah A. Biscieglia by telephone at (202) 669–9138 or by email at *debbieb@dnfsb.gov.*

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314 (c)(1) through (5) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The PRB shall review and evaluate the initial summary rating of the senior executives' performance, the executives' responses, and the higher-level officials' comments on the initial summary rating. In addition, the PRB will review and recommend executive performance bonuses and pay increases.

The DNFSB is a small, independent Federal agency; therefore, the members of the DNFSB SES Performance Review Board listed in this notice are drawn from the SES ranks of other agencies. The following persons comprise a standing roster to serve as members of the Defense Nuclear Facilities Safety Board SES Performance Review Board:

Dolline L. Hatchett, Director, Office of Safety Recommendations and Communications, National Transportation Safety Board;

Andrea Kock, Deputy Office Director for Engineering, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission;

Catherine Haney, Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration and Human Capital Programs, Nuclear Regulation Commission.

Authority: 5 U.S.C. 4314.

Dated: February 14, 2022.

Joyce L. Connery,

Chair.

[FR Doc. 2022–03509 Filed 2–17–22; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0021]

Agency Information Collection Activities; Comment Request; Program for the International Assessment of Adult Competencies (PIAAC) Cycle II 2022 Main Study

AGENCY: Institute of Educational Science (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved information collection.

DATES: Interested persons are invited to submit comments on or before April 19, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *https://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0021. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *https://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208B, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Carrie Clarady, 202–245–6347.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Program for the International Assessment of Adult Competencies (PIAAC) Cycle II 2022 Main Study.

OMB Control Number: 1850–0870.

Type of Review: A revision of a currently approved collection.

Respondents/Affected Public: Individuals and Households.

Total Estimated Number of Annual Responses: 30,857.

Total Estimated Number of Annual Burden Hours: 9,726.

Abstract: The Program for the International Assessment of Adult Competencies (PIAAC) is a cyclical, large-scale study of adult skills and life experiences focusing on education and employment. PIAAC is an international study designed to assess adults in different countries over a broad range of abilities, from simple reading to complex problem-solving skills, and to collect information on individuals' skill use and background. The U.S. will administer the PIAAC 2022 assessment to a nationally representative sample of adults, along with a background questionnaire with questions about their education background, work history, the skills they use on the job and at home, their civic engagement, and sense of their health and well-being. The results are used to compare the skills capacities of the workforce-aged adults in participating countries, and to learn more about relationships between educational background, employment, and other outcomes. PIAAC is coordinated by the Organization for Economic Cooperation and Development (OECD) and developed by participating countries with the support of the OECD. In the United States, the National Center for Education Statistics (NCES), within the U.S. Department of Education (ED) conducts PIAAC. NCES has contracted with Westat to administer the PIAAC Cycle II Field Test data collection in the U.S. The United States participated in the PIAAC Main Study data collection in 2012 and conducted national supplement data collections in 2014 and 2017. All three of these collections are part of PIAAC Cycle I, in which 39 countries participated (24 countries in 2012, 9 new countries in 2014, and 5 more new countries in 2017) with close to 200,000 adults assessed across the 39 countries over the three data collections. A new PIAAC cycle is to be conducted internationally every 10 years, and

PIAAC Cycle II Main Study data collection will be conducted from September 2022 through April 2023. In preparation for the main study collection, PIAAC Cycle II began with an Operational Field Test in 2021, in which 34 countries are expected to participate with the primary goal of testing the PIAAC 2022 planned operations. In recognition of the continuing global pandemic OECD shifted the timeline of PIAAC Cycle II Field Test and Main Study. Originally, the Field Test was scheduled for 2020 and the Main Study for 2021. The first shift in timeline was to move the Field Test to 2021 and the Main Study to 2022. The second shift in the PIAAC Cycle II collection affected the timing and nature of the field test, which was operational only and included a reduced field test effort both in scope and in sampling. In addition, the reduced Operational Field Test shifted the timeline from April through June 2021 to June through August 2021. This submission describes the final plans for the administration of the PIAAC Cycle II 2022 Main Study. As the OECD is still working to finalize some materials for this study, the Appendices will be updated with final materials before the 30D public comment period.

Dated: February 15, 2022.

Stephanie Valentine,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–03543 Filed 2–17–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Indian Education Discretionary Grant Programs—Native Youth Community Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for new awards for fiscal year (FY) 2022 for Demonstration Grants for the Indian Children and Youth Program (Demonstration program), Assistance Listing Number (ALN) 84.299A. This notice relates to the approved information collection under OMB control number 1810–0722.

DATES:

Applications Available: February 18, 2022.

Deadline for Notice of Intent to Apply: March 10, 2022.

Date of Pre-Application Webinar: March 7, 2022.

Deadline for Transmittal of Applications: April 19, 2022.

Deadline for Intergovernmental Review: June 20, 2022.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979.* Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a Data Universal Numbering System (DUNS) number to the implementation of the Unique Entity Identifier (UEI). More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

FOR FURTHER INFORMATION CONTACT: Donna Bussell, U.S. Department of Education, 400 Maryland Avenue SW, Room 3W239, Washington, DC 20202–6335. Telephone: (202) 453–6813. Email: *donna.bussell@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Demonstration program is to provide financial assistance to projects that develop, test, and demonstrate the effectiveness of services and programs to improve the educational opportunities and achievement of Indian students in preschool, elementary, and secondary schools.

Background: For FY 2022, the Department will use the priority for Native Youth Community Projects (NYCP) to support community-led, comprehensive projects to help American Indian/Alaska Native (AI/AN) children become college- and career-ready. NYCP funding is one of many efforts across the Federal government to coordinate, measure progress, and make investments in Native youth programs. These grants are designed to help communities improve educational outcomes for Native youth, specifically college- and career-readiness, through strategies tailored to address the specific challenges and build upon the specific opportunities and culture within a community. Such strategies can include supplemental academic programs or courses, social-emotional services, cultural education, and other support services for AI/AN students and families.

Recognizing the importance of Tribal Nations to the education of Native youth, NYCP projects are based on a partnership that includes at least one Tribe and one school district or Department of the Interior Bureau of Indian Education (BIE)-funded school. We expect that this partnership will facilitate capacity building within the community, generating positive results and practices for student college-and-career readiness beyond the period of Federal financial assistance. The requirement in this competition for a written partnership agreement helps to ensure that all relevant partners needed to achieve the project goals are included from the outset.

Further, a key priority of the Department is to promote equity in student access to educational resources and opportunities. This competition includes a competitive preference priority to encourage projects that bridge the purpose of NYCP (to improve Native children and youth's college- and career-readiness) and the Secretary's supplemental priority on promoting equity in student access to educational resources and opportunities by supporting community-led projects that engage school-age children in career exploration opportunities, with an emphasis on learning about the teaching profession. For example, applicants could propose projects that are designed to provide middle and high school students with career exploration opportunities such as: Classes about the teaching profession, hands-on teaching experience, guided support and mentorship from an experienced educator, college credit toward a future degree, and resources to know where and how to pursue a degree in education. By increasing exploration of the teaching profession among Native youth, the Department hopes to recruit future educators from traditionally underrepresented backgrounds or the communities they serve.

Priorities: This competition includes one absolute priority and three competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(ii), the absolute priority is from 34 CFR 263.20 and 263.21(c)(1); Competitive Preference Priority 1 is from 34 CFR 263.21(b)(1); and Competitive

Preference Priority 2 is from 34 CFR 263.21(b)(2). Competitive Preference Priority 3 is from the Secretary's Final Supplemental Priorities and Definitions for Discretionary Grant Programs published in the **Federal Register** on December 10, 2021 (86 FR 70612) (Supplemental Priorities).

Absolute Priority: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Native Youth Community Projects.

To meet this priority, applicants must propose a project that fulfills the requirements of a Native Youth Community Project, as defined in this notice. In accordance with this definition, such a project must be designed to ensure that local Indian students are prepared for college and careers.

A native youth community project is:

(1) Focused on a defined local geographic area;

(2) Centered on the goal of ensuring that Indian students are prepared for college and careers;

(3) Informed by evidence, which could be either a needs assessment conducted within the last three years or other data analysis, on—

(i) The greatest barriers, both in and out of school, to the readiness of local Indian students for college and careers;

(ii) Opportunities in the local community to support Indian students; and

(iii) Existing local policies, programs, practices, service providers, and funding sources;

(4) Focused on one or more barriers or opportunities with a community-based strategy or strategies and measurable objectives;

(5) Designed and implemented through a partnership of various entities, which—

(i) Must include—

(A) One or more Tribes or their Tribal education agencies; and

(B) One or more BIE-funded schools, one or more local educational agencies (LEAs), or both; and

(ii) May include other optional entities, including community-based organizations, national nonprofit organizations, and Alaska regional corporations; and

(6) Led by an entity that—

(i) Is eligible for a grant under the Demonstration Grants for Indian Children and Youth program; and

(ii) Demonstrates, or partners with an entity that demonstrates, the capacity to improve outcomes that are relevant to the project focus through experience with programs funded through other sources.

Competitive Preference Priorities: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award an additional 5 points to an application that meets Competitive Preference Priority 1, or an additional 3 points to an application that meets Competitive Preference Priority 2. An applicant can receive points under either Competitive Preference Priority 1 or 2, but not both. In addition, we award an additional 7 points to an application that meets Competitive Preference Priority 3. An application that meets Competitive Preference Priorities 1 and 3 can be awarded a maximum of 12 priority points. An application that meets Competitive Preference Priorities 2 and 3 can be awarded a maximum of 10 priority points.

These priorities are:

Competitive Preference Priority 1: Tribal Lead Applicants (0 or 5 points).

To meet this priority, an application must be submitted by an Indian Tribe, Indian organization, school funded by the Bureau of Indian Education (BIE-funded school), or Tribal college or university (TCU) that is eligible to participate in the Demonstration program. A group application submitted by a consortium that meets the requirements of 34 CFR 75.127 through 75.129 or submitted by a partnership is eligible to receive the preference only if the lead applicant for the consortium is the Indian Tribe, Indian organization, BIE-funded school, or TCU.

Competitive Preference Priority 2: Tribal Partnership (0 or 3 points).

To meet this priority, an application must be submitted by a consortium of eligible entities that meets the requirements of 34 CFR 75.127 through 75.129 or submitted by a partnership if the consortium or partnership: (1) Includes an Indian Tribe, Indian organization, BIE-funded school, or TCU; and (2) is not eligible to receive the preference under Competitive Preference Priority 1.

Competitive Preference Priority 3: Promoting Equity in Student Access to Educational Resources and Opportunities (0 to 7 points).

Under this priority, an applicant must demonstrate that the applicant proposes a project designed to promote educational equity and adequacy in resources and opportunity for underserved students—

(1) In one or more of the following educational settings:

(i) Elementary school.

(ii) Middle school.

(iii) High school.

(iv) Career and technical education programs.

(iv) Out-of-school-time settings.

(vi) Alternative schools and programs.

(2) That examines the sources of inequity and inadequacy and implements responses, and that includes increasing the number and proportion of experienced, fully certified, in-field, and effective educators, and educators from traditionally underrepresented backgrounds or the communities they serve, to ensure that underserved students have educators from those backgrounds and communities and are not taught at disproportionately higher rates by uncertified, out-of-field, and novice teachers compared to their .peers [1]

Application Requirements: For FY 2022 and any subsequent year in which we make awards from the list of unfunded applications from this competition, applicants must meet the following application requirements, which are from section 6121 of the ESEA (20 U.S.C. 7441) and 34 CFR 263.22. Each application must contain—

(a) A description of how Indian Tribes and parents and families of Indian children and youth have been, and will be, involved in developing and implementing the proposed activities;

(b) Assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of this program;

(c) Information demonstrating that the proposed project is evidence-based, where applicable, or is based on an existing evidence-based program that has been modified to be culturally appropriate for Indian students;

(d) A description of how the applicant will continue the proposed activities once the grant period is over;

(e) Evidence, which could be either a needs assessment conducted within the last three years or other data analysis, of—

(1) The greatest barriers, both in and out of school, to the readiness of local Indian students for college and careers;

(2) Opportunities in the local community to support Indian students; and

(3) Existing local policies, programs, practices, service providers, and funding sources;

[1] All strategies to increase racial diversity of educators must comply with applicable law, including Title VI of the Civil Rights Act of 1964.

(f) A copy of an agreement signed by the partners in the proposed project, identifying the responsibilities of each partner in the project. The agreement can be either—

(1) A consortium agreement that meets the requirements of 34 CFR 75.128, if each of the entities are eligible entities under this program; or

(2) Another form of partnership agreement, such as a memorandum of understanding or a memorandum of agreement, if not all the partners are eligible entities under this program;

(g) A plan, which includes measurable objectives, to evaluate reaching the project goal or goals;

(h) An assurance that—

(1) Services will be supplemental to the education program provided by local schools attended by the students to be served;

(2) Funding will be supplemental to existing sources, such as Johnson O'Malley funding; and

(3) The availability of funds for supplemental special education and related services (*i.e.,* services that are not part of the special education and related services, supplementary aids and services, and program modifications or supports for school personnel that are required to make a free appropriate public education (FAPE) available under Part B of the Individuals with Disabilities Education Act (IDEA) to a child with a disability in conformity with the child's individualized education program or the regular or special education and related aids and services required to make FAPE available under a Section 504 plan, if any) does not affect the right of the child to receive FAPE under Part B of the IDEA or Section 504, and the respective implementing regulations.

Statutory Hiring Preference:

(a) Awards that are primarily for the benefit of Indians are subject to the provisions of section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). That section requires that, to the greatest extent feasible, a grantee—

(1) Give to Indians preferences and opportunities for training and employment in connection with the administration of the grant; and

(2) Give to Indian organizations and to Indian-owned economic enterprises, as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452(e)), preference in the award of contracts in connection with the administration of the grant.

(b) For purposes of this preference, an Indian is a is a member of any federally recognized Indian Tribe.

Definitions: The following definitions apply to this competition. The definition of ''evidence-based'' is from section 8101(21) of the ESEA (20 U.S.C. 7801(21)), and the definitions of ''Indian,'' ''Indian organization,'' ''Parent,'' ''Native youth community project,'' and ''Tribal college or university'' are from 34 CFR 263.20. The definitions of ''demonstrates a rationale,'' ''relevant outcome,'' ''project component,'' and ''logic model'' are from 34 CFR 77.1.

Demonstrates a rationale means a key project component included in the project's logic model is informed by research or evaluation findings that suggest the project component is likely to improve relevant outcomes.

Evidence-based, when used with respect to a State, LEA, or school activity, means an activity, strategy, or intervention that—

(1) Demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

(i) Strong evidence from at least 1 well-designed and well-implemented experimental study;

(ii) Moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

(iii) Promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(2)(i) Demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(ii) Includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

Indian means an individual who is—

(1) A member of an Indian Tribe or band, as membership is defined by the Indian Tribe or band, including any Tribe or band terminated since 1940, and any Tribe or band recognized by the State in which the Tribe or band resides;

(2) A descendant of a parent or grandparent who meets the requirements described in paragraph (1) of this definition;

(3) Considered by the Secretary of the Interior to be an Indian for any purpose;

(4) An Eskimo, Aleut, or other Alaska Native; or

(5) A member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect on October 19, 1994.

Indian organization means an organization that—

(1) Is legally established—

(i) By Tribal or inter-Tribal charter or in accordance with State or Tribal law; and

(ii) With appropriate constitution, by-laws, or articles of incorporation;

(2) Includes in its purposes the promotion of the education of Indians;

(3) Is controlled by a governing board, the majority of which is Indian;

(4) If located on an Indian reservation, operates with the sanction of or by charter from the governing body of that reservation;

(5) Is neither an organization or subdivision of, nor under the direct control of, any institution of higher education or TCU; and

(6) Is not an agency of State or local government.

Logic model (also referred to as a theory of action) means a framework that identifies key project components of the proposed project (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the theoretical and operational relationships among the key project components and relevant outcomes.

Native youth community project means a project that is—

(1) Focused on a defined local geographic area;

(2) Centered on the goal of ensuring that Indian students are prepared for college and careers;

(3) Informed by evidence, which could be either a needs assessment conducted within the last three years or other data analysis, on—

(i) The greatest barriers, both in and out of school, to the readiness of local Indian students for college and careers;

(ii) Opportunities in the local community to support Indian students; and

(iii) Existing local policies, programs, practices, service providers, and funding sources;

(4) Focused on one or more barriers or opportunities with a community-based strategy or strategies and measurable objectives;

(5) Designed and implemented through a partnership of various entities, which—

(i) Must include—

(A) One or more Tribes or their Tribal education agencies; and

(B) One or more BIE-funded schools, one or more LEAs, or both; and

(ii) May include other optional entities, including community-based organizations, national nonprofit organizations, and Alaska regional corporations; and

(6) Led by an entity that—

(i) Is eligible for a grant under the Demonstration program; and

(ii) Demonstrates, or partners with an entity that demonstrates, the capacity to improve outcomes that are relevant to the project focus through experience with programs funded through other sources.

Parent includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

Project component means an activity, strategy, intervention, process, product, practice, or policy included in a project. Evidence may pertain to an individual project component or to a combination of project components (*e.g.,* training teachers on instructional practices for English learners and follow-on coaching for these teachers).

Relevant outcome means the student outcome(s) or other outcome(s) the key project component is designed to improve, consistent with the specific goals of the program.

Tribal College or University (TCU) means an accredited college or university within the United States cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994, any other institution that qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978, and the Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978.

Program Authority: 20 U.S.C. 7441.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) The program regulations in 34 CFR part 263. (e) The Supplemental Priorities.

Note: The open licensing requirement in 2 CFR 3474.20 does not apply to this program.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian Tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds:

The Administration has requested $67,993,000 for the Special Programs for Indian Children program for FY 2022, of which we intend to use an estimated $18,000,000 for this competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2023 and subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards: $400,000–$500,000.

Estimated Average Size of Awards: $475,000.

Estimated Number of Awards: 40.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Note: Under ESEA section 6121(d)(1)(C), the Secretary awards grants for an initial period of not more than 36 months and may renew them for up to 24 months if the Secretary determines that the grantee has made substantial progress in carrying out activities under the grant.

III. Eligibility Information

1. *Eligible Applicants:* The following entities, either alone or in a consortium, are eligible under this program:

(a) An SEA.

(b) An LEA, including charter schools that are considered LEAs under State law.

(c) An Indian Tribe.

(d) An Indian organization.

(e) A federally supported elementary school or secondary school for Indian students.

(f) A TCU.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *www2.ed.gov/about/offices/list/ocfo/intro.html.*

c. *Administrative Cost Limitation:* Under ESEA section 6121(e), no more than five percent of the funds awarded for a grant may be used for administrative costs.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

4. *Other:* Projects funded under this competition should budget for a two-day Project Directors' meeting in Washington, DC during each year of the project period.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 27, 2021 (86 FR 73264) and available at *www.federalregister.gov/d/2021-27979,* which contain requirements and information on how to submit an application. Please note that these Common Instructions supersede the version published on February 13, 2019, and, in part, describe the transition from the requirement to register in *SAM.gov* a DUNS number to the implementation of the UEI. More information on the phase-out of DUNS numbers is available at *https://www2.ed.gov/about/offices/list/ofo/docs/unique-entity-identifier-transition-fact-sheet.pdf.*

2. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the Demonstration program, your application may include business information that you consider proprietary. In 34 CFR 5.11 we define ''business information'' and describe the process we use in determining whether any of that information is proprietary and, thus, protected from disclosure under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552, as amended).

Because we plan to make successful applications available to the public by posting them on our website, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you believe is exempt from disclosure under Exemption 4. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal

Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

5. *Recommended Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 30 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, the letter(s) of support, or the signed consortium agreement. However, the recommended page limit does apply to all of the application narrative. An application will not be disqualified if it exceeds the recommended page limit.

6. *Notice of Intent to Apply:* The Department will be able to review grant applications more efficiently if we know the approximate number of applicants that intend to apply. Therefore, we strongly encourage each potential applicant to notify us of their intent to submit an application. To do so, please email the program contact person listed under **FOR FURTHER INFORMATION CONTACT** with the subject line ''Intent to Apply,'' and include the applicant's name and a contact person's name and email address. Applicants that do not submit a notice of intent to apply may still apply for funding; applicants that do submit a notice of intent to apply are not bound to apply or bound by the information provided.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 263.24 and 34 CFR 75.210. The maximum score for addressing each criterion and factor within each criterion, is included in parentheses. The maximum score for these criteria is 100 points.

(a) *Need for project* (10 points). The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the following factors:

(1) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses. (Up to 4 points)

(2) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project. (Up to 3 points)

(3) The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure. (Up to 3 points)

(b) *Quality of project design* (37 points). The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project. (Up to 10 points)

(2) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. (Up to 5 points)

(3) The extent to which the design of the proposed project includes a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and the use of appropriate methodological tools to ensure successful achievement of project objectives. (Up to 7 points)

(4) The extent to which the proposed project demonstrates a rationale (as defined in this notice). (Up to 10 points)

(5) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible. (Up to 5 points)

(c) *Quality of project personnel* (12 points). The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the following factors:

(1) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. (Up to 6 points)

(2) The qualifications, including relevant training and experience, of the project director or principal investigator. (Up to 3 points)

(3) The qualifications, including relevant training and experience, of key project personnel. (Up to 3 points)

(d) *Quality of project services* (10 points). The Secretary considers the quality of the project services. In determining the quality of project services, the Secretary considers the following factors:

(1) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services. (Up to 5 points)

(2) The extent to which the services to be offered would meet the needs of the local population, as demonstrated by an analysis of community-level data, including direct input from parents and families of Indian children and youth. (Up to 5 points)

(e) *Quality of the management plan* (24 points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (Up to 14 points)

(2) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate. (Up to 5 points)

(3) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance. (Up to 5 points)

(f) *Quality of the project evaluation* (7 points). The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the

evaluation, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes. (Up to 4 points)

(2) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings. (Up to 3 points)

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this program, the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

5. *In General:* In accordance with the Office of Management and Budget's guidance located at 2 CFR part 200, all applicable Federal laws, and relevant Executive guidance, the Department will review and consider applications for funding pursuant to this notice inviting applications in accordance with—

(a) Selecting recipients most likely to be successful in delivering results based on the program objectives through an objective process of evaluating Federal award applications (2 CFR 200.205);

(b) Prohibiting the purchase of certain telecommunication and video surveillance services or equipment in alignment with section 889 of the National Defense Authorization Act of 2019 (Pub. L. 115–232) (2 CFR 200.216);

(c) Providing a preference, to the extent permitted by law, to maximize use of goods, products, and materials produced in the United States (2 CFR 200.322); and

(d) Terminating agreements in whole or in part to the greatest extent authorized by law if an award no longer effectuates the program goals or agency priorities (2 CFR 200.340).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also. If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:*

(a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* For the purposes of Department reporting under 34 CFR 75.110, we developed the following performance measures for measuring the overall effectiveness of the Demonstration program:

(1) The percentage of the annual measurable objectives, as described in the application, that are met by grantees; and

(2) The percentage of grantees that report a significant increase in community collaborative efforts that promote college and career readiness of Indian children.

These measures constitute the Department's indicators of success for this program. Consequently, we advise an applicant for a grant under this program to carefully consider these measures in conceptualizing the approach to, and evaluation for, its proposed project. Each grantee will be required to provide, in its annual performance and final reports, data about its progress in meeting these measures.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving

the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Ruth E. Ryder,

Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.

[FR Doc. 2022–03510 Filed 2–17–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0020]

Agency Information Collection Activities; Comment Request; Connecting Adults to Success: Career Navigator Training Study (CATS Study)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before April 19, 2022.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2022–SCC–0002. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208D, Washington, DC 20202–8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, (202) 377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Connecting Adults to Success: Health Education Assistance Loan (HEAL).

OMB Control Number: 1845–0126.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 174.

Total Estimated Number of Annual Burden Hours: 98.

Abstract: This is a request for an extension of the Office of Management and Budget (OMB) approval of information collection requirements associated with the forms of the Health Education Assistance Loan (HEAL) Program, currently approved under OMB No. 1845–0126, which expires June 30, 2022. Clearance of this information collection is necessary to provide borrowers with information on the cost of their loan(s) including Truth in Lending information and to provide the Department with information to monitor the financial status of the HEAL program and to identify which lenders may have excessive delinquencies and defaulted loans. The information collection is essential for reporting and retaining information for sound and responsible program management.

Dated: February 14, 2022.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2022–03501 Filed 2–17–22; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of in-person/virtual hybrid open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, March 16, 2022; 4:00 p.m.–7:50 p.m.

The opportunity for oral public comment is at 4:10 p.m. PT and written public comment before and after the meeting within seven days.

This time is subject to change; please contact the Nevada Site Specific Advisory Board (NSSAB) Administrator (below) for confirmation of time prior to the meeting.

ADDRESSES: This hybrid meeting will be open to the public virtually via Microsoft Teams only. To attend, please contact the NSSAB Administrator (below) no later than 4:00 p.m. PT on Monday, March 14, 2022.

Board members, Department of Energy (DOE) representatives, agency liaisons, and support staff will participate in-person, strictly following COVID–19 precautionary measures, at: Molasky Building, 15th Floor Conference Room, 100 North City Parkway, Las Vegas, NV 89106.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, NSSAB Administrator, by Phone: (702) 523–0894 or email: *nssab@emcbc.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Optimization of Hybrid Meeting Approach—Work Plan Item #2
2. Educational Session on Transportation of Low-Level Waste to the Nevada National Security Site
3. Development of Round Robin Topics for the spring EM SSAB National Chairs Meeting

Public Participation: The in-person/online virtual hybrid meeting is open to the public virtually via Microsoft Teams only. To sign-up for public comment, please contact the NSSAB Administrator (above) no later than 4:00 p.m. PT on Monday, March 14, 2022. In addition to participation in the live public comment session identified above, written statements may be filed with the Board either before or within seven days after the meeting by sending them to the NSSAB Administrator at the aforementioned email address. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so in 2-minute segments for the 15 minutes allotted for public comments.

Minutes: Minutes will be available by writing or calling Barbara Ulmer, NSSAB Administrator, U.S. Department of Energy, EM Nevada Program, 100 North City Parkway, Suite 1750, Las Vegas, NV 89106; Phone: (702) 523–0894. Minutes will also be available at the following website: *http://www.nnss.gov/nssab/pages/MM_FY22.html.*

Signed in Washington, DC, on February 15, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–03599 Filed 2–17–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open in-person/virtual hybrid meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, March 16, 2022; 1:00 p.m.–5:00 p.m.

ADDRESSES: This hybrid meeting will be open to the public virtually via WebEx only. To attend virtually, please contact the Northern New Mexico Citizens Advisory Board (NNMCAB) Executive Director (below) no later than 5:00 p.m. MT on Friday, March 11, 2022.

Board members, Department of Energy (DOE) representatives, agency liaisons, and support staff will participate in-person, strictly following COVID–19 precautionary measures, at: Ohkay Conference Center, 68 New Mexico 291, 1 Mile North of Espanola, New Mexico, Ohkay Owingeh, New Mexico 87566.

FOR FURTHER INFORMATION CONTACT: Menice B. Santistevan, NNMCAB Executive Director, by Phone: (505) 699–0631 or Email: *menice.santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Presentation on Budget Prioritization
2. Various Program Updates

Public Participation: The in-person/online virtual hybrid meeting is open to the public virtually via WebEx only. Written statements may be filed with the Board no later than 5:00 p.m. MT on Monday, March 11, 2022 or within seven days after the meeting by sending them to the NNMCAB Executive Director at the aforementioned email address. Written public comments received prior to the meeting will be read into the record. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should follow as directed above.

Minutes: Minutes will be available by emailing or calling Menice Santistevan, NNMCAB Executive Director, at *menice.santistevan@em.doe.gov* or at (505) 699–0631.

Signed in Washington, DC, on February 15, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–03598 Filed 2–17–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Monday, March 21, 2022; 1:00 p.m.–4:45 p.m.

Tuesday, March 22, 2022; 9:00 a.m.–2:30 p.m.

ADDRESSES: Crowne Plaza Hotel, 1060 Center Street, North Augusta, SC 29201.

The meeting will also be streamed on YouTube, no registration is necessary; links for the livestream can be found on the following website: *https://cab.srs.gov/srs-cab.html*.

FOR FURTHER INFORMATION CONTACT: Amy Boyette, Office of External Affairs, U.S. Department of Energy (DOE), Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–6120; or Email: *amy.boyette@srs.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, March 21, 2022

Chair Update
Agenda Review
Agency Updates
Presentations:
- Community Reuse Organization
- Fiscal Year 2022 Budget Update and Budget Priorities

Public Comments
Draft Budget Priorities Letter

Tuesday, March 22, 2022

Agenda Review
Presentations:
- Savannah River Site Solid Waste Program
- Savannah River Site Occupational Radiation Protection Program
- Salt and Sludge Batch Preparation
- EM Systems, An Overview of the 2021 Audit and Declaration of Conformance to the ISO 14001:2015 EM Systems Standard

Public Comments
Voting on Budget Priorities Letter

Public Participation: The meeting is open to the public. It will be held strictly following COVID–19 precautionary measures. To provide a safe meeting environment, seating may be limited; attendees should register for in-person attendance by sending an email to *srscitizensadvisoryboard@srs.gov* no later than 4:00 p.m. ET on Friday, March 18, 2022. The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Amy Boyette at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board via email either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should submit their request to *srscitizensadvisoryboard@srs.gov*. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. Comments will be accepted after the meeting, by no later than 4:00 p.m. ET on Monday, March 28, 2022. Please submit comments to *srscitizensadvisoryboard@srs.gov*. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make oral public comments will be provided a maximum of five minutes to present their comments. Individuals wishing to submit written public comments should email them as directed above.

Minutes: Minutes will be available by emailing or calling Amy Boyette at the email address or telephone number listed above. Minutes will also be available at the following website: *https://cab.srs.gov/srs-cab.html*.

Signed in Washington, DC, on February 15, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–03601 Filed 2–17–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of virtual open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, March 29, 2022; 11:00 a.m. to 3:00 p.m. EDT, and Wednesday, March 30, 2022; 11:00 a.m. to 3:00 p.m. EDT

ADDRESSES: Teleconference: Remote attendance of the Advanced Scientific Computing Advisory Committee meeting will be possible via Zoom. Instructions will be posted on the Advanced Scientific Computing Advisory Committee website at: (*https://science.osti.gov/ascr/ascac/Upcoming-ASCAC-Meetings*) prior to the meeting and can also be obtained by contacting Christine Chalk by email at *christine.chalk@science.doe.gov* or by phone at (301) 903–7486.

FOR FURTHER INFORMATION CONTACT: Christine Chalk, Office of Advanced Scientific Computing Research; SC–31/Germantown Building; U. S. Department of Energy; 1000 Independence Avenue SW; Washington, DC 20585–1290; Telephone (301) 903–7486; email: *christine.chalk@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice and guidance on a continuing basis to the Office of Science and to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

Purpose of the Meeting: This meeting is the semi-annual meeting of the Committee.

Tentative Agenda:
- View from Washington
- View from Germantown
- Update on Exascale project activities and facilities upgrades
- Update on ASCR workshops and research
- Report from Committee of Visitors
- Challenges and Best Practices for increasing Diversity
- Technical presentations
- Public Comment (10-minute rule)

The meeting agenda includes an update on the budget, accomplishments and planned activities of the Advanced Scientific Computing Research program and the exascale computing project and facility upgrades; an update from the Office of Science; technical presentations from funded researchers; updates from subcommittees and there will be an opportunity for comments from the public. The meeting will conclude at 3:00 p.m. EDT on March 30, 2022. Agenda updates and presentations will be posted on the ASCAC website prior to the meeting: *https://science.osti.gov/ascr/ascac.*

Public Participation: The meeting is open to the public. Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 10 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should submit your request at least five

days before the meeting. Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Christine Chalk, U.S. Department of Energy, 1000 Independence Avenue SW, Washington DC 20585, email to *Christine.Chalk@science.doe.gov.*

Minutes: The minutes of this meeting will be available within 90 days on the Advanced Scientific Computing website at: *https://science.osti.gov/ascr/ascac.*

Signed in Washington, DC, on February 14, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–03489 Filed 2–17–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of in-person/virtual hybrid open meeting.

SUMMARY: This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act requires that public notice of this online virtual meeting be announced in the **Federal Register**.

DATES: Thursday, March 17, 2022; 5:30 p.m.–7:00 p.m.

ADDRESSES: This hybrid meeting will be conducted in person for Board members, Department of Energy (DOE) representatives and support staff, and virtually for all other participants.

Board members, DOE representatives and support staff will participate in-person, strictly following COVID–19 precautionary measures, at: West Kentucky Community and Technical College, Emerging Technology Building, Room 109, 5100 Alben Barkley Drive, Paducah, KY 42001.

Board liaisons and supporting contractors will participate via virtual platforms.

FOR FURTHER INFORMATION CONTACT: Eric Roberts, Board Support Manager, by Phone: (270) 554–3004 or Email: *eric@pgdpcab.org.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Review of Agenda
- Administrative Issues
- Reading of Public Comments

Public Participation: The in-person/online virtual hybrid meeting is open to the public. To obtain the link to observe this meeting, please contact the Paducah Board Support Manager at the aforementioned email address by no later than 5:00 p.m. CST on Monday, March 14, 2022. Please put ''Meeting Link'' in the subject line. Written statements may be filed with the Board either before or after the meeting as there will not be opportunities for live public comment during this online virtual meeting. Comments received by no later than 5:00 p.m. CST on Monday, March 14, 2022 will be read aloud during the meeting. Comments will also be accepted after the meeting, by no later than 5:00 p.m. CST on Friday, March 25, 2022. Please submit comments to the Paducah Board Support Manager at the aforementioned email address. Please put ''Public Comment'' in the subject line. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to submit public comments should email them as directed above.

Minutes: Minutes will be available by writing or calling Eric Roberts, Board Support Manager, Emerging Technology Center, Room 221, 4810 Alben Barkley Drive, Paducah, KY 42001; Phone: (270) 554–3004. Minutes will also be available at the following website: *https://www.energy.gov/pppo/pgdp-cab/listings/meeting-materials.*

Signed in Washington, DC, on February 15, 2022.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2022–03597 Filed 2–17–22; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER20–2148–005.
Applicants: Lexington Chenoa Wind Farm LLC.
Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT & Request for Waiver to be effective N/A.
Filed Date: 2/11/22.
Accession Number: 20220211–5235.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–411–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: Deficiency Response in ER22–411-Licoln Electric System Formula Rate to be effective 1/1/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5209.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–469–001.
Applicants: Southwest Power Pool, Inc.
Description: Tariff Amendment: 1148R31 American Electric Power NITSA and NOAs to be effective 12/1/2021.
Filed Date: 2/14/22.
Accession Number: 20220214–5150.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–928–001.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Amendment: Withdraw Appx G from Q4 2021 CCSF WDT SA (SA 275) to be effective 2/1/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5201.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–1027–000.
Applicants: Associated Electric Cooperative, Inc.
Description: Request for Waiver of Tariff Provisions, et al. of Associated Electric Cooperative, Inc.
Filed Date: 2/11/22.
Accession Number: 20220211–5174.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1033–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original CRA, Service Agreement No. 6359, Non-Queue No. NQ182 to be effective 1/12/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5233.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1034–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original CRA, Service Agreement No. 6360, Non-Queue No. NQ184 to be effective 1/12/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5242.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1035–000.
Applicants: RE Gaskell West LLC.
Description: Tariff Amendment: Notice of Cancellation of Cert of Concurrence to Shared Facilities Agreement to be effective 2/12/2022.

Filed Date: 2/11/22.
Accession Number: 20220211–5245.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1036–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original CRA, Service Agreement No. 6361, Non-Queue No. NQ186 to be effective 1/12/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5246.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1037–000.
Applicants: RE Gaskell West 2 LLC.
Description: § 205(d) Rate Filing: Certificate of Concurrence to Shared Facilities Agreement to be effective 2/12/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5247.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1038–000.
Applicants: RE Gaskell West 3 LLC.
Description: § 205(d) Rate Filing: Certificate of Concurrence to Shared Facilities Agreement to be effective 2/12/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5248.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1039–000.
Applicants: New England Power Pool Participants Committee, ISO New England Inc.
Description: § 205(d) Rate Filing: New England Power Pool Participants Committee submits tariff filing per 35.13(a)(2)(iii: Sunwave Termination Filing to be effective 4/13/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5253.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1040–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: 1st Amendment to SVP TO SA—revisions to Appx F (SA 343) to be effective 4/12/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5254.
Comment Date: 5 p.m. ET 3/4/22.

Docket Numbers: ER22–1041–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits Fourth Quarter 2021 Capital Budget Report.
Filed Date: 2/10/22.
Accession Number: 20220210–5211.
Comment Date: 5 p.m. ET 3/3/22.
Docket Numbers: ER22–1042–000.
Applicants: ACT Commodities, Inc.
Description: Tariff Amendment: ACT Commodities Inc. MBR Cancellation Filing to be effective 2/15/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5071.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–1043–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6364; Queue No. AG2–374 to be effective 1/17/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5110.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–1044–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 6365; Queue No. AE2–309 to be effective 1/17/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5118.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–1045–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: 2022–02–14_SA 3028 Ameren IL-Prairie Power Project #36 Windsor to be effective 4/16/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5177.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–1046–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: § 205(d) Rate Filing: 2022–02–14–NSP–SCPU–SISA–672–0.0.0 to be effective 2/15/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5182.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–1047–000.
Applicants: Alliance For Cooperative Energy Services Power Marketing LLC.
Description: Tariff Amendment: Notice of Cancellation of FERC Electric MBR Tariff, Rate Schedule FERC 1 to be effective 2/15/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5195.
Comment Date: 5 p.m. ET 3/7/22.

Docket Numbers: ER22–1048–000.
Applicants: Hecate Energy Highland LLC.
Description: § 205(d) Rate Filing: Certificate of Concurrence to Assignment, Co-Tenancy, and SFA to be effective 2/15/2022.
Filed Date: 2/14/22.
Accession Number: 20220214–5218.
Comment Date: 5 p.m. ET 3/7/22.

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 14, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03574 Filed 2–17–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC22–44–000]

Black Hills Shoshone Pipeline, LLC; Notice of Petition for Waiver

Take notice that on February 8, 2022, Black Hills Shoshone Pipeline, LLC (Petitioner), filed a petition for waiver of the Federal Energy Regulatory Commission's (Commission) requirement to provide its certified public accountant certification statement for the 2021 FERC Form No. 2–A on the basis of the calendar year ending December 31, 2021, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene, or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.*

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://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.

Comments: 5:00 p.m. Eastern Time on March 16, 2022.

Dated: February 14, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03585 Filed 2–17–22; 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: RP22–543–000.
Applicants: Northern Natural Gas Company.
Description: Penalty Revenue Crediting Report of Northern Natural Gas Company.
Filed Date: 2/11/22.
Accession Number: 20220211–5113.
Comment Date: 5 p.m. ET 2/23/22.

Docket Numbers: RP22–544–000.
Applicants: Black Hills Shoshone Pipeline, LLC.
Description: § 4(d) Rate Filing: Annual Adjustment of Lost and Unaccounted For Gas Percentage to be effective 4/1/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5125.
Comment Date: 5 p.m. ET 2/23/22.

Docket Numbers: RP22–545–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: 3–1–2022 Formula Based Negotiated Rates to be effective 3/1/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5140.
Comment Date: 5 p.m. ET 2/23/22.

Docket Numbers: RP22–546–000.
Applicants: LA Storage, LLC.
Description: § 4(d) Rate Filing: Filing of Negotiated Rate, Conforming IW Agreement (Shell) to be effective 2/14/2022.
Filed Date: 2/11/22.
Accession Number: 20220211–5199.
Comment Date: 5 p.m. ET 2/23/22.

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 14, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03575 Filed 2–17–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER22–1019–000]

Powell River Energy Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Powell River Energy Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is March 7, 2022.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: February 14, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03582 Filed 2–17–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Project No. 1389–059]

Southern California Edison Company; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 1389–059.

c. *Dated Filed:* December 16, 2021.

d. *Submitted By:* Southern California Edison Company (SCE).

e. *Name of Project:* Rush Creek Hydroelectric Project (Rush Creek Project).

f. *Location:* The project is located on Rush Creek in Mono County, California. The existing FERC project boundary encompasses a total of 1,129 acres of land and occupies federal land in Inyo National Forest and Ansel Adams Wilderness Area administered by the U.S. Forest Service.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Matthew Woodhall, Rush Creek Relicensing Project Manager, Southern California Edison Company, 1515 Walnut Grove Avenue, Rosemead, CA 91770; (909) 362–1764; *matthew.woodhall@sce.com.*

i. *FERC Contact:* Kelly Wolcott at (202) 502–6480 or email at *kelly.wolcott@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, part 402 and (b) the State Historic Preservation Office, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating SCE as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. SCE filed with the Commission a Pre-Application Document (PAD), including a proposed process plan and schedule, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. 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 via the internet through the Commission's Home Page (*http://www.ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCONlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

Register online at *https://ferconline.ferc.gov/FERCOnline.aspx* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *https://ferconline.ferc.gov/FERC*Online.aspx. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *https://ferconline.gov/QuickComment.aspx.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–1389–059.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by April 15, 2022.

p. The Commission's scoping process will help determine the required level of analysis and satisfy the National Environmental Policy Act (NEPA) scoping requirements, irrespective of whether the Commission prepares an environmental assessment or environmental impact statement.

Scoping Meetings

Due to on-going concerns with large gatherings related to COVID–19, we do not intend to hold in-person public scoping meetings or an in-person environmental site review. Rather, Commission staff will hold two public scoping meetings using a telephone conference line. The daytime scoping meeting will focus on resource agency, Indian tribes, and non-governmental organization (NGO) concerns, while the evening scoping meeting will focus on receiving input from the public. We invite all interested agencies, Native American tribes, NGOs, and individuals to attend one of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. Additionally, a virtual site tour of the Rush Creek Project is available on SCE's website. The dates and times of the

meetings as well as how to access the virtual site tour are listed below.

Virtual site tour of the project:
Access online at: https://www.sce.com/regulatory/hydro-licensing/rush-creek.

Meeting for resource agencies, Tribes, and NGOs:
Monday, March 14, 2022.
9:00 a.m.–12:00 p.m. PST.
Call in number: 800–857–4233.
Access code: 1572324.
Following entry of the access code, please provide the required details when prompted.

Meeting for the general public:
Monday, March 14, 2022.
6:00 p.m.–8:00 p.m. PST.
Call in number: 800–857–4233.
Access code: 1572324.
Following entry of the access code, please provide the required details when prompted.

SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list and SCE's distribution list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Meeting Objectives

At the scoping meetings, Commission staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the potential of any federal or state agency or Indian tribe to act as a cooperating agency for development of an environmental document. Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n of this document.

Meeting Procedures

Commission staff will be moderating the scoping meetings. The meetings will begin promptly at their respective start times listed above.

At the start of the meeting, staff will provide further instructions regarding the meeting setup, agenda, and time period for comments and questions. We ask for your patience as staff present information and field participant comments in orderly manner. To indicate you have a question or comment, press * and 3 to virtually ''raise your hand''. Oral comments will be limited to 5 minutes in duration for each participant. The meetings will be recorded by a stenographer and will be filed to the public record of the project.

Please note, that if no participants join the meetings within 15 minutes after the start time, staff will end the meeting and conference call. The meetings will end after participants have presented their oral comments or at the specified end time, whichever occurs first.

Dated: February 14, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03573 Filed 2–17–22; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP22–46–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in the above referenced docket a prior notice pursuant to sections 157.205 and 157.210 of the Commission's regulations under the Natural Gas Act (NGA) and its blanket certificate issued in Docket No. CP82–401–000 requesting authorization to install and operate the approximately 1.88-mile, 16-inch-diameter MNM80511 C-line and appurtenances in Martin County, Minnesota (West Leg 2022 Expansion Project). Northern has executed eight service agreements for a total of 10,065 dekatherms per day of incremental winter firm service. Northern estimates the cost of the project to be $5,887,342, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Michael T. Loeffler, Senior Director, Certificates and External Affairs for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, by telephone at (402) 398–7103 or by email at *mike.loeffler@nngco.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on April 15, 2022. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is April 15, 2022. A protest may also serve as a motion to intervene so long as the

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA [5] by the intervention deadline for the project, which is April 15, 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.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before April 15, 2022. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP22–46–000 in your submission. The Commission encourages electronic filing of submissions.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing.''

The Commission's eFiling staff are available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(2) You can file a paper copy of your submission. Your submission must reference the Project docket number CP22–46–000.

To mail via USPS, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To mail via any other courier, use the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: *mike.loeffler@nngco.com,* 1111 South 103rd Street, Omaha, Nebraska 68124. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* 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.*

Dated: February 14, 2022.

Kimberly D. Bose,

Secretary.

[FR Doc. 2022–03583 Filed 2–17–22; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–004]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed February 7, 2022 10 a.m. EST Through February 14, 2022 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20220015, Draft, FERC, LA, MP66–69 Compression Relocation and Modification Amendment and the MP33 Compressor Station Modification Amendment Project, Comment Period Ends: 04/04/2022, Contact: Office of External Affairs 866–208–3372.

EIS No. 20220016, Draft, TVA, TN, Clinch River Nuclear Site Advanced Nuclear Reactor Technology Park, Comment Period Ends: 04/04/2022, Contact: J. Taylor Johnson 423–571–2732.

EIS No. 20220017, Second Revised Draft, USACE, FL, Lake Okeechobee Watershed Restoration Project Draft Revised Integrated Project Implementation Report and Environmental Impact Statement, Comment Period Ends: 04/04/2022, Contact: Melissa Nasuti 904–232–1368.

Dated: February 14, 2022.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2022–03581 Filed 2–17–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2020–0653; FRL—9590–01–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Surface Coating of Large Appliances (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Surface Coating of Large Appliances (EPA ICR Number 0659.15, OMB Control Number 2060–0108), 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 February 8, 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–2020–0653, 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 New Source Performance Standards (NSPS) for Surface Coating of Large Appliances were proposed on December 24, 1980; promulgated on October 27, 1982; and most-recently revised on October 17, 2000. These regulations apply to large appliance coating facilities. In general, all NSPS standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. New facilities include those that commenced construction, modification, or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 60, subpart SS.

Form Numbers: None.

Respondents/affected entities: Facilities that perform surface coating of large appliance products.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart SS).

Estimated number of respondents: 16 (total).

Frequency of response: Quarterly, semiannually.

Total estimated burden: 1,600 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $192,000 (per year), which includes $2,100 in annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is an adjustment decrease in the total estimated burden from the most-recently approved ICR. This increase is not due to any program changes. The adjustment decrease in burden from the most-recently approved ICR is due to a decrease in the number of sources. The number of respondents has been adjusted downwards from the most-recently approved ICR to reflect a more accurate estimate of subject sources, based on data collected through EPA's Enforcement and Compliance History Online (ECHO) database and a review of large appliance coating facilities subject to other federal regulations. The decrease in the number of respondents also results in a decrease in the operation and maintenance costs. There are no estimated new respondents anticipated in the next three years; therefore, there are no capital costs.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–03511 Filed 2–17–22; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0543, FRL–9588–01–OMS]

Information Collection Requestion Submitted to OMB for Review and Approval; Comment Request; Hazardous Remediation Waste Management Requirements (HWIR) Contaminated Media (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Hazardous Remediation Waste Management Requirements (HWIR) Contaminated Media (EPA ICR Number 1775.09, OMB Control Number 2050–0161 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 September 28, 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 not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 21, 2022.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0543, 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: Peggy Vyas, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202–566–0453; email address: *vyas.peggy@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 *www.regulations.gov.* For further information and updates on EPA Docket Center services, please visit us online at *https://www.epa.gov/dockets.* The telephone number for the Docket Center is 202–566–1744.

Abstract: The Resource Conservation and Recovery Act (RCRA) requires EPA to establish a national regulatory program to ensure that hazardous wastes are managed in a manner protective of human health and the environment. Under this program, EPA regulates newly generated hazardous wastes, as well as hazardous remediation wastes (*i.e.,* hazardous wastes managed during cleanup). Hazardous remediation waste management sites must comply with all parts of 40 CFR part 264 except subparts B, C, and D. In place of these requirements, they need to comply with performance standards based on the general requirement goals in these sections, which are codified at 40 CFR 264.1(j).

Under § 264.1(j), owners/operators of remediation waste management sites must develop and maintain procedures to prevent accidents. These procedures must address proper design, construction, maintenance, and operation of hazardous remediation waste management units at the site. In addition, owners/operators must develop and maintain a contingency and emergency plan to control accidents that occur. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever fire, explosion, or release of hazardous waste or hazardous waste constituents that could threaten human health or the environment. In addition, the Remedial Action Plan streamlines the permitting process for remediation waste management sites to allow cleanups to take place more quickly.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are the private sector, as well as State, Local, or Tribal governments.

Respondent's obligation to respond: Mandatory (RCRA § 3004(u)).

Estimated number of respondents: 170.

Frequency of response: One-time.

Total estimated burden: 5,114 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $348,088 (per year), which includes $53,693 in annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 1,247 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to an adjustment in Agency calculations.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2022–03512 Filed 2–17–22; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 7, 2022.

A. Federal Reserve Bank of Minneapolis (Chris P. Wangen, Assistant Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291. Comments can also be sent electronically to *MA@mpls.frb.org*:

1. *Greg LeGare and Elaine LeGare, both of Osseo, Wisconsin; Bradley LeGare and Sharon LeGare, both of St. Charles, Illinois; Jeffrey P. LeGare, Lucas, Texas; Jennifer LeGare, Eau Claire, Wisconsin; and Pamela LeGare-Van Hout, Appleton, Wisconsin*; to become the LeGare Group, a group acting in concert, to retain voting shares of Platinum Bancorp, Inc., and thereby indirectly retain voting shares of Platinum Bank, both of Oakdale, Minnesota.

2. *Daniel Otten, Hayward, Minnesota*; to acquire voting shares of Minnesota Community Bancshares, Inc. (MCBI), Albert Lea, Minnesota, and thereby indirectly acquire voting shares of Arcadian Bank, Hartland, Minnesota.

In addition, the Daniel M. Otten Revocable Trust and the Kim M. Otten Revocable Trust, Daniel Otten and Kim Otten, as co-trustees of both trusts, all of Hayward, Minnesota; and the Magdalene E. Otten Revocable Trust, Magdalene Otten, as co-trustee, both of Wisner, Nebraska, and Daniel Otten, as co-trustee; to become members of the Otten Family Control Group, a group acting in concert, to acquire voting shares of MCBI, and thereby indirectly acquire voting shares of Arcadian Bank.

B. Federal Reserve Bank of Kansas City (Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *The M.D. Michaelis GST Exempt Trust, the M.D. Michaelis Trust B, the*

Paula Sue Michaelis GST Exempt Trust, and the Paula Sue Michaelis Trust B, all of Wichita, Kansas; to become members of the Michaelis Family Group, a group acting in concert, to retain voting shares of Emprise Financial Corporation (the company), and thereby indirectly retain voting shares of Emprise Bank, both of Wichita, Kansas. The co-trustees of each of the aforementioned trusts have been previously approved by the Federal Reserve to serve as trustees of other trusts.

In addition, Aaron K. Veatch, as co-trustee of the Michael D. Michaelis Trust and the Paula Sue Michaelis Trust, all of Wichita, Kansas; to become a member of the Michaelis Family Group and to acquire shares of the company.

Board of Governors of the Federal Reserve System, February 15, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–03603 Filed 2–17–22; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Investment in Bank Premises Notification (FR 4014; OMB No. 7100–0139).

DATES: Comments must be submitted on or before April 19, 2022.

ADDRESSES: You may submit comments, identified by FR 4014, by any of the following methods:

- *Agency Website: https://www.federalreserve.gov/.* Follow the instructions for submitting comments at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the OMB number or FR number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *https://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons or to remove personally identifiable information at the commenter's request. Accordingly, comments will not be edited to remove any confidential business information, identifying information, or contact information. Public comments may also be viewed electronically or in paper in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may do so by calling (202) 452–3684. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

Additionally, commenters may send a copy of their comments to the 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.

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.

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. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement, and other documentation, will be made available on the 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 versions of these documents will be made available at *https://www.reginfo.gov/public/do/PRAMain,* if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, Without Revision, the Following Information Collection

Report title: Investment in Bank Premises Notification.

Agency form number: FR 4014.

OMB control number: 7100–0139.

Frequency: Event-generated.

Respondents: State member banks.

Estimated number of respondents: 8.

Estimated average hours per response: 0.5.

Estimated annual burden hours: 4.

General description of report: The Federal Reserve Act (FRA) requires a state member bank to seek prior approval of the Board before making an investment in bank premises or the securities of a corporation holding its bank premises in certain circumstances. The Board has implemented this requirement in its Regulation H—Membership of State Banking Institutions in the Federal Reserve System (12 CFR part 208), which requires a state member bank seeking to make such an investment to provide prior notice to the appropriate Federal Reserve Bank. The Federal Reserve uses the information provided in the notice to determine whether to object to the proposed investment.

Legal authorization and confidentiality: The FR 4014 is authorized by section 24A(a) of the FRA, which requires that state member banks obtain Board approval prior to investing in bank premises that exceed statutory thresholds.[1] The FR 4014 is additionally authorized by section 11 of the FRA, which authorizes the Board to require such statements and reports of state member banks as the Board may deem necessary.[2] The FR 4014 is required to obtain a benefit.

The information contained on the FR 4014 is not considered confidential unless an applicant requests confidential treatment in accordance with the Board's Rules Regarding Availability of Information.[3] Requests for confidential treatment of information are reviewed on a case-by-case basis. Information provided on the FR 4014 may be exempt from disclosure pursuant to exemption 4 of the Freedom of Information Act (FOIA) if it is nonpublic commercial or financial information, which is both customarily and actually treated as private by the respondent.[4]

Board of Governors of the Federal Reserve System, February 14, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022–03485 Filed 2–17–22; 8:45 am]

BILLING CODE 6210–01–P

[1] 12 U.S.C. 371d(a).

[2] 12 U.S.C. 248(a)(1).

[3] 12 CFR 261.17.

[4] 5 U.S.C. 552(b)(4).

FEDERAL TRADE COMMISSION

[File No. P222100]

HISA Assessment Methodology Rule

AGENCY: Federal Trade Commission.

ACTION: Notice of Horseracing Integrity and Safety Authority (HISA) proposed rule; request for public comment.

SUMMARY: The Horseracing Integrity and Safety Act of 2020 recognizes a self-regulatory nonprofit organization, the Horseracing Integrity and Safety Authority, which is charged with developing proposed rules on a variety of subjects. Those proposed rules and later proposed rule modifications take effect only if approved by the Federal Trade Commission. The proposed rules and rule modifications must be published in the **Federal Register** for public comment. Thereafter, the Commission has 60 days from the date of publication to approve or disapprove the proposed rule or rule modification. The Authority submitted to the Commission a proposed rule on Assessment Methodology on January 7, 2022. The Office of the Secretary of the Commission determined that the proposal complied with the Commission's rule governing such submissions. This document publicizes the Authority's proposed rule text and explanation, and it seeks public comment on whether the Commission should approve or disapprove the proposed rule.

DATES: If approved, the HISA proposed rule would take effect immediately. Comments must be received on or before March 4, 2022.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Comment Submissions part of the **SUPPLEMENTARY INFORMATION** section below. Write ''HISA Assessment Methodology'' on your comment and file your comment online at *https://www.regulations.gov* under docket number FTC–2022–0014. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Austin King (202–326–3166), Associate General Counsel for Rulemaking, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Self-Regulatory Organization's Statement of the Background, Purpose of, and Statutory Basis for, the Proposed Rule
a. Background and Purpose
b. Statutory Basis
II. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule and Discussion of Alternatives
III. Self-Regulatory Organization's Summary of Comments
IV. Self-Regulatory Organization's Response to Comments
V. Legal Authority
VI. Effective Date
VII. Request for Comments
VIII. Comment and Submissions
IX. Communications by Outside Parities to the Commissioners or Their Advisors
X. Self-Regulatory Organization's Proposed Rule Language

Background

The Horseracing Integrity and Safety Act of 2020[1] recognizes a self-regulatory nonprofit organization, the Horseracing Integrity and Safety Authority, which is charged with developing proposed rules on a variety of subjects. Those proposed rules and later proposed rule modifications take effect only if approved by the Federal Trade Commission.[2] The proposed rules and rule modifications must be published in the **Federal Register** for public comment.[3] Thereafter, the Commission has 60 days from the date of publication to approve or disapprove the proposed rule or rule modification.[4]

Pursuant to Section 3053(a) of the Horseracing Integrity and Safety Act of 2020 and Commission Rule 1.142, notice is hereby given that, on January 7, 2022, the Horseracing Integrity and Safety Authority (''HISA'' or the ''Authority'') filed with the Federal Trade Commission a proposed Assessment Methodology rule and supporting documentation as described in Items I, II, III, IV, and X below, which Items have been prepared by HISA. The Office of the Secretary of the Commission determined that the filing complied with the Commission's rule governing such submissions.[5] The Commission publishes this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Background, Purpose of, and Statutory Basis for, the Proposed Rule

a. Background and Purpose

The Horseracing Integrity and Safety Act of 2020 recognizes that the establishment of a national set of uniform standards for racetrack safety and medication control will enhance the safety and integrity of horseracing. As part of this endeavor, the Act, in 15 U.S.C. 3053(a)(11), directs the Horseracing Integrity and Safety Authority (''HISA'' or the ''Authority'') to develop proposed rules relating to ''a formula or methodology for determining assessments described in section 3052(f) of this title.'' The Act requires that the Authority provide to each State racing commission an estimated amount required from the State to ''(i) to fund the State's proportionate share of the

[1] 15 U.S.C. 3051 through 3060.

[2] 15 U.S.C. 3053(b)(2).

[3] 15 U.S.C. 3053(b)(1).

[4] 15 U.S.C. 3053(c)(1).

[5] 16 CFR 1.140–1.144; *see also* Fed. Trade Comm'n, Procedures for Submission of Rules Under the Horseracing Integrity and Safety Act, 86 FR 54819 (Oct. 5, 2021).

horseracing anti-doping and medication control program and the racetrack safety program for the next calendar year; and (ii) to liquidate the State's proportionate share of any loan or funding shortfall in the current calendar year and any previous calendar year.'' [6] A State's proportionate share is to be based on the annual budget of the Authority, ''the projected amount of covered racing starts for the year in each State'' and ''take into account other sources of Authority revenue.'' [7]

If a State racing commission does not elect to remit fees pursuant to 15 U.S.C. 3052(f)(2), then the Authority is required to, ''not less frequently than monthly, calculate the applicable fee per racing start multiplied by the number of racing starts in the State during the preceding month.'' [8] This calculation is required to be allocated equitably ''among covered persons involved with covered horseraces pursuant to such rules as the Authority may promulgate'' [9] and collected ''according to such rules as the Authority may promulgate.'' [10]

With the review, input, and ultimate approval of the Authority's Board of Directors (the ''Board''), the Assessment Methodology proposed rule puts in place a methodology for determining assessments described in 15 U.S.C. 3052(f).

b. Statutory Basis

The Horseracing Integrity and Safety Act of 2020, 15 U.S.C. 3051 through 3060.

II. Self-Regulatory Organization's Statement of the Terms of Substance of the Assessment Methodology Proposed Rule and Discussion of Alternatives

The Assessment Methodology proposed rule was guided by the purposes and objectives of the Act and the Act's explicit directive that the Authority ''allocate equitably'' the calculated assessments among covered persons.[11] The Act states that the basis of the funding calculation is a State's proportionate share of ''the projected amount of covered racing starts for the year in each State.'' [12] The Act does not define ''covered racing start.'' The Authority was not in favor of simply treating all racing starts in a given State uniformly as a ''covered racing start'' because this would result in an inequitable allocation of costs.

For example, if all starts in all races at all tracks were treated equally, West Virginia would have a larger proportionate share than Kentucky, even though the purses and entry fees generated by the Kentucky races dwarf those generated by West Virginia races.[13] Instead, the Authority defined Annual Covered Racing Starts in a manner that is consistent with an equitable allocation of the funding needs of the Authority. Proposed Rule Series 8500 allocates 50 percent of Annual Covered Racing Starts to the number of projected starts (the ''Projected Starts'') and the other 50 percent reflects the size of the purses in the applicable State.[14] This latter portion of the formula is derived from taking the total amount of purses in the State and dividing that amount by the number of projected starts (the ''Projected Purse Starts''). Therefore, Annual Covered Racing Starts equals 50 percent of Projected Starts and 50 percent of Projected Purse Starts. Attached as Supporting Document Exhibit 1 is a spreadsheet that guided the Authority in developing the Assessment Methodology proposed rule.[15] Exhibit 1 displays the proportionate share of each State per one million dollars and sets forth the calculations for Annual Covered Racing Starts.[16]

For States that do not elect to remit fees, the Authority recognized that it was not advisable or practicable to directly charge and collect from each covered person. Instead, the Assessment Methodology proposed rule places the responsibility on the covered racetracks in such States to collect the fees from covered persons, subject to the Authority's approving the racetrack's proposed assessments to covered persons. The amount each covered racetrack is responsible for collecting is based on the percentage of total purse money paid out for covered races conducted within the State over the relevant period. Supporting Document Exhibit 2 displays each covered racetrack's proportionate share in the total purses in covered horseraces in the applicable State.

III. Self-Regulatory Organization's Summary of Comments

As encouraged by the Commission's procedural rule, prior to finalization of the submissions by the Authority to the Commission, a draft of the proposed Assessment Methodology rule was made available to the public for review and comment on the HISA website, *https://www.hisausregs.org/.* On December 23, 2021, HISA representatives shared the draft proposed Assessment Methodology with several interested stakeholders for input. Those interested stakeholders included: Racing Officials Accreditation Program; Racing Medication and Testing Consortium (Scientific Advisory Committee); Water Hay Oats Alliance; National Thoroughbred Racing Association; The Jockey Club; The Jockeys' Guild; Thoroughbred Racing Association; Arapahoe Park; Grants Pass Downs; Arizona Downs; Colonial Downs; Thoroughbred Owners of California; California Horse Racing Board; National Horsemen's Benevolent and Protective Association; Thoroughbred Horsemen's Association Mid-Atlantic Safety Coalition; Thoroughbred Owners and Breeders Association; Kentucky Thoroughbred Association; American Association of Equine Practitioners; American Veterinary Medical Association; Delaware Racing Commission; New York Racing Association; Stronach Racing Group (5 thoroughbred racetracks); Churchill Downs (6 thoroughbred racetracks); Keeneland; and Del Mar. No comments regarding the Assessment Methodology proposed rule were received by the Authority from these interested stakeholders.

On December 23, 2021, the Assessment Methodology proposed rule was made available to the public for review and comment on the HISA website *https://www.hisausregs.org/.* One comment was received, and it is set forth and addressed below.

[6] 15 U.S.C. 3052(f)(1)(C)(i).

[7] 15 U.S.C. 3052(f)(1)(C)(ii).

[8] 15 U.S.C. 3052(f)(3)(A).

[9] 15 U.S.C. 3052(f)(3)(B).

[10] 15 U.S.C. 3052(f)(3)(C).

[11] 15 U.S.C. 3052(f)(3)(B).

[12] 15 U.S.C. 3052(f)(1)(C)(ii).

[13] Higher purses greatly influence the ability of Covered Persons to bear costs. It is also anticipated that stakes races and graded stakes races will have higher testing costs.

[14] The Act's requirements for proportionality among States, equitable allocation among Covered Persons within each State and the requirement imposed on the Authority to establish by rule ''a formula or methodology for determining assessments'' demonstrate that basing allocations on starts alone would not meet the full requirements of the Act. Therefore, the proposed rule uses the concept of Annual Covered Racing Starts to establish a weighted formula that meets all the Act's requirements.

[15] Exhibit 1 and Exhibit 2 utilize 2019 numbers because of the impact the pandemic had on 2020 numbers. Due to the timing of this submission, it was not practical to utilize 2021 numbers. The Authority will rely upon the 2021 numbers in projecting the 2022 numbers. The Authority is relying upon Equibase data. Equibase is the official supplier of racing information and statistics to numerous entities including Breeders' Cup, Daily Racing Form, and The Jockey Club.

[16] To avoid an inequitable or skewed allocation, a State's total will be adjusted so that no State's assessment exceeds 10 percent of the purses in that State. This excess amount is allocated proportionately to all States that do not exceed the maximum, based on each State's respective percentage of the Annual Covered Racing Starts.

IV. Self-Regulatory Organization's Responses to Comments

One comment was posted on the HISA website in response to the Methodology Rule Proposal, which reads in full: ''If a State Racing Commission enters into an agreement with the authority to conduct some or all of the requirements, (notably collecting, submitting equine samples, and enforcement of violations), will the State Commissions costs be deducted from the authority and credit given for funds dedicated to testing, etc? A reply directly to our agency would be preferable.''

Although this comment does not address the Assessment Methodology proposed rule, a representative of HISA contacted the individual who posted the comment to discuss the inquiry. By way of information, it is anticipated that States that enter into voluntary agreements with the Authority will receive some type of a credit.

V. Legal Authority

This rule is proposed by the Authority for approval or disapproval by the Commission under 15 U.S.C. 3053(c)(1).

VI. Effective Date

If approved by the Commission, this proposed rule will take effect immediately.

VII. Request for Comments

Members of the public are invited to comment on the Authority's proposed rule. The Commission requests that factual data on which the comments are based be submitted with the comments. The supporting documentation referred to in the Authority's filing, as well as the written comments it received before submitting the proposed rule to the Commission, are available for public inspection at *https://www.regulations.gov* under docket number FTC–2022–0014.

The Commission seeks comments that address the decisional criteria provided by the Act. The Act gives the Commission two criteria against which to measure proposed rules and rule modifications: ''The Commission shall approve a proposed rule or modification if the Commission finds that the proposed rule or modification is consistent with—(A) this chapter; and (B) applicable rules approved by the Commission.'' [17] In other words, the Commission will evaluate the proposed rule for its consistency with the specific requirements, factors, standards, or considerations in the text of the Act as well as the Commission's procedural rule.

Although the Commission must approve the proposed rule if the Commission finds that the proposed rule is consistent with the Act and the Commission's procedural rule, the Commission may consider broader questions about the health and safety of horses or the integrity of horseraces and wagering on horseraces in another context: ''The Commission may adopt an interim final rule, to take effect immediately, . . . if the Commission finds that such a rule is necessary to protect—(1) the health and safety of covered horses; or (2) the integrity of covered horseraces and wagering on those horseraces.'' [18] The Commission may exercise its power to issue an interim final rule on its own initiative or in response to a petition from a member from the public. If members of the public wish to provide comments to the Commission that bear on protecting the health and safety of horses or the integrity of horseraces and wagering on horseraces but do not discuss whether HISA's proposed rule on Assessment Methodology is consistent with the Act or the applicable rules, they should not submit a comment here. Instead, they are encouraged to submit a petition requesting that the Commission issue an interim final rule addressing the subject of interest. The petition must meet all the criteria established in the Rules of Practice (part 1, subpart D); [19] if it does, the petition will be published in the **Federal Register** for public comment. In particular, the petition for an interim final rule must ''identify the problem the requested action is intended to address and explain why the requested action is necessary to address the problem.'' [20] As relevant here, the petition should provide sufficient information for the public to comment on, and for the Commission to find, that the requested interim final rule is ''necessary to protect—(1) the health and safety of covered horses; or (2) the integrity of covered horseraces and wagering on those horseraces.'' [21]

VIII. Comment Submissions

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 4, 2022. Write ''HISA Assessment Methodology'' on your comment. Your comment—including your name and your State—will be placed on the public record of this proceeding, including, to the extent practicable, on the website *https://www.regulations.gov.*

Because of the public health emergency in response to the COVID–19 outbreak and the Commission's heightened security screening, postal mail addressed to the Commission will be subject to delay. We strongly encourage you to submit your comments online through the *https://www.regulations.gov* website. To ensure that the Commission considers your online comment, please follow the instructions on the web-based form.

If you file your comment on paper, write ''HISA Assessment Methodology'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex B), Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the public record, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not contain sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other State identification number or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential''—as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule § 4.10(a)(2), 16 CFR 4.10(a)(2)—including competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with FTC Rule § 4.9(c), 16 CFR 4.9(c). In particular, the

[17] 15 U.S.C. 3053(c)(2).

[18] 15 U.S.C. 3053(e).

[19] 16 CFR 1.31; *see* Fed. Trade Comm'n, Procedures for Responding to Petitions for Rulemaking, 86 FR 59851 (Oct. 29, 2021).

[20] 16 CFR 1.31(b)(3).

[21] 15 U.S.C. 3053(e).

written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule § 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at *https://www.regulations.gov*—as legally required by FTC Rule § 4.9(b), 16 CFR 4.9(b)—we cannot redact or remove your comment, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule § 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments it receives on or before March 4, 2022. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/siteinformation/privacypolicy.*

IX. Communications by Outside Parties to the Commissioners or Their Advisors

Written communications and summaries or transcripts of oral communications respecting the merits of this proceeding, from any outside party to any Commissioner or Commissioner's advisor, will be placed on the public record. *See* 16 CFR 1.26(b)(5).

X. Self-Regulatory Organization's Proposed Rule Language

Rule 8500 Series—Methodology for Determining Assessments

8510 Definitions
8520 Annual Calculation of Amounts Required
8300 Disciplinary Hearings and Accreditation Procedures
8310 Application
8320 Adjudication of Violations of Established in the Rule 2200 Series
8330 Adjudication of Rule 8100 Violations
8340 Initial Hearings Conducted Before the Racetrack Safety Committee or the Board of the Authority
8350 Appeal to the Board
8360 Accreditation Procedures
8370 Final Civil Sanction
8400 Investigatory Powers

8500. Methodology for Determining Assessments

8510. Definitions

For purposes of this Rule 8500 Series:

(a) *Annual Covered Racing Starts* means, for the following calendar year, the sum of: (i) 50 percent of the number of Projected Starts; plus (ii) 50 percent of the number of Projected Purse Starts.

(b) *Covered Horserace* has the meaning set forth in 15 U.S.C. 3051(5).

(c) *Projected Starts* means the number of starts in Covered Horseraces in the previous 12 months as reported by Equibase, after taking into consideration alterations in the racing calendar of the relevant State(s) for the following calendar year.

(d) *Projected Purse Starts* means: (i) The total amount of purses for Covered Horseraces as reported by Equibase (not including the Breeders' Cup World Championships Races), after taking into consideration alterations in purses for the relevant State(s) for the following calendar year, divided by (ii) the Projected Starts for the following calendar year.

(e) *Racetrack* has the meaning set forth in 15 U.S.C. 3051(15).

8520. Annual Calculation of Amounts Required

(a) If a State racing commission elects to remit fees pursuant to 15 U.S.C. 3052(f)(2), the State racing commission shall notify the Authority in writing on or before May 2, 2022 of its decision to elect to remit fees.

(b) Not later than April 1, 2022, and not later than November 1 of each year thereafter, the Authority shall determine and provide to each State Racing Commission the estimated amount required from each State pursuant to the calculation set forth in Rule 8520(c) below.

(c) Upon the approval of the budget for the following calendar year by the Board of the Authority, and after taking into account other sources of Authority revenue, the Authority shall allocate the calculation due from each State pursuant to 15 U.S.C. 3052(f)(1)(C)(i) proportionally by each State's respective percentage of the Annual Covered Racing Starts. The proportional calculation for each State's respective percentage of the Annual Covered Racing Starts shall be calculated as follows:

(1) The total amount due from all States pursuant to 15 U.S.C. 3052(f)(1)(C)(i) shall be divided by the Projected Starts of all Covered Horseraces; then

(2) 50 percent of the quotient calculated in (c)(1) is multiplied by the quotient of (i) the relevant State's percentage of the total amount of purses for all Covered Horseraces as reported by Equibase (not including the Breeders' Cup World Championships Races), after taking into consideration alterations in purses for the relevant State for the following calendar year; divided by (ii) the relevant State's percentage of the Projected Starts of all Covered Horseraces starts; then

(3) the sum of the product of the calculation in (c)(2) and 50 percent of the quotient calculated in (c)(1) is multiplied by the Projected Starts in the applicable State.

Provided however, that no State's allocation shall exceed 10 percent of the total amount of purses for Covered Horseraces as reported by Equibase in the State (not including the Breeders' Cup World Championships Races). All amounts in excess of the 10 percent maximum shall be allocated proportionally to all States that do not exceed the maximum, based on each State's respective percentage of the Annual Covered Racing Starts.

(d) Pursuant to 15 U.S.C. 3052(f)(2)(B), a State racing commission that elects to remit fees shall remit fees on a monthly basis and each payment shall equal one-twelfth of the estimated annual amount required from the State for the following year.

(e) If a State racing commission does not elect to remit fees pursuant to 15 U.S.C. 3052(f)(2):

(1) The Authority shall on a monthly basis calculate and notify each Racetrack in the State of the applicable fee per racing start for the next month based upon the following calculations:

(i) Calculate the amount due from the State as if the State had elected to remit fees pursuant to 15 U.S.C. 3052(f)(2) (the ''Annual Calculation'').

(ii) Calculate the number of starts in Covered Horseraces in the previous twelve months as reported by Equibase (the ''Total Starts'').

(iii) Calculate the number of starts in Covered Horseraces in the previous month as reported by Equibase (the ''Monthly Starts'').

(iv) The applicable fee per racing start shall equal the quotient of Monthly Starts, divided by Total Starts, multiplied by the Annual Calculation.

(2) The Authority shall on a monthly basis calculate and notify each Racetrack in the jurisdiction of the following calculations:

(i) Multiply the number of starts in Covered Horseraces in the previous month by the applicable fee per racing start calculated pursuant to paragraph (e)(1)(iv) above.

(ii) The calculation set forth in 15 U.S.C. 3052(f)(3)(A) shall be equal to the amount calculated pursuant to paragraph (e)(2)(i) (the ''Assessment Calculation'').

(3) The Authority shall allocate the monthly Assessment Calculation proportionally based on each Racetrack's proportionate share in the total purses in Covered Horseraces in the State over the next month and shall notify each Racetrack in the jurisdiction of the amount required from the Racetrack. Each Racetrack shall pay its share of the Assessment Calculation to the Authority within 30 days of the end of the monthly period.

(4) Not later than May 1, 2022 and not later than November 1 each year thereafter, each Racetrack in the State shall submit to the Authority its proposal for the allocation of the Assessment Calculation among covered persons involved with Covered Horseraces (the ''Covered Persons Allocation''). On or before 30 days from the receipt of the Covered Persons Allocation from the Racetrack, the Authority shall determine whether the Covered Persons Allocation has been allocated equitably in accordance with 15 U.S.C. 3052(f)(3)(B), and, if so, the Authority shall notify the Racetrack that the Covered Persons Allocation is approved. If a Racetrack fails to submit its proposed Covered Person Allocation in accordance with the deadlines set forth in this paragraph, or if the Authority has not approved the Covered Persons Allocation in accordance with this paragraph, the Authority shall determine the Covered Persons Allocation for the Racetrack. Upon the approval of or the determination by the Authority of the Covered Persons Allocation, the Racetrack shall collect the Covered Persons Allocation from the covered persons involved with Covered Horseraces.

(f) All notices required to be given to the Authority pursuant to the Act and these rules must be in writing and must be mailed to 401 West Main Street, Suite 222, Lexington, Kentucky 40507, and emailed to *feedback@hisaus.org.*

By direction of the Commission.

April J. Tabor,

Secretary.

[FR Doc. 2022–03717 Filed 2–17–22; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0075; Docket No. 2022–0053; Sequence No. 7]

Information Collection; Government Property

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning government property. DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through April 30, 2022. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by April 19, 2022.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0075, Government Property. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000–0075, Government Property, and Standard Forms 1428, and 1429.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

1. FAR clause 52.245–1, Government Property.

a. Paragraph (f)(1)(ii) requires contractors to document the receipt of Government property.

b. Paragraph (f)(1)(ii)(A) requires contractors to submit a written statement to the Property Administrator containing all relevant facts, such as cause or condition and a recommended course(s) of action, if overages, shortages, or damages and/or other discrepancies are discovered upon receipt of Government-furnished property.

c. Paragraph (f)(1)(iii) requires contractors to create and maintain records of all Government property accountable to the contract, including Government-furnished and Contractor-acquired property. Property records shall, unless otherwise approved by the Property Administrator, contain the following:

i. The name, part number and description, National Stock Number (if needed for additional item identification tracking and/or disposition), and other data elements as necessary and required in accordance with the terms and conditions of the contract.

ii. Quantity received (or fabricated), issued, and balance-on-hand.

iii. Unit acquisition cost.

iv. Unique-item identifier or equivalent (if available and necessary for individual item tracking).

v. Unit of measure.

vi. Accountable contract number or equivalent code designation.

vii. Location.

viii. Disposition.

ix. Posting reference and date of transaction.

x. Date placed in service (if required in accordance with the terms and conditions of the contract).

When approved by the Property Administrator, contractors may maintain, in lieu of formal property records, a file of appropriately cross-referenced documents evidencing receipt, issue, and use of material that is issued for immediate consumption.

d. Paragraph (f)(1)(iv) requires contractors to periodically perform, record, and disclose physical inventory results during contract performance, including upon completion or termination of the contract.

e. Paragraph (f)(1)(vii)(B) requires contractors, unless otherwise directed by the Property Administrator, to investigate and report all incidents of Government property loss as soon as the facts become known. Such reports shall, at a minimum, contain the following information:

i. Date of incident (if known).

ii. The data elements required under paragraph (f)(1)(iii)(A) of FAR 52.245–1.

iii. Quantity.

iv. Accountable contract number.

v. A statement indicating current or future need.

vi. Unit acquisition cost, or if applicable, estimated sales proceeds, estimated repair or replacement costs.

vii. All known interests in commingled material of which includes Government material.

viii. Cause and corrective action taken or to be taken to prevent recurrence.

ix. A statement that the Government will receive compensation covering the loss of Government property, in the event the Contractor was or will be reimbursed or compensated.

x. Copies of all supporting documentation.

xi. Last known location.

xii. A statement that the property did or did not contain sensitive, export controlled, hazardous, or toxic material, and that the appropriate agencies and authorities were notified.

f. Paragraph (f)(1)(viii) requires contractors to promptly disclose and report Government property in its possession that is excess to contract performance.

g. Paragraph (f)(1)(ix) requires contractors to disclose and report to the Property Administrator the need for replacement and/or capital rehabilitation.

h. Paragraph (f)(1)(x) requires contractors to perform and report to the Property Administrator contract property closeout.

i. Paragraph (f)(2) requires contractors to establish and maintain Government accounting source data, particularly in the areas of recognition of acquisitions, loss of Government property, and disposition of material and equipment.

j. Paragraphs (j)(2) and (3) require contractors to submit inventory disposal schedules to the Plant Clearance Officer using the Standard Form (SF) 1428, Inventory Disposal Schedule and if needed the SF 1429, Inventory Disposal Schedule—Continuation Sheet. Paragraph (j)(2)(iv) requires contractors to provide the following information:

i. Any additional information that may facilitate understanding of the property's intended use.

ii. For work-in-progress, the estimated percentage of completion.

iii. For precious metals in raw or bulk form, the type of metal and estimated weight.

iv. For hazardous material or property contaminated with hazardous material, the type of hazardous material.

v. For metals in mill product form, the form, shape, treatment, hardness, temper, specification (commercial or Government) and dimensions (thickness, width, and length).

2. FAR 52.245–9, Use and Charges. Paragraph (d)(1) of this clause requires contractors submitting a government property rental request to: (1) Identify the property for which rental is requested, (2) propose a rental period, and (3) compute an estimated rental charge by using the Contractor's best estimate of rental time in the formulae described in paragraph (e) of the clause at FAR 52.245–9.

This information is used to facilitate the management of Government property in the possession of the contractor.

C. Annual Burden

Respondents and Recordkeepers: 13,607.

Total Annual Responses and Records: 8,990,168.

Total Burden Hours: 4,442,877. (2,291,997 reporting hours + 2,150,880 recordkeeping hours)

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0075, Government Property.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–03562 Filed 2–17–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0149; Docket No. 2021–0053; Sequence No. 15]

Submission for OMB Review; Subcontract Consent and Contractors' Purchasing System Review

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding subcontract consent and Contractors' Purchasing System Review.

DATES: Submit comments on or before March 21, 2022

ADDRESSES: Written comments and recommendations for this 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 Review—Open for Public Comments'' or by using the search function.

Additionally, submit a copy to GSA through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000–0149, Subcontract Consent and Contractors' Purchasing System Review. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB control number, Title, and any Associated Form(s)

9000–0149, Subcontract Consent and Contractors' Purchasing System Review.

B. Need and Uses

This clearance covers the information that a contractor must submit to comply with the requirements in Federal Acquisition Regulation (FAR) 52.244–2, Subcontracts, regarding consent to subcontract, advance notification, and Contractors' purchasing system review as follows:

1. Consent to subcontract. This is the contracting officer's written consent for the prime contractor to enter into a particular subcontract. In order for the contracting officer responsible for consent to make an informed decision, the prime contractor must submit adequate information to ensure that the proposed subcontract is appropriate for the risks involved and consistent with current policy and sound business judgment. The review allows the Government to determine whether the contractor's purchasing policies and practices are efficient and adequately protect the Government's interests.

If the contractor has an approved purchasing system, consent is required for subcontracts specifically identified by the contracting officer in the subcontracts clause of the contract. The contracting officer may require consent to subcontract if the contracting officer has determined that an individual consent action is required to protect the Government adequately because of the subcontract type, complexity, or value, or because the subcontract needs special surveillance. These can be subcontracts for critical systems, subsystems, components, or services. If the contractor does not have an approved purchasing system, consent to subcontract is required for cost-reimbursement, time-and-materials, labor-hour, or letter contracts, and also for unpriced actions under fixed-price contracts that exceed the simplified acquisition threshold.

2. Advance notification. Prime contractors must provide contracting officers notification before the award of any cost-plus-fixed-fee subcontract, or certain fixed-price subcontracts that are identified in paragraph (b), (c) and (d) of FAR clause 52.244–2. This requirement for advance notification is driven by statutory requirements in 10 U.S.C. 2306 and 41 U.S.C. 3905.

3. Contractors' Purchasing System Review. The objective of a contractor purchasing system review (CPSR), is to evaluate the efficiency and effectiveness with which a contractor spends Government funds and complies with Government policy when subcontracting.

Paragraph (i) of FAR clause 52.244–2 specifies that the Government reserves the right to review the contractor's purchasing system as set forth in FAR subpart 44.3. This clause is the mechanism through which the requirements of FAR subpart 44.3 are applied to contractors.

FAR 44.302 requires the administrative contracting officer (ACO) to determine the need for a CPSR based on, but not limited to, the past performance of the contractor, and the volume, complexity and dollar value of subcontracts. If a contractor's sales to the Government (excluding competitively awarded firm-fixed-price and competitively awarded fixed-price with economic price adjustment contracts and sales of commercial items pursuant to Part 12) are expected to exceed $25 million during the next 12 months, the ACO will perform a review to determine if a CPSR is needed. Sales include those represented by prime contracts, subcontracts under Government prime contracts, and modifications. Generally, a CPSR is not performed for a specific contract. The head of the agency responsible for contract administration may raise or lower the $25 million review level if it is considered to be in the Government's best interest. Once an initial determination has been made to conduct a review, at least every three years the ACO shall determine whether a purchasing system review is necessary. If necessary, the cognizant contract administration office will conduct a purchasing system review.

A CPSR is a thorough review of a contractor's existing procurement policies, procedures, management control systems (including internal audit procedures), and documentation. The review provides the ACO a basis for granting, withholding, or withdrawing approval of a contractor's purchasing system. An approved purchasing system allows the contractor more autonomy in subcontracting actions. Without an approved purchasing system more Government oversight is necessary, and Government consent to subcontract is required. Generally, a CPSR is not performed for a specific contract. Rather, CPSRs are conducted on contractors based on the factors identified above. For example, the Defense Contract Management Agency Contractor Purchasing System Review Group is a group dedicated to conducting CPSRs for the Department of Defense.

The cognizant ACO is responsible for granting, withholding, or withdrawing approval of a contractor's purchasing system and for promptly notifying the contractor of same (FAR 44.305–1).

Related administrative requirements are as follows:

FAR 44.305–2(c) requires that when recommendations are made for improvement of an approved system, the contractor shall be requested to reply within 15 days with a position regarding the recommendations. FAR 44.305–3(b) requires when approval of the contractor's purchasing system is withheld or withdrawn, the ACO shall within 10 days after completing the in-plant review (1) inform the contractor in writing, (2) specify the deficiencies that must be corrected to qualify the system for approval, and (3) request the contractor to furnish within 15 days a plan for accomplishing the necessary actions. If the plan is accepted, the ACO shall make a follow-up review as soon as the contractor notifies the ACO that the deficiencies have been corrected.

C. Annual Burden

Respondents: 3,270.

Total Annual Responses: 9,330.

Total Burden Hours: 53,394.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 86 FR 71499, on December 16, 2021. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0149, Subcontract Consent and Contractors' Purchasing System Review.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–03566 Filed 2–17–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0152; Docket No. 2022–0053; Sequence No. 5]

Information Collection; Service Contracting

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning service contracting. DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through April 30, 2022. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by April 19, 2022.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0152, Service Contracting. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000–0152, Service Contracting

B. Need and Uses

This clearance covers the information that offerors must submit to comply with the following Federal Acquisition Regulation (FAR) requirement:

• FAR 52.237–10, Identification of Uncompensated Overtime. This provision requires offerors, when professional or technical services are acquired on the basis of the number of hours to be provided, to identify uncompensated overtime hours in excess of 40 hours per week, whether at the prime or subcontract level. This includes uncompensated overtime hours that are in indirect cost pools for personnel whose regular hours are normally charged direct.

The contracting officer will use the collected information to perform an adequate cost realism analysis of the offerors' proposed labor rates. Proposals which include unrealistically low labor rates, or which do not otherwise demonstrate cost realism, will be considered by the contracting officer in a risk assessment and evaluated appropriately. The primary purpose for obtaining the information and using it during the source selection process is to discourage the use of uncompensated overtime.

C. Annual Burden

Respondents: 19,738.
Total Annual Responses: 19,738.
Total Burden Hours: 9,869.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0152, Service Contracting.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–03564 Filed 2–17–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0079; Docket No. 2022–0053; Sequence No. 6]

Information Collection; Travel Costs

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning travel costs. DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through April 30, 2022. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by April 19, 2022.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0079, Travel Costs. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s),

please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000–0079, Travel Costs

B. Need and Uses

This clearance covers the information that a contractor must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

1. FAR 31.205–46(a)(3)—In special or unusual situations, costs incurred by a contractor for lodging, meals, and incidental expenses, may exceed the per diem rates in effect as set forth in the Federal Travel Regulation (FTR) for travel in the contiguous 48 United States. The actual costs may be allowed only if the contractor provides the following:

a. FAR 31.205–46(a)(3)(ii)—A written justification for use of the higher amounts approved by an officer of the contractor's organization or designee to ensure that the authority is properly administered and controlled to prevent abuse.

b. FAR 31.205–46(a)(3)(iii)—Advance approval from the contracting officer if it becomes necessary to exercise the authority to use the higher actual expense method repetitively or on a continuing basis in a particular area.

c. FAR 31.205–46(a)(3)(iv)—Documentation to support actual costs incurred including a receipt for each expenditure of $75.00 or more.

2. FAR 31.205–46(c) requires firms to maintain and make available manifest/logs for all flights on company aircraft. As a minimum, the manifest/log must indicate:

a. Date, time, and points of departure;

b. Destination, date, and time of arrival;

c. Name of each passenger and relationship to the contractor

d. Authorization for trip; and

e. Purpose of trip.

The information required by (2)(a) and (b) and the name of each passenger (required by (2)(c)) are recordkeeping requirements already established by Federal Aviation Administration regulations. This information, plus the additional required information, is needed to ensure that costs of owned, chartered, or leased aircraft are properly charged against Government contracts and that directly associated costs of unallowable activities are not charged to Government contracts.

The contracting officer will use the information to ensure that the Government does not reimburse contractors for excessive travel costs. Also, the information is used by Government auditors to identify allowable and unallowable costs under Government contracts.

C. Annual Burden

Respondents/Recordkeepers: 3,743.

Total Annual Responses: 33,202.

Total Burden Hours: 11,472. (7,848 reporting hours + 3,624 recordkeeping hours).

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0079, Travel Costs.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–03563 Filed 2–17–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0198; Docket No. 2021–0053; Sequence No. 14]

Submission for OMB Review; Certain Federal Acquisition Regulation Part 9 Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision of a previously approved information collection requirement regarding certain Federal Acquisition Regulation (FAR) part 9 requirements.

DATES: Submit comments on or before March 21, 2022.

ADDRESSES: Written comments and recommendations for this 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 Review—Open for Public Comments'' or by using the search function.

Additionally, submit a copy to GSA through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments.

Instructions: All items submitted must cite OMB Control No. 9000–0198, Certain Federal Acquisition Regulation Part 9 Requirements. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and any Associated Form(s)

9000–0198, Certain Federal Acquisition Regulation Part 9 Requirements.

B. Need and Uses

DoD, GSA, and NASA are combining OMB Control Nos. for the Federal Acquisition Regulation (FAR) by FAR part. This consolidation is expected to improve industry's ability to easily and efficiently identify burdens associated with a given FAR part. The review of the information collections by FAR part allows improved oversight to ensure there is no redundant or unaccounted for burden placed on industry. Lastly, combining information collections in a given FAR part is also expected to reduce the administrative burden associated with processing multiple information collections.

This justification supports the revision of the expiration date of OMB Control No. 9000–0198 and combines it with the previously approved information collections under OMB Control Nos. 9000–0083 and 9000–0193, with the new title ''Certain Federal Acquisition Regulation Part 9 Requirements''. Upon approval of this

consolidated information collection, OMB Control Nos. 9000–0083 and 9000–0193 will be discontinued. The burden requirements previously approved under the discontinued numbers will be covered under OMB Control No. 9000–0198.

This clearance covers the information that offerors and contractors must submit to comply with the following FAR requirements:

1. FAR 52.209–1, Qualification Requirements. This clause requires offerors to provide with their proposal: Their name, the manufacturer's name, source's name, item's name, service identification, and test number (if known) for a proposed product or service that has already been determined to meet the qualification standards. If an offeror, manufacturer, source, product or service has met the qualification requirement but is not yet on a qualified products list, qualified manufacturers list, or qualified bidders list, this clause requires the offeror to submit evidence of qualification prior to award of a contract.

2. FAR 52.209–2, 52.209–10, and 52.212–3(n), Prohibition on Contracting with Inverted Domestic Corporations. FAR provision 52.209–2, Prohibition on Contracting with Inverted Domestic Corporations-Representation, and its equivalent for commercial acquisitions at FAR 52.212–3(n), requires each offeror to represent whether it is, or is not, an inverted domestic corporation or a subsidiary of an inverted domestic corporation.

FAR clause 52.209–10, Prohibition on Contracting with Inverted Domestic Corporations, requires contractors to promptly notify the contracting officer in the event the contractor becomes an inverted domestic corporation or a subsidiary of an inverted domestic corporation during the period of performance of the contract.

3. FAR 52.209–5, 52.209–6, and 52.212–3(h), Debarment, Suspension, and other Responsibility Matters. FAR provision 52.209–5, Certification Regarding Responsibility Matters, and its equivalent for commercial acquisitions at FAR 52.212–3(h), require the disclosure of the following critical information by an offeror to be considered by the contracting officer in making a responsibility determination:

- Whether the offeror or any of its principals have been—
  - Debarred, suspended, proposed for debarment, declared ineligible for contract award;
  - Within a three-year period preceding their offer:
    - Convicted of or had a civil judgment rendered against them or indicted for commission of a fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract, violation of Federal or State antitrust statutes relating to the submission of offers, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property;
    - Notified of any delinquent Federal taxes in an amount that exceeds $10,000 for which the liability remains unsatisfied;
    - Had one or more contracts terminated for default by any Federal agency; or
    - Are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses identified above.

If the offeror has responded affirmatively to the certifications in the FAR provisions at 52.209–5 or 52.212–3(h), the offeror shall provide additional information if requested by the contracting officer.

The offeror shall also provide immediate written notice to the contracting officer if, at any time prior to contract award, the offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Paragraph (c) of the FAR clause at 52.209–6, Protecting the Government's Interest When Subcontracting with Contractor's Debarred, Suspended, or Proposed for Debarment, requires the contractor to require each proposed subcontractor whose subcontract will exceed $35,000, other than a subcontractor providing a commercially available off-the-shelf (COTS) item, to disclose to the contractor in writing, whether as of the time of award of the subcontract, the subcontractor, or its principals, is or is not debarred, suspended, or proposed for debarment by the Government.

Paragraph (d) of the FAR clause at 52.209–6 requires a corporate officer or designee of the contractor to notify the contracting officer, in writing, before entering into a subcontract (for other than COTS items) with a party that is debarred, suspended, or proposed for debarment. The written notice must include: The name of the subcontractor; why the subcontractor is debarred, suspended, or ineligible; the compelling reason(s) for doing business with the subcontractor; and how the contractor will protect the Government's interests when dealing with such subcontractor. For any subcontract subject to Government consent, contracting officers shall not consent to such subcontracts unless the agency head or a designee states in writing the compelling reasons for approving such subcontract.

4. FAR 52.209–7 and 52.209–9, Information Regarding Responsibility Matters and Updates to that Publicly Available Information. FAR provision 52.209–7, Information Regarding Responsibility Matters, requires each offeror to represent whether it has current active Federal contracts and grants with a total value greater than $10 million. The provision also requires each offeror to post in the Federal Awardee Performance and Integrity Information System (FAPIIS), as required by maintaining an active registration in the System for Award Management (SAM), information on whether the offeror and/or any of its principals has, or has not, within the past five years, in connection with the award to or performance by the offeror of a federal contract or grant, been the subject of a proceeding, at the Federal or State level, that resulted in:

(a) A criminal conviction in the case of a criminal proceeding;

(b) The finding of fault and liability in a civil proceeding resulting in the payment of $5,000 or more in damages, restitution, reimbursement, fine or penalty;

(c) The finding of fault and liability in an administrative proceeding resulting in the payment of a monetary fine or penalty of $5,000 or more, or the payment of a reimbursement, restitution, or damages in excess of $100,000; or

(d) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgement of fault by the contractor if the proceeding could have led to any of the outcomes specified in (4)(a) through (c) above.

Paragraph (a) of the FAR clause 52.209–9, Updates of Publicly Available Information Regarding Responsibility Matters, requires contractors to update the information in FAPIIS on a semiannual basis, throughout the life of the contract, by posting the information in SAM. Paragraph (c) of the FAR clause 52.209–9 informs contractors of their ability to provide feedback on information posted by the Government in FAPIIS and the procedure to follow in the event information exempt from public disclosure is slated to become publicly available information in FAPIIS.

5. FAR 52.209–11, 52.209–12, and 52.212–3(q), Prohibition on Contracting

With Corporations with Delinquent Taxes or a Felony Conviction. FAR provision 52.209–11, Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law, and its equivalent for commercial acquisitions at FAR 52.212–3(q), require offerors to represent whether the offeror is a corporation that—

- Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- Was convicted of a felony criminal violation under a Federal law within the preceding 24 months.

FAR provision 52.209–12, Certification Regarding Tax Matters, require offerors proposing a total contract price that will exceed $5.5 million (including options) to certify that, to the best of the offeror's knowledge and belief, it—

- Has filed all Federal tax returns required during the three years preceding the certification;
- Has not been convicted of a criminal offense under the Internal Revenue Code of 1986; and
- Has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

6. FAR 52.209–13, Violations of Arms Control Treaties or Agreements with the United States. Unless the offeror is providing evidence of a waiver or determination in accordance with paragraph (b)(2) of the FAR provision at 52.209–13, Violation of Arms Control Treaties or Agreements—Certification, paragraph (b)(1) of the provision requires offerors to certify that—

- The offeror does not engage and has not engaged in any activity that contributed to or is a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state. The determinations are described in the most recent unclassified annual report provided to Congress pursuant to section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a); and
- No entity owned or controlled by the offeror is an entity organized under the laws of such country, that engages or has engaged in any activity that contributed to or is a significant factor in the President's or Secretary of State's determination that a foreign country is in violation of its obligations undertaken in any arms control, nonproliferation, or disarmament agreement to which the United States is a party, or is not adhering to its arms control, nonproliferation, or disarmament commitments in which the United States is a participating state.

Contracting officers use the collected information described above to determine an offeror's responsibility for contract award.

C. Annual Burden

Respondents: 1,802,621.
Total Annual Responses: 1,953,229.
Total Burden Hours: 547,110.

D. Public Comment

A 60-day notice was published in the **Federal Register** at 86 FR 71500, on December 16, 2021. No comments were received.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0198, Certain Federal Acquisition Regulation Part 9 Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–03567 Filed 2–17–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0027; Docket No. 2022–0053; Sequence No. 4]

Information Collection; Value Engineering Requirements

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, DoD, GSA, and NASA invite the public to comment on an extension concerning value engineering requirements. DoD, GSA, and NASA invite comments on: Whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. OMB has approved this information collection for use through April 30, 2022. DoD, GSA, and NASA propose that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD, GSA, and NASA will consider all comments received by April 19, 2022.

ADDRESSES: DoD, GSA, and NASA invite interested persons to submit comments on this collection through *https://www.regulations.gov* and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.*

Instructions: All items submitted must cite OMB Control No. 9000–0027, Value Engineering Requirements. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Zenaida Delgado, Procurement Analyst, at telephone 202–969–7207, or *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. OMB Control Number, Title, and Any Associated Form(s)

9000–0027, Value Engineering Requirements.

B. Need and Uses

This clearance covers the information that contractors must submit to comply with the following Federal Acquisition Regulation (FAR) requirements:

• FAR 52.248–1, Value Engineering; 52.248–2, Value Engineering-Architect-Engineer; and 52.248–3, Value Engineering-Construction.

These clauses require contractors submitting Value Engineering Change Proposals (VECP's) to the Government to provide such details as: (1) A description of the differences between the existing contract requirement and the proposed requirement, and the comparative advantages and disadvantages of each; (2) a list and analysis of contract requirements that must be changed if the VECP is accepted; (3) a detailed cost estimate showing anticipated reductions associated with the VECP; (4) a statement of the time a modification accepting the VECP must be issued to achieve maximum cost reduction, and the effect on contract completion time; and (5) identification of any previous submissions of the VECP; the agencies and contract numbers involved and previous Government actions, if known.

The Government will use the collected information to evaluate the VECP and, if accepted, to arrange for an equitable sharing plan.

C. Annual Burden

Respondents: 109.

Total Annual Responses: 218.

Total Burden Hours: 3,270.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division by calling 202–501–4755 or emailing *GSARegSec@gsa.gov.* Please cite OMB Control No. 9000–0027, Value Engineering Requirements.

Janet Fry,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2022–03561 Filed 2–17–22; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Request for Information: AHRQ's Proposed Patient-Centered Outcomes Research Trust Fund Strategic Framework

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice of request for information.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking input from the public on its proposed strategic framework for AHRQ's Patient-Centered Outcomes Research Trust Fund investments.

DATES: Comments on this notice must be received by April 19, 2022. AHRQ will not respond individually to responders but will consider all comments submitted by the deadline.

ADDRESSES: Please submit all responses via email to: *PCORTF@ahrq.hhs.gov.*

FOR FURTHER INFORMATION CONTACT: Karin Rhodes, MD, Chief Implementation Officer, Email: *PCORTF@ahrq.hhs.gov,* Telephone: 301–427–1364 or 240–463–0872.

SUPPLEMENTARY INFORMATION: AHRQ is authorized under 42 U.S.C. 299b–37 to broadly disseminate patient-centered outcomes research (PCOR) findings, including incorporation of PCOR findings into health information technology focused on clinical decision support, and to train researchers in the methods used to conduct PCOR. PCOR compares the impact of two or more preventive, diagnostic, treatment, or healthcare delivery approaches on health outcomes, including those that are meaningful to patients. AHRQ's work under 42 U.S.C. 299b–37 is funded by the Patient-Centered Outcomes Research Trust Fund (PCORTF), 26 U.S.C. 9511, which was established in 2010 and reauthorized in 2019. To learn more about the PCORTF, please visit: *https://www.ahrq.gov/pcor/potential-of-the-pcortf/index.html.*

In response to the reauthorization of the PCORTF, AHRQ has developed a proposed strategic framework to guide future planning and evaluation of AHRQ's PCORTF investments (the strategic framework). The strategic framework is consistent with AHRQ's broader goal of improving the quality, safety, equity, and value of healthcare delivery.

The proposed strategic framework identifies five priorities for improving healthcare delivery that are aligned with AHRQ's mission and that have the potential to improve outcomes that patients care about. These priorities are interrelated, and all contribute to achieving the proposed strategic framework's overall vision of *equitable whole-person care across the lifespan.* The proposed strategic framework is consistent with AHRQ's Congressional authorization for investments from the PCORTF and is aligned with national health priorities.

The AHRQ PCORTF strategic framework includes a mission, vision, high-level priorities, desired outcomes, and cross-cutting strategies for advancing the desired outcomes. This framework is expected to describe and inform the portfolio of AHRQ PCORTF investments. AHRQ will use this broad framework to guide long-range planning and to guide the development of projects and investments.

AHRQ PCORTF-funded projects will be connected to components and sub-components of the strategic framework. Use of the strategic framework is intended to ensure that AHRQ's investments are coherently connected and advance the overall vision of advancing *equitable whole-person care across the lifespan.* The final strategic framework will also provide a basis for creating an evaluation framework, measuring the success of individual projects, and identifying the overall impact of AHRQ's PCORTF investments.

AHRQ is seeking public comment on the proposed strategic framework for AHRQ's PCORTF investments.

BILLING CODE 4160–90–P

Strategic Framework to Guide AHRQ's PCORTF Investments

Mission:	Overarching Vision:	High-level Goal:
Synthesize and support the dissemination of evidence into practice and train the next generation of patient-centered outcomes researchers.	Equitable whole-person care across the lifespan.	Improve health outcomes by promoting high-value, safe, evidence-based, integrated, coordinated, team-based, patient-centered care, with a focus on underserved populations.

High-Level Priorities and Desired Outcomes

A. Health Equity	B. Prevention and Improved Care of Patients With Chronic Conditions	C. Patient, Family, and Provider Experience of Care That Enhances Trust in the Healthcare System	D. High-Quality, Safe Care That is Aligned With National Health Priorities	E. Primary Care Transformation
Desired Outcomes	*Desired Outcomes*	*Desired Outcomes*	*Desired Outcomes*	*Desired Outcomes*
1. Reduced health disparities for AHRQ's priority populations	1. Increased uptake of evidence-based preventive services, early intervention, and secondary prevention	1. Improved patient/family engagement and reported experience of care	1. Transformation of healthcare organizations into learning health systems	1. Uptake of new models of primary care, leveraging digital healthcare
2. Engagement of underrepresented communities in training & implementation initiatives	2. Decreased fragmentation of care for patients with multiple chronic conditions (MCC)	2. Focus on whole-person care, with attention to mental health & social determinants of health (SDOH)	2. Increased uptake of evidence-based practices that strengthen healthcare quality, safety, and value	2. Integrated team-based behavioral health
3. Improved equity in access to needed care	3. Co-design of innovations in care with patients and communities	3. Improved provider wellness and retention	3. Improved outcomes for targeted national priority conditions	3. Identification and provision of needed resources for comprehensive primary care and uptake of evidence

Cross-cutting Strategies for Achieving Desired Outcomes

- Train and support the next generation of health service researchers with a focus on team science and advancing health equity.
- Develop and maintain the AHRQ infrastructure needed to synthesize and accelerate evidence to practice.
- Leverage and support innovation in digital health, clinical decision support, and new models of care.
- Build data, measurement, and analytic capacity to benchmark and evaluate uptake and use of evidence in learning health systems to improve outcomes that matter to patients.
- Accelerate the uptake of evidence in practice to optimize individual and population health and achieve health equity for all.
- Disseminate evidence to Federal/State/local healthcare decision makers with targeted communication strategies.
- Provide the evidence to inform policy changes needed for sustainable implementation and incorporation of evidence by healthcare systems, practices, and providers.
- Evaluate the impact of PCORTF investments on care delivery, quality, costs, health outcomes, and health disparities.

BILLING CODE 4160–90–C

AHRQ hopes to receive feedback from patients, healthcare professionals, community groups, employers, health services researchers, dissemination and implementation scientists, communications experts, representatives from health systems, public and private payers, and other stakeholders.

The input received from this public comment period will be used in refining and finalizing the strategic framework. Based on the final strategic framework, AHRQ intends to develop an operational plan, which will include specific short- and long-term objectives and a formative and summative evaluation. The overall goal of AHRQ's planning process is to identify investments consistent with its PCORTF authorization that will have the greatest positive impact on health and healthcare.

AHRQ is requesting information from the public regarding the following broad questions:

1. AHRQ would like overall reactions to the strategic framework; is there any aspect of the framework that:

a. Does not promote the vision of advancing equitable whole-person care across the lifespan?

b. Does not address major challenges faced by the U.S. healthcare system?

c. Could be improved (and if so, how)?

2. AHRQ would like input on our (non-ranked) high-level priority areas:

a. Do our proposed high-level priorities miss any areas of critical importance?

b. Are any of the high-level priorities more important than others?

3. AHRQ would like input on how to target investments within high-priority areas. For example, should AHRQ focus on:

a. Specific ages/stages or apply AHRQ's investments equally across the lifespan?

b. Transitions in care?

4. AHRQ would also appreciate suggestions for applying the strategic framework. For example:

a. How can AHRQ improve the dissemination of patient-centered outcomes research evidence to decision-makers at the local, State, and Federal levels?

b. What targeted investments could AHRQ make to sustain progress towards the strategic framework's desired outcomes?

c. What AHRQ PCORTF investments could help improve healthcare provider trust, well-being, and retention?

5. How can AHRQ have the greatest impact and success at achieving the vision and mission of the strategic framework?

a. What is the most effective way to ensure the *sustainability* of initiatives that seek to enhance the integration of patient-centered outcomes research findings into practice?

b. What complementary partnerships and collaborations (both public and private) would increase the impact of AHRQ's PCORTF investments?

c. What will be the best way of measuring progress and the overall impact of AHRQ's PCORTF investments?

6. Is there anything else you would like to share regarding the strategic framework?

AHRQ is interested in all of the questions listed above, but respondents are welcome to address as many or as few as they choose and to address additional areas of interest not listed. It is helpful to identify which question a particular answer is a response to.

This RFI is for planning purposes only and should not be construed as a policy, solicitation for applications, or as an obligation on the part of the Government to provide support for any ideas identified in response to it. AHRQ will use the information submitted in response to this RFI at its discretion and will not provide comments to any responder's submission. However, responses to the RFI may be reflected in future solicitation(s) or policies. The information provided will be analyzed and may appear in reports. Respondents will not be identified in any published reports. Respondents are advised that the Government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted. No proprietary, classified, confidential, or sensitive information should be included in your response. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or able to be made public.

Dated: February 15, 2022.

Marquita Cullom,

Associate Director.

[FR Doc. 2022–03551 Filed 2–17–22; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

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, and the Determination of the Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, CDC, pursuant to Public Law 92–463. 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: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—SIP22–004, Disability and Health Data Collaborative: Using Data to Promote the Health and Wellness of People with Disabilities.

Date: May 3, 2022.

Time: 11:00 a.m.–6:00 p.m., EDT.

Place: Teleconference.

Agenda: To review and evaluate grant applications.

For Further Information Contact: Jaya Raman, Ph.D., Scientific Review Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, Mailstop S107–B, Atlanta, Georgia 30341, Telephone: (770) 488–6511, Email: *JRaman@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–03554 Filed 2–17–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)—RFA–PS–22–001, Implementing Pre-Exposure Prophylaxis for HIV Prevention in Syringe Service Programs; RFA–PS–22–002, Implementation Research on Telehealth Strategies To Support Retention in Care and Treatment Among Antiretroviral Therapy (ART) Patients and Pre-Exposure Prophylaxis (PrEP) Clients and RFA–PS–22–004, Understanding HIV/STD Risk and Enhancing PrEP Implementation Messaging in a Diverse Community-Based Sample of Gay, Bisexual, and Other Men Who Have Sex With Men in a Transformational Era; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP) *RFA–PS–22–001, Implementing Pre-exposure Prophylaxis for HIV Prevention in Syringe Service Programs; RFA–PS–22–002, Implementation Research on Telehealth Strategies to support Retention in Care and Treatment among Antiretroviral Therapy (ART) Patients and Pre-exposure Prophylaxis (PrEP) Clients; and RFA–PS–22–004, Understanding HIV/STD Risk and Enhancing PrEP Implementation Messaging in a Diverse Community-Based Sample of Gay, Bisexual, and Other Men Who Have Sex with Men in a Transformational Era.*

Date: March 30, 2022.

Time: 10:00 a.m.–5:00 p.m. (EDT).

Place: Teleconference.

The meeting was published in the **Federal Register** on February 4, 2022, Volume 87, Number 24, page 6562–6563.

The meeting is being amended to remove *RFA–PS–22–002, Implementation Research on Telehealth Strategies to Support Retention in Care and Treatment among Antiretroviral Therapy (ART) Patients and Pre-exposure Prophylaxis (PrEP) Clients* and should read as follows:

RFA–PS–22–001, Implementing Pre-exposure Prophylaxis for HIV Prevention in Syringe Service Programs and RFA–PS–22–004, Understanding HIV/STD Risk and Enhancing PrEP Implementation Messaging in a Diverse Community-Based Sample of Gay, Bisexual, and Other Men Who Have Sex with Men in a Transformational Era.

The meeting is closed to the public.

For Further Information Contact: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, National Center for HIV, Viral Hepatitis, STD, and TB Prevention, CDC, 1600 Clifton Road NE, Mailstop US8–1, Atlanta, Georgia 30329, Telephone: (404) 718–8833, Email: *GAnderson@cdc.gov.*

The Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Kalwant Smagh,

Director, Strategic Business Initiatives Unit, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2022–03555 Filed 2–17–22; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No. 0970–0527]

Submission for OMB Review; Regional Partnership Grants National Cross-Site Evaluation and Evaluation Technical Assistance

AGENCY: Children's Bureau, Administration for Children and Families, HHS.

ACTION: Request for public comment.

SUMMARY: The Children's Bureau (CB), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting an extension with minor changes to the approved information collection: Regional Partnership Grants National Cross-Site Evaluation and Evaluation Technical Assistance (OMB #0970–0527). The proposed information collection will be used in a national cross-site evaluation of the fifth and sixth cohorts of CB's Regional Partnership Grants (RPG). The cross-site evaluation will use surveys, interviews, progress reports, and data on participant enrollment, services, and outcomes.

DATES: *Comments due within 30 days of publication.* OMB must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

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.

SUPPLEMENTARY INFORMATION:

Description: The Child and Family Services Improvement Act of 2006 (Pub. L. 109–288) amended section 437 of the Social Security Act (42 U.S.C. 629g(f)) and authorized CB to fund discretionary grants to improve safety, well-being, and permanency outcomes for children at risk of or in out-of-home placement because of their caregiver's substance misuse. In response, HHS launched a competitive grants program called ''Targeted Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Methamphetamine and Other Substance Abuse,'' which is also known as the RPG program. Reauthorized in 2011 and again most recently by the Bipartisan Budget Act of 2018 (Pub. L. 115–123) in 2018, these grants are designed to support partnerships between child welfare agencies, substance use disorder treatment organizations, and other social services systems, and thereby improve the well-being, permanency, and safety outcomes of children and families. Under four prior rounds of RPG, CB has issued 91 grants to organizations such as child welfare or substance use treatment providers or family court systems to develop interagency collaborations and integration of programs, activities, and services designed to increase well-being, improve permanency, and enhance the safety of children who are in an out-of-home placement or at risk of being placed in out-of-home care as a result of a parent's or caretaker's substance misuse. In 2018 CB awarded 10 grants in a fifth cohort (RPG5) and 9 additional grants in a sixth cohort (RPG6) in 2019. The current information collection request (ICR) is for data collection activities associated with the 18 grantees in the fifth and sixth cohorts. The first three cohorts were included in previous ICRs (OMB Control Numbers 0970–0353 and 0970–0444), and the fourth cohort was covered in the previous 3-year clearance under this ICR (OMB #0970–0527).

The RPG cross-site evaluation will extend our understanding of the types of programs and services grantees provided to participants, how grantees leveraged their partnerships to coordinate services for children and families, how grantees plan to sustain their programs after their grants end, and the outcomes for children and families enrolled in RPG programs. First, the cross-site evaluation will assess the coordination of partners' service systems (*e.g.,* shared participant data, joint staff training) to better understand how partners' collaborative efforts affected the services offered to families (partnerships analysis). The cross-site evaluation will also focus on the partnership between the child welfare and substance use treatment agencies to add to the research base about how these agencies can collaborate to address the needs of children and families affected by substance misuse. Second, the evaluation will describe the characteristics of participants served by RPG programs, the types of services provided to families, the dosage of each type of service received by families, and the level of participant engagement with the services provided (enrollment and services analysis). Third, the evaluation will describe supports within the partnership that can help improve and sustain RPG services, such as continuous use of data for service improvement, identification of a lead organization, and policies, resources, and funding sources that will be needed after grant funding ends. Finally, the evaluation will assess the outcomes of children and adults served through the RPG program, such as child behavioral problems, adult depressive symptoms, or adult substance use and treatment (outcomes and impacts analysis).

The evaluation is being undertaken by CB and its contractor Mathematica and its subcontractor, WRMA Inc. The evaluator is required to advise CB on the instruments grantees use to collect data from program participants for required local evaluations. Grantees will secure approval from their local institutional review boards for collecting these data.

This ICR requests a renewal of clearance for the OMB package #0970–0527, which was originally approved in May 2019, for obtaining participant data from grantees that they collect for their local evaluations and for directly collecting additional data from grantees and their partners and providers for the cross-site evaluation. This ICR requests an extension to allow more time for the information collection and includes a revision to add the sustainability survey as a new data collection instrument. Specifically, this ICR requests clearance for the following data collection activities: (1) Site visits with grantees, (2) a web-based survey about grantee partnerships, (3) a web-based survey about sustainability planning, (4) semiannual progress reports, (5) enrollment and services data provided by grantees, and (6) outcomes and impacts data provided by grantees.

Respondents: Respondents include grantee staff or contractors (such as local evaluators) and partner staff. Specific types of respondents and the expected number per data collection effort are noted in the burden table below.

Annual Burden Estimates

ESTIMATED TOTAL ANNUAL BURDEN HOURS

Data collection activity	Total number of respondents	Number of responses per respondent (each year)	Average burden hours per response (in hours)	Total annual burden hours
Site Visit and Key Informant Data Collection:				
Program director individual interview	8	0.33	2	5
Program manager/supervisor individual interviews	8	0.33	1	3
Frontline staff interviews	16	0.33	1	5
Partner representative interviews	24	0.33	1	8
Partner survey	40	0.33	0.42	6
Sustainability survey	126	0.42	0.33	18
Enrollment, client and service data:				
Semi-annual progress reports	18	2	16.5	594
Case enrollment data	54	33	0.25	446
Case closure	54	33	0.0167	30
Case closure—prenatal	18	10	0.0167	3
Service log entries	108	1,560	0.033	5,560
Outcome and impact data:				
Administrative Data:				
Obtain access to administrative data	18	1	41	738
Report administrative data	18	2	144	5,184
Standardized instruments:				
Enter data into local database	18	100	.625	1,125
Review records and submit	18	2	25	900
Data entry for comparison study sites (16 grantees)	16	100	.625	1,000
Estimated Total Burden Hours				15,625

Authority: The Child and Family Services Improvement Act of 2006 (Pub. L. 109–288) created the competitive RPG program. The September 30, 2011, passage of the Child and Family Services Improvement and Innovation Act (Pub. L. 112–34) extended funding for the RPG program from federal fiscal year (FFY) 2012 to FFY 2016. In 2018, the president signed the Bipartisan Budget Act of 2018 (Pub. L. 115–123) into law reauthorizing the RPG program through FFY 2021 and added a focus on opioid abuse.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–03520 Filed 2–17–22; 8:45 am]

BILLING CODE 4184–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Office of Community Services Data Collection for the Low Income Household Water Assistance Program Reports (0970–0578)

AGENCY: Office of Community Services; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Office of Community Services (OCS), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is requesting an extension of approval for an information request to collect data from Low Income Household Water Assistance Program (LIHWAP) grant recipients. This information collection was originally approved for 6 months as an emergency approval. OCS is proposing revisions to the information collection based on feedback received to date.

DATES: *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

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.

SUPPLEMENTARY INFORMATION:

Description: The LIHWAP Quarterly Performance and Management Report and the LIHWAP Annual Report provide ACF and Congress information necessary for oversight of recipients' performance in administering the LIHWAP program. The LIHWAP Quarterly Performance and Management Report solicits information on total households assisted, type of assistance provided, LIHWAP implementation information, performance management, and ongoing training/technical assistance needs. The LIHWAP Annual Report is modeled after the Low Income Home Energy Assistance Annual Report and has been streamlined to reduce recipient burden. The LIHWAP Annual Report collects data in three distinct modules: (1) Use of Funds, (2) Household Report, (3) Performance Measures.

This information collection package also includes a burden estimate related to the information collected from households. While grant recipients will collect necessary information from households using a variety of intake systems and local forms, OCS is providing technical assistance in this area and has included a sample application template in supplementary materials. This is a sample template; there will be no mandated household application format, and OCS will not receive or analyze copies of individual household application materials. OCS is proposing changes based on feedback received, including comments in response to a request for comments in the **Federal Register** (86 FR 59166). The currently approved versions of the LIHWAP Quarterly and Annual Reports and the sample application can be found here *https://www.reginfo.gov/*

public/do/PRAViewICR?ref_nbr=202110-0970-011. Updated materials can be found by following the directions to submit a comment in the **ADDRESSES** section of this notice.

Respondents: LIHWAP grant recipients.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Annual burden hours
Quarterly Report for FY 2022	157	4	13	8,164
Quarterly Report for FY 2023	157	4	10	6,280
Annual Report	157	2	211	33,127
Household Application	1,200,000	1	.5	200,000

Estimated Total Annual Burden Hours: 241,291 (for FY 2022), 239,407 (for FY 2023).

Authority: Public Law 116–260 and LIHWAP Terms and Conditions Section 10 (*https://www.acf.hhs.gov/sites/default/files/documents/LIHWAP%20Terms%20and%20Conditions%20for%20States.pdf*).

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2022–03610 Filed 2–17–22; 8:45 am]

BILLING CODE 4184–86–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0893]

Agency Information Collection Activities; Proposed Collection; Comment Request; Center for Devices and Radiological Health Appeals Processes

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection associated with certain Center for Devices and Radiological Health (CDRH) appeals processes.

DATES: Submit either electronic or written comments on the collection of information by April 19, 2022.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 19, 2022. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of April 19, 2022. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2011–D–0893 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Center for Devices and Radiological Health Appeals Processes.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked

as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

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

FOR FURTHER INFORMATION CONTACT: 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: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to 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, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Center for Devices and Radiological Health Appeals Processes

OMB Control Number 0910–0738—Extension

This information collection supports implementation of recommendations found in FDA guidance. As discussed in the document entitled ''Guidance for Industry and Food and Drug Administration Staff; Center for Devices and Radiological Health (CDRH) Appeals Processes'' (July 2019), there are various processes by which appeals requests regarding review of decisions or actions by CDRH may be submitted to the Agency. The guidance is available for download from our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/center-devices-and-radiological-health-cdrh-appeals-processes.* The guidance document provides general format and content recommendations in this regard, discusses applicable regulations with regard to the timing of such submissions, and describes the collection of information not expressly specified under existing regulations such as the submission of the request for review, minor clarifications as part of the request, and supporting information. While CDRH already possesses in the administrative file the information that would form the basis of a decision on a matter under appeal, the submission of information as recommended in the guidance regarding the appeal request itself, as well as data and information relied on by the requestor in the appeal, will help facilitate timely resolution of the decision under review. We are accounting for burden respondents may incur as a result of these Agency recommendations in this collection request. Additional information about the CDRH appeals process is described in the companion guidance entitled ''Center for Devices and Radiological Health (CDRH) Appeals Processes: Questions and Answers About 517A—Guidance for Industry and Food and Drug Administration Staff'' (March 2020), also available for download from our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/center-devices-and-radiological-health-cdrh-appeals-processes-questions-and-answers-about-517a.*

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

CDRH Appeals Processes: Guidance for Industry and FDA Staff	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Recommended format and content elements	35	1	35	8	280

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We estimate 35 requests will be submitted annually to review decisions and actions by CDRH employees, we attribute one respondent per submission, and we assume each request will take 8 hours to prepare. Based on our evaluation of the information collection since last OMB approval, we have made no adjustments to the currently approved burden estimate.

Dated: February 14, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03546 Filed 2–17–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Docket No. FDA–2007–D–0369]

Product-Specific Guidances; Draft and Revised Draft Guidances for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of additional draft and revised draft product-specific guidances. The guidances provide product-specific recommendations on, among other things, the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific guidances available to the public on FDA's website. The guidances identified in this notice were developed using the process described in that guidance.

DATES: Submit either electronic or written comments on the draft guidance by April 19, 2022 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time 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–2007–D–0369 for ''Product-Specific Guidances; Draft and Revised Draft Guidances for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

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

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

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Christine Le, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4714, Silver Spring, MD 20993–0002, 301–796–2398, *PSG-Questions@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific guidances available to the public on FDA's website at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs.*

As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific guidances and provide a meaningful opportunity for the public to consider and comment on those guidances. Under that process, draft guidances are posted on FDA's website and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments received and either publishes final guidances or publishes revised draft guidances for comment. Guidances were last announced in the **Federal Register** on November 9, 2021 (86 FR 62182). This notice announces draft product-specific guidances, either new or revised, that are posted on FDA's website.

II. Drug Products for Which New Draft Product-Specific Guidances Are Available

FDA is announcing the availability of new draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Active ingredient(s)
Aclidinium bromide; Formoterol fumarate.
Apomorphine hydrochloride.
Atropine sulfate.
Brilliant blue G.
Capmatinib hydrochloride.
Cladribine.
Dicyclomine hydrochloride.
Dolutegravir sodium.
Enzalutamide.
Estradiol (multiple referenced listed drugs).
Etelcalcetide.
Flortaucipir F-8.
Fluoroestradiol F-18.
Heparin sodium.
Irinotecan hydrochloride.
Leuprolide acetate (multiple referenced listed drugs).
Mirabegron.
Nusinersen sodium.
Posaconazole.
Progesterone.
Remdesivir (multiple referenced listed drugs).
Ripretinib.
Selpercatinib.
Selumetinib sulfate.
Sodium chloride.
Vasopressin.
Viloxazine hydrochloride.

III. Drug Products for Which Revised Draft Product-Specific Guidances Are Available

FDA is announcing the availability of revised draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Active ingredient(s)
Apixaban.
Clozapine (multiple referenced listed drugs).
Enzalutamide.
Estradiol.
Gefitinib.
Liothyronine sodium.
Methylprednisolone acetate.
Mycophenolate mofetil.
Osimertinib mesylate.
Ruxolitinib phosphate.
Valbenazine tosylate.

For a complete history of previously published **Federal Register** notices related to product-specific guidances, go to *https://www.regulations.gov* and enter Docket No. FDA–2007–D–0369.

These draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These draft guidances, when finalized, will represent the current thinking of FDA on, among other things, the product-specific design of BE studies to support ANDAs. They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

IV. Paperwork Reduction Act of 1995

FDA tentatively concludes that these draft guidances contain no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

V. Electronic Access

Persons with access to the internet may obtain the draft guidances at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents, or https://www.regulations.gov.*

Dated: February 10, 2022.

Lauren K. Roth,

Associate Commissioner for Policy.

[FR Doc. 2022–03248 Filed 2–17–22; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Proposed Collection: Public Comment Request; Rural Communities Opioid Response Program Performance Measures, OMB No. 0906–0044—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with of the Paperwork Reduction Act of 1995, HRSA has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this Notice has closed.

DATES: Comments on this ICR should be received no later than 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Samantha Miller, the acting HRSA Information Collection Clearance Officer, at (301) 443–9094.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Rural Communities Opioid Response Program (RCORP) Performance Measures, OMB No. 0906–0044—Revision.

Abstract: RCORP is authorized by Section 711(b)(5) of the Social Security Act (42 U.S.C. 912(b)(5)) and is a multi-initiative program that aims to: (1) Support treatment for and prevention of substance use disorder (SUD), including opioid use disorder (OUD); and (2) reduce morbidity and mortality associated with SUD, to include OUD, by improving access to and delivering prevention, treatment, and recovery support services to high-risk rural communities. To support this purpose, RCORP grant initiatives include:

- RCORP-Implementation grants to fund established networks and consortia to deliver SUD/OUD prevention, treatment, and recovery activities in high-risk rural communities;
- RCORP-Medication Assisted Treatment Expansion grants to enhance access to medication-assisted treatment within eligible hospitals, health clinics, or tribal organizations in high-risk rural communities;
- RCORP-Neonatal Abstinence Syndrome grants to reduce the incidence and impact of Neonatal Abstinence Syndrome in rural communities by improving systems of care, family supports, and social determinants of health;
- RCORP-Psychostimulant Support grants to strengthen and expand prevention, treatment, and recovery services for individuals in rural areas who misuse psychostimulants; to enhance their ability to access treatment and move towards recovery; and

• Note that additional grant programs may be added pending Fiscal Year 2022 and future Fiscal Year appropriations.

Additionally, all RCORP grant award recipients are supported by eight cooperative agreements: RCORP-Technical Assistance, which provides extensive technical assistance to award recipients; RCORP-Evaluation, which evaluates the impact of the RCORP initiative on rural communities; three RCORP-Behavioral Health Care Workforce Centers, which provide workforce training and education initiatives in the region served by the Northern Border Regional Commission; and three RCORP-Centers of Excellence, which disseminate best practices related to the treatment for and prevention of substance use disorders within rural communities.

A 60-day notice published in the **Federal Register**, 86 FR 69655 (December 8, 2021). There were no public comments.

Need and Proposed Use of the Information: Due to the growth in the number of grant programs included in the RCORP initiative, as well as emerging SUD and other behavioral health trends in rural communities, HRSA is submitting a revised package that includes changes to existing RCORP performance measures as well as new performance measures that better demonstrate the impact of the initiative on rural communities and reduce burden on the grant recipients.

For this program, performance measures were developed to provide data on each RCORP initiative and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act of 1993. These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy, including: (a) Provision of, and referral to, rural behavioral health care services, including SUD prevention, treatment and recovery support services; (b) behavioral health care, including SUD prevention, treatment, and recovery, process and outcomes; (c) education of health care providers and community members; (d) emerging trends in rural behavioral health care needs and areas of concern; and (e) consortium strength and sustainability. All measures will speak to the Federal Office of Rural Health Policy's progress toward meeting the goals set.

Likely Respondents: The respondents will be the grant award recipients of the RCORP initiatives.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

The below burden estimate is significantly lower than the original package submitted in 2019 (2,750 total burden hours). This is likely due to the fact that (1) many of the grant recipients HRSA consulted to obtain the burden estimate for this ICR revision have been collecting and reporting RCORP performance measures since March 2020 and have a better understanding of the burden required; (2) HRSA eliminated and/or streamlined some of the more burdensome prevalence and workforce measures; and (3) grant recipients of the RCORP-Psychostimulant program will only report on an annual (vs. biannual) basis.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent (annually)	Total responses	Average burden per response (in hours)	Total burden hours
Rural Communities Opioid Response Program-Implementation/Neonatal Abstinence Syndrome/MAT Expansion	290	2	580	1.24	719.20
Rural Communities Opioid Response Program-Psychostimulant Support	15	1	15	1.30	19.50
Total	305		595		738.70

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2022–03499 Filed 2–17–22; 8:45 am]

BILLING CODE 4165–15–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; RFA–TR–20–001: Ethical Issues in Translational Science Research (R01 Clinical Trial Optional).

Date: March 15, 2022.

Time: 2:00 p.m. to 6:00 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: Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443–7193, *hargravesl@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–21–155: R15 Research Enhancement Award (AREA & REAP) Applications.

Date: March 16, 2022.

Time: 1:00 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: Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435–2359, *shayiqr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member conflict: Mechanisms in Cell and Developmental Biology.

Date: March 16, 2022.

Time: 3:00 p.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: Jonathan Arias, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301–435–2406, *ariasj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Infectious Diseases, Immunology and HIV/AIDS Biological.

Date: March 22–23, 2022.

Time: 10:00 a.m. to 6:00 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: Sharon Isern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 810J, Bethesda, MD 20892, (301) 594–8197, *iserns2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–NS–22–002: Advancing Equity in Pain Management.

Date: March 22, 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: Randolph Christopher Capps, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1009J, Bethesda, MD 20892, (301) 435–1042, *cappsrac@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Surgical Sciences, Biomedical Imaging and Bioengineering.

Date: March 22, 2022.

Time: 12:00 p.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: Weihua Luo, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, 301–435–1170, *luow@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Medical Imaging Investigations.

Date: March 25, 2022.

Time: 9:00 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: Guo Feng Xu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5122, MSC 7854, Bethesda, MD 20892, (301) 237–9870, *xuguofen@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Interdisciplinary Molecular Sciences and Training Neuroimaging Technologies.

Date: March 25, 2022.

Time: 9:00 a.m. to 3:00 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: Mufeng Li, Ph.D., Scientific Review Officer, The Center for Scientific Review, The National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–5653, *limuf@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–21–004: Maximizing the Scientific Value of Existing Biospecimen Collections (R21).

Date: March 25, 2022.

Time: 10:00 a.m. to 1:00 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: Maria Dolores Arjona Mayor, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 806D, Bethesda, MD 20892, (301) 86–5309, *arjonamayorm2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Exploratory/Developmental Research, Clinical Trials Readiness, Phased Innovation, and Data Science in Down Syndrome for the INCLUDE Project.

Date: March 25, 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: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, (301) 435–1206, *komissar@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Topics in Environmental Toxicology.

Date: March 25, 2022.

Time: 1:00 p.m. to 6:00 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: Aiping Zhao, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892–7818, (301) 435–0682, *zhaoa2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in physiological and toxicological mechanisms.

Date: March 25, 2022.

Time: 1:00 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: Jianxin Hu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2156, MSC 7818, Bethesda, MD 20892, (301) 827–4417, *jianxinh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM–21–014: Limited Competition: Continued Development of the Gabriella Miller Kids First Pediatric Data Resource Center (U2C).

Date: March 25, 2022.

Time: 1:00 p.m. to 5:00 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: Joonil Seog, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–402–9791, *joonil.seog@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.

Tyeshia M. Roberson-Curtis,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03541 Filed 2–17–22; 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: Brain Disorders and Clinical Neuroscience Integrated Review Group; Pathophysiology of Eye Disease—2 Study Section.
Date: March 17–18, 2022.
Time: 9:30 a.m. to 8:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Rockledge II 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Cibu Paul Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1011–H Bethesda, MD 20894 (301) 402–4341, *thomascp@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Risk Prevention and Health.
Date: March 18, 2022.
Time: 10:00 a.m. to 6:00 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: David Erik Pollio, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 1006F, Bethesda, MD 20892, (301) 594–4002, *polliode@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Signal Transduction and Aging Related Disease Topics.
Date: March 21, 2022.
Time: 1:00 p.m. to 5:00 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: Kevin Czaplinski, Ph.D., Scientific Review Officer, Center for Scientific Review, 6901 Rockledge Drive, Bethesda, MD 20892, (301) 480–9139, *czaplinskik2@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Epidemiology.
Date: March 22, 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: Mohammed F.A. Elfaramawi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007F, Bethesda, MD 20892, (301) 402–6746 *elfaramawimf@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative Applications: Clinical Studies of Mental Illness (Collaborative R01).
Date: March 22, 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: Mohammed F.A. Elfaramawi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1007F, Bethesda, MD 20892, (301) 402–6746, *elfaramawimf@csr.nih.gov*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology.
Date: March 22, 2022.
Time: 12:00 p.m. to 6:00 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: Rolf Jakobi, Ph.D., Scientific Review Office, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Integrative Myocardial Physiology/Pathophysiology B Study Section.
Date: March 29–31, 2022.
Time: 9:00 a.m. to 5:00 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: Kirk E. Dineley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 806E, Bethesda, MD 20892, (301) 867–5309, *dineleyke@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–HD–22–007: Autism Centers of Excellence: Networks (R01).
Date: March 29, 2022.
Time: 10:00 a.m. to 6:00 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: David C. Chang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 451–0290, *changdac@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA/REAP: Infectious Diseases and Immunology.
Date: March 29, 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: Dayadevi Balappa Jirage, Ph.D., Scientific Review Officer, Center for Scientific Review National Institutes of Health, 6700B Rockledge Drive, Room 4422, Bethesda, MD 20892, (301) 867–5309, *jiragedb@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 15, 2022.

David W. Freeman,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2022–03595 Filed 2–17–22; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0077]

Customs-Trade Partnership Against Terrorism (CTPAT) Program and CTPAT Trade Compliance Program

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day notice and request for comments; revision of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than April 19, 2022 to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0077 in the subject line and the agency name. Please use the following method to submit comments:

Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

Due to COVID–19-related restrictions, CBP has temporarily suspended its ability to receive public comments by mail.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number 202–325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) 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) 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) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions 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, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Customs Trade Partnership against Terrorism (CTPAT) Program and CTPAT Trade Compliance.

OMB Number: 1651–0077.

Current Actions: Revision.

Type of Review: Revision.

Affected Public: Businesses.

Abstract: The CTPAT Program compromises of two different program divisions, CTPAT Security and CTPAT Trade Compliance. The CTPAT Security program is designed to safeguard the world's trade industry from terrorists and smugglers by prescreening its participants. The CTPAT Program applies to United States and non-resident Canadian importers, United States exporters, customs brokers, consolidators, ports and terminal operators, carriers of cargo in air, sea and land, and Canadian and Mexican manufacturers. The Trade Compliance division is for importers only.

The CTPAT Program application requests an applicant's contact and business information, including the number of company employees, the number of years in business, and a list of company officers. This collection of information is authorized by the SAFE Port Act (Pub. L. 109–347). Additional information is being collected based on CTPAT's new vetting process as the prior vetting process was found to be insufficient in being able to identify violators. Not collecting this information would result in companies that are high risk for committing illegal activity to be allowed into, and continue to be part of, the CTPAT program. When the previous vetting process was reviewed by CBP's National Targeting Center, they found the vetting process to be ineffective in capturing high risk companies. This means companies that are high risk were allowed to be CTPAT members and enjoy the many trade facilitation benefits of membership, such as having their cargo facilitated through CBP ports of entry via FAST lanes and front of the line treatment, fewer inspections by CBP, and various other benefits. Those companies vetted under the CTPAT program's current ''standard'' vetting process have/had to provide only the company points of contact (POC), telephone number and name. As the required information is not sufficient to gather specific data on a specific person to get an exact match, CBP is adding the following data elements to assist with vetting CTPAT members:

- Date of Birth (DOB)
- Country of Birth
- Country of Citizenship
- Travel Document number (*e.g.,* visa or passport number)
- Immigration status information (*e.g.,* Alien Registration Number, Naturalization number)
- Driver's license information (*e.g.,* state and country of issuance, number, date of issuance/expiration)
- Social Security Number (The Social Security Number is a means to verify the identity of an owner/upper manager within the company. This is particularly helpful with common names or the Spanish names where individuals may have multiple last names that may or may not be used in records. In these instances, we may need to go beyond the name and DOB to ensure we are looking at the right individual and making the correct vetting decision for the company.
- Trusted Traveler membership type and number (*e.g.,* FAST/NEXUS/SENTRI/Global Entry ID); and
- Registro Federal de Contribuventes (RFC) Persona Fisica (needed for Mexican Foreign Manufacturers, Highway Carriers, and Long-Haul Carriers Only).
- internet Protocol (IP) Address
- An IP address serves two main functions: Host or network interface identification and location addressing. Usually, the IP address is enough to trace the connection back to the ISP (internet Service Provider). In some instances of Post Incident Analysis, conducted after a company in the program has been involved in an incident, HSI has asked CTPAT if we have IP addresses for users in our system, but we have been unable to provide them. Having the IP address captured could help to assist CBP/HSI in identifying users/locations, as needed, for law enforcement purposes. There are also instances where users (often consultants) will try to sign the CTPAT user agreement or submit security profiles on behalf of companies, which they are not allowed to do. This leaves the company liable to the actions taken by someone not authorized to take those actions. If we are able to capture the IP address, CTPAT might be able to identify cases where consultants are using unauthorized logins or logging in using Company Officer accounts in order to make it appear that submissions are coming from a Company Officer.

The CTPAT Trade Compliance program is an optional component of the CTPAT program and adds trade compliance aspects to the supply chain security aspects of the CTPAT program. The CTPAT security program is a

prerequisite to applying to the CTPAT Trade Compliance program. CTPAT members are given the opportunity to receive additional benefits in exchange for a commitment to assume responsibility for monitoring their own compliance by applying to the CTPAT Trade Compliance program. After a company has completed the security aspects of the CTPAT program and is in good standing, it may opt to apply to the CTPAT Trade Compliance component. The CTPAT Trade Compliance program strengthens security by leveraging the CTPAT supply chain requirements, identifying low-risk trade entities for supply chain security, and increasing the overall efficiency of trade by segmenting risk and processing by account.

The CTPAT Trade Compliance program is open to U.S. and non-resident Canadian importers that have satisfied both the CTPAT supply chain security and trade compliance requirements.

The CTPAT Trade Compliance program application includes questions about the following:

- Primary Point of Contact including name, title, email address, and phone number
- Business information including Company Name, Company Address, Company phone number, Company website, Company type (private or public), CBP Bond information, Importer of Record Number, and number of employees
- Information about the applicant's Supply Chain Security Profile
- Trade Compliance Profile and Internal Control Operating Procedures of the applicant
- Company Broker information
- Training material for Supply Chain Security and Trade Compliance
- Risk Assessment documentation and results
- Period testing documentation and results
- Prior disclosure history
- Partner Government Agency affiliation information

After an importer obtains CTPAT Trade Compliance membership, the importer will be required to submit an Annual Notification Letter to CBP confirming that they are continuing to meet the requirements of the program. This letter should include: Personnel changes that impact the CTPAT Trade Compliance Program; organizational and procedural changes; a summary of risk assessment and self-testing results; a summary of post-entry amendments and/or disclosures made to CBP; and any importer activity changes within the last 12-month period.

Type of Information Collection: CTPAT Application.

Estimated Number of Respondents: 750.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 750.

Estimated Time per Response: 20 hours.

Estimated Total Annual Burden Hours: 15,000.

Type of Information Collection: CTPAT Trade Compliance Application.

Estimated Number of Respondents: 50.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 50.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 100.

Type of Information Collection: CTPAT Trade Compliance Program's Annual Notification Letter.

Estimated Number of Respondents: 50.

Estimated Number of Annual Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 50.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 100.

Dated: February 14, 2022.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2022–03503 Filed 2–17–22; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R8–ES–2022–N005; FXES11140800000–223–FF08ECAR00]

Endangered and Threatened Species; Receipt of an Incidental Take Permit Application and Low-Effect Habitat Conservation Plan for the Big Tujunga Dam Project, Los Angeles County Department of Public Works, Los Angeles County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of a draft habitat conservation plan (HCP) and draft categorical exclusion for activities associated with continued operation and maintenance of Big Tujunga Dam and a spillway improvement project. Los Angeles County Department of Public Works (applicant) developed a draft HCP as part of their application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended. The Los Angeles Department of Water and Power would be a participating agency. The Service prepared a draft low-effect screening form and environmental action statement in accordance with the National Environmental Policy Act (NEPA) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

DATES: To ensure consideration, please send your written comments on or before March 21, 2022.

ADDRESSES:

Obtaining Documents: The documents this notice announces, as well as any comments and other materials that we receive, will be available for public inspection online at *https://pw.lacounty.gov/wrd/projects/bigtujunga/.*

Submitting Comments: You may submit comments by email at *fw8cfwocomments@fws.gov.* Please reference Big Tujunga Dam Project in the subject line of your email.

FOR FURTHER INFORMATION CONTACT: Jesse Bennett, Fish and Wildlife Biologist, Carlsbad Fish and Wildlife Office, via phone at 760–431–9440 or email at*fw8cfwocomments@fws.gov.*

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), received an application from the Los Angeles County Department of Public Works (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The applicant has requested take authorization for the federally endangered arroyo toad (*Anaxyrus californicus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and least Bell's vireo (*Vireo bellii pusillus*); the federally threatened Santa Ana sucker (*Catostomus santaanae*) and western distinct population segment of the yellow-billed cuckoo (*Coccyzus americanus*); and the non-federally listed arroyo chub (*Gila orcuttii*), Santa Ana speckled dace (*Rhinichthys osculus*), and southwestern pond turtle (*Actinemys pallida*), incidental to activities associated with the continued operation and maintenance of Big Tujunga Dam in Los Angeles County, California, and a

spillway improvement project. The Service prepared a draft low-effect screening form and environmental action statement in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) to evaluate the potential effects to the natural and human environment resulting from issuing an ITP to the applicant. We invite public comment on these documents.

Background

The Service listed the arroyo toad as endangered on December 16, 1994 (59 FR 64859), and published a revised final rule designating critical habitat on February 7, 2001 (66 FR 9414). The Service listed the southwestern willow flycatcher as endangered on February 27, 1995 (60 FR 10695), and published a revised final rule designating critical habitat on January 3, 2013 (78 FR 344534). The Service listed the least Bell's vireo as endangered on May 2, 1986 (51 FR 16474), and published a final rule designating critical habitat on February 2, 1994 (59 FR 4845). The Service listed the Santa Ana sucker as threatened on April 12, 2000 (65 FR 19686), and published a revised final rule designating critical habitat on December 14, 2010 (75 FR 77962). The Service listed the yellow-billed cuckoo as threatened on October 3, 2014 (79 FR 59992), and published a final rule designating critical habitat on April 21, 2021 (86 FR 20798).

Section 9 of the ESA prohibits take of fish and wildlife species listed as endangered (16 U.S.C. 1538). Under the ESA, ''take'' is defined to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532). Section 4(d) of the ESA allows the Secretary to extend protections for endangered species to those listed as threatened. Under section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), 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 incidental take permits for endangered and threatened species are in the Code of Federal Regulations (CFR) at 50 CFR 17.22 and 17.32. Issuance of an ITP also must not be likely to jeopardize the continued existence of federally listed fish, wildlife, or plant species, pursuant to section 7 of the ESA and 50 CFR part 402. The permittee would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Project

Big Tujunga Dam is a 244-foot high dam located on Big Tujunga River in the Angeles National Forest, Los Angeles County, California. The applicant requests a 30-year incidental take permit for operation and maintenance of Big Tujunga Dam, which regulates stream flows in the Big Tujunga River from Big Tujunga Dam downstream to Hansen Dam, a distance of approximately 14 miles. The incidental take permit would also address a spillway improvement project at Big Tujunga Dam.

The applicant proposes to mitigate or minimize impacts through ramping of water conservation releases during the spawning season of fish, providing up to 1,500 acre-feet of water in supplemental flows during the dry season, monitoring and adaptive management to benefit covered species, funding of nonnative species removal or other recovery measures, and best management practices. The proposed plan also allows for the potential translocation of Santa Ana sucker upstream of Big Tujunga Dam to expand the range of this species.

Our Preliminary Determination

The Service has made a preliminary determination that issuance of the ITP and implementation of the project is not a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). Moreover, issuance of the ITP and implementation of the project individually and cumulatively will not have more than a minor or negligible effect on federally listed or covered species and the environment. Therefore, we have preliminarily concluded that the ITP for this project would qualify for categorical exclusion as provided by our NEPA regulations at 43 CFR 46.205 and 46.215.

Next Steps

We will evaluate the proposed HCP and any comments received to determine whether to issue the requested permit. We will also conduct an intra-Service consultation pursuant to section 7 of the ESA to evaluate the effects of our proposed action. After considering the above findings, we will determine whether the permit issuance criteria of section 10(a)(1)(B) of the ESA have been met. If the criteria are met, we will issue the permit to the applicant for incidental take.

Public Availability of Comments

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.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1539 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Kristine Petersen,

Acting Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. 2022–03528 Filed 2–17–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–R–2021–N217; FXGO1664091HCC0–FF09D00000–190]

Hunting and Wildlife Conservation Council Charter Renewal; Request for Nominations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior (DOI) and Department of Agriculture (USDA) are renewing the charter for and seeking member nominations to the Hunting and Wildlife Conservation Council (Council). The renewed Council replaces and changes the name of the previous Hunting and Shooting Sports Conservation Council. The Secretary of the Interior and Secretary of Agriculture (Secretaries), after consultation with the General Services Administration, have renewed the Council charter for 2 years. The Council will provide recommendations to the Federal Government, through the Secretary of the Interior (Secretary) and the Secretary of Agriculture, regarding the establishment and implementation of existing and proposed policies and authorities with regard to wildlife and habitat conservation endeavors that benefit wildlife resources; encourage partnership among the public, sporting conservation organizations, and Federal, State, Tribal, and territorial governments; and benefit recreational hunting and recreational shooting sports.

DATES: Comments regarding the establishment of this Council must be

submitted no later than March 7, 2022. Nominations for the Council must be submitted by March 21, 2022.

ADDRESSES: You may submit comments and nominations via email to *doug_hobbs@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Douglas Hobbs, by telephone at (703) 358–2336, or by email at *doug_hobbs@fws.gov.*

SUPPLEMENTARY INFORMATION: The Council is established under the authority of the Secretary and regulated by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. appendix 2). The Council's duties are strictly advisory and consist of, but are not limited to, providing recommendations for implementation of Executive Order 13443, Facilitation of Hunting Heritage and Wildlife Conservation; Executive Order 14008, Tackling the Climate Crisis at Home and Abroad; and Secretarial Order 3362, Improving Habitat Quality in Western Big Game Winter Range and Migration Corridors. Duties include, but are not limited to:

A. Assessing and quantifying implementation of Executive Order 13443, Executive Order 14008, and Secretarial Order 3362 across relevant departments, agencies, and offices and making recommendations to enhance and expand their implementation as identified;

B. Making recommendations regarding policies and programs that accomplish the following objectives:

1. Conserve and restore wetlands, grasslands, forests, and other important wildlife habitats, and improve management of rangelands and agricultural lands to benefit wildlife;

2. Promote opportunities for fair chase hunting and safe recreational shooting sports and wildlife-associated recreation on public and private lands; encourage hunting and recreational shooting sports safety, including by developing sighting-in ranges on public lands; recruit and retain hunters; increase public awareness of the importance of wildlife conservation and the social and economic benefits of fair chase hunting, safe recreational shooting sports, and wildlife-associated recreation; and

3. Encourage coordination among the public; the hunting and shooting sports communities; wildlife conservation groups; wildlife-associated recreation interests; and Federal, State, Tribal, and territorial governments.

The Council will meet at least two times per year. The Secretaries will appoint members and their alternates to the Council to serve up to a 3-year term. The Council will not exceed 18 discretionary primary members, up to 18 alternate members, and 4 ex officio members. Ex officio members will include:

- Secretary of the Interior or designated DOI representatives;
- Secretary of Agriculture or designated Department of Agriculture representatives; and
- Executive Director, Association of Fish and Wildlife Agencies.

The Secretaries will select remaining members from among, but not limited to, the organization/interests listed below. These members must be senior-level representatives of their organization and/or have the ability to represent their designated constituencies.

- State fish and wildlife management agencies;
- Wildlife and habitat conservation/management organizations;
- Upland bird hunting organizations;
- Waterfowl hunting organizations;
- Big game hunting organizations;
- Shooting sports interests;
- Archery interests;
- Wildlife-associated recreation interests;
- Tourism, outfitter, and/or guide industries related to hunting and/or wildlife conservation;
- Tribal resource management organizations;
- Agriculture interests;
- Ranching interests; and
- Veterans' service organizations.

Member Terms and Vacancies To Fill

Each member is appointed to serve a 3-year term. Nominations are sought to fill 10 primary member positions and at least 5 alternate member positions. We are requesting nominations to fill vacancies to represent the following organizations/interests:

- Tribal resource management organizations;
- State fish and wildlife management agencies;
- Wildlife and habitat conservation/management organizations;
- Waterfowl hunting organizations;
- Shooting sports interests;
- Archery interests;
- Wildlife-associated recreation interests; and
- Big game hunting organizations.

Nomination Method and Information

Nominations should include a resume providing an adequate description of the nominee's qualifications, including information that would enable DOI to make an informed decision regarding meeting the membership requirements of the Council and the national interest potentially represented, and to permit DOI to contact a potential member.

Members of the Council serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council or subcommittee business that the designated Federal official (DFO) approves may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

Public Disclosure of Comments: 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.

Certification Statement: I hereby certify that the Hunting and Wildlife Conservation Council is necessary, in the public interest, and is in connection with the performance of duties imposed on the Department of the Interior and the Department of Agriculture under 43 U.S.C. 1457 and provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a), the Federal Land Policy and Management Act of 1996 (43 U.S.C. 1701 *et seq.*), the National Forest Management Act of 1976 (16 U.S.C. 1600 *et seq.*), the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), and Executive Order 13443, Facilitation of Hunting Heritage and Wildlife Conservation.

Authority: 5 U.S.C. appendix 2.

Dated: January 24, 2022.

Deb Haaland,

Secretary, Department of the Interior.

[FR Doc. 2022–03498 Filed 2–17–22; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[L19900000.PO0000.LLWO320.20X; OMB Control No. 1004–0121]

Agency Information Collection Activities; Leasing of Solid Minerals Other Than Coal and Oil Shale

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before April 19, 2022.

ADDRESSES: Send your written comments on this information collection request (ICR) by mail to Darrin King, Information Collection Clearance Officer, U.S. Department of the Interior, Bureau of Land Management, Attention PRA Office, 440 W 200 S #500, Salt Lake City, UT 84101; or by email to *BLM_HQ_PRA_Comments@blm.gov.* Please reference Office of Management and Budget (OMB) Control Number 1004–0121 in the subject line of your comments. Please note that due to COVID–19, the electronic submission of comments is recommended.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Elaine Guenaga by email at *eguenaga@blm.gov,* or by telephone at 775–276–0287. Individuals who are hearing or speech impaired may call the Federal Relay Service at 1–800–877–8339 for TTY assistance. You may also view the ICR at *https://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), all information collections require approval under the PRA. We may not conduct or sponsor, and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BLM seeks to renew OMB control number 1004–0121 pertaining to the leasing of solid minerals other than coal and oil shale on Federal land, and the development of those leases. The BLM's regulations at 43 CFR part 3500 apply to certain types of leasable minerals (*i.e.,* solid minerals other than coal and oil shale), but not to Indian lands or minerals except where expressly noted. The regulations at 43 CFR part 3580 apply to gold, silver, and quicksilver in confirmed private land grants, and to leasable minerals in specified locations. The information collections contained in 43 CFR part 3590 are necessary to enable the BLM to fulfill its statutory responsibilities under certain Federal mineral leasing laws and BLM's regulations at 43 CFR part 3500 and serve to help the BLM to govern the leasing of solid minerals other than coal and oil shale on Federal land, and the development of those leases. Accordingly, the respondents affected by this information collection request are those who desire to obtain lease for Federal solid minerals other than coal and oil shale, and operators of such leases. The regulations at 43 CFR part 3590 apply to operations for discovery, testing, development, mining, reclamation, and processing. OMB control number 1004–0121 is currently scheduled to expire on October 31, 2022. The BLM plans to request that OMB renew this OMB control number of an additional three years.

Title of Collection: Leasing of Solid Minerals Other Than Coal and Oil Shale (43 CFR 3500–3590).

OMB Control Number: 1004–0121.

Form Numbers: BLM Form 3504–001; BLM Form 3504–003; BLM Form 3504–004; BLM Form 3510–001; BLM Form 3510–002; and BLM Form 3520–007.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Holders of Federal leases of solid minerals other than coal and oil shale.

Total Estimated Number of Annual Respondents: 170.

Total Estimated Number of Annual Responses: 400.

Estimated Completion Time per Response: Varies from 1 hour to 400 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 27,296.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: $2,050,695.

An agency may not conduct or sponsor and, notwithstanding any other provision of law, 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.*).

Darrin A. King,

Information Collection Clearance Officer.

[FR Doc. 2022–03523 Filed 2–17–22; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD06000.L51010000.ER0000. LVRWB20B6000.20X (MO# 4500154620)]

Notice of Intent To Amend the California Desert Conservation Area Plan for the Morongo Highway 62 Communication Site Project, San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Palm Springs-South Coast Field Office in Palm Springs is proposing to amend the 1980 California Desert Conservation Area (CDCA) Plan, as amended, and

prepare an associated environmental assessment for the Morongo Highway 62 Communication Site (Project). By this notice, the BLM is announcing the beginning of the scoping process to solicit public comments on issues and identified planning criteria.

DATES: This notice initiates the public scoping process for the CDCA Plan amendment and associated environmental assessment. Comments may be submitted in writing until March 21, 2022. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through local news media, newspapers, and the Project website: *https://go.usa.gov/x6dCB.*

To be included in the analysis, all comments must be received prior to the close of the 30-day scoping period. The BLM will provide at least two additional opportunities for public participation. A 30-day public comment period will be provided upon publication of the draft plan amendment environmental assessment. After the public-comment period and review concludes, the BLM will prepare a decision and initiate a 30-day protest period and 60-day Governor's Consistency Review.

ADDRESSES: You may submit comments on issues and planning criteria by any of the following methods:

- *Email: BLM_CA_PS_MorongoCommunicationSite@blm.gov.*
- *Mail:* ATTN: Matt Toedtli, Project Manager, BLM, 1201 Bird Center Drive, Palm Springs, CA 92262.
- *Online via ePlanning at: https://go.usa.gov/x6dCB.*

Documents pertinent to this project may be examined by contacting the project manager during regular business hours.

FOR FURTHER INFORMATION CONTACT: Matt Toedtli, Project Manager, telephone: (760) 833–7117, email: *BLM_CA_PS_MorongoCommunicationSite@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact Matt Toedtli during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Interconnect Towers, LLC has requested a right-of-way grant on approximately 2.2 acres for the authorization to construct, operate, maintain, and decommission a communication site, access road, and necessary ancillary facilities on public lands managed by the BLM. The proposed project is located west of Highway 62 in Morongo Valley, California. The proposed project is within general public lands, as identified in the Desert Renewable Energy Conservation Plan (DRECP) amendment to the CDCA Plan.

The BLM published an environmental assessment for this project in January 2020, followed by a 15-day public comment period. One comment was received, which stated that the communication site would violate the Visual Resource Management (VRM) Class II objectives. The CDCA Plan, as amended, contains Conservation and Management Actions (CMAs) that are intended to avoid or minimize impacts to numerous resources within the plan area. Application of the relevant CMAs to the proposed project would preclude the ability to construct and operate the communication site in a VRM Class II designation. As such, the proposed project would require a plan amendment to allow the communication site to be constructed and operated within the application area.

This notice informs the public that the BLM intends to prepare a draft CDCA Plan amendment and revised environmental assessment. It also announces the beginning of the scoping process for this effort and seeks public input on the proposed land use plan amendment to change the project area from VRM Class II to VRM Class III and also seeks input on potential planning criteria relevant to the proposed project. The purpose of the public scoping process is to guide the planning process and determine the relevant issues that will influence the scope of the environmental analysis, including alternatives and mitigation measures. The BLM has identified one preliminary issue, which is the potential for adverse effects to visual resources based on established visual resource class objectives. Written comments may be submitted via one of the methods listed in the **ADDRESSES** section earlier. Input must be received by the close of the 30-day public-scoping period.

This notice also initiates a 30-day review of the BLM's identified proposed planning criteria (43 CFR 1610.4–2(b); 43 CFR 1610.2(f)(2)). The BLM will use these proposed planning criteria to help guide and define the scope of the plan amendment:

1. The plan amendment will be completed in compliance with FLPMA, NEPA, and all other relevant Federal laws, executive orders, and BLM policies.

2. Existing valid plan decisions will not change and any new plan decisions will not conflict with existing plan decisions.

3. The plan amendment will recognize valid existing rights.

With respect to the potential land use plan amendment, the BLM will evaluate identified issues and will place them into one of three categories:

(a) Issues to be resolved in the plan amendment.

(b) Issues to be resolved through policy or administrative action.

(c) Issues beyond the scope of this plan amendment.

The BLM will provide an explanation in the environmental assessment as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the environmental analysis.

The BLM will utilize and coordinate the NEPA scoping process to help fulfill the public-involvement process under the National Historic Preservation Act (54 U.S.C. 306108 and 36 CFR 800.2(d)(3)). The information about historic and cultural resources within the proposed project area will assist the BLM in identifying and evaluating impacts to such resources.

The BLM will consult with Indian Tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, state, and local agencies, along with Tribes and other stakeholders that may be interested in or affected by the proposed project are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate in the development of the environmental assessment as a cooperating agency.

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: 40 CFR 1501.7 and 43 CFR 1610.2)

Karen E. Mouritsen,

BLM California State Director.

[FR Doc. 2022–03475 Filed 2–17–22; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1578–1579 (Preliminary)]

Lemon Juice From Brazil and South Africa; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of lemon juice from Brazil and South Africa, provided for in subheadings 2009.31.40, 2009.31.60, and 2009.39.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'').[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under § 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under § 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On December 30, 2021, Ventura Coastal LLC, Ventura, California filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured by reason of LTFV imports of lemon juice from Brazil and South Africa. Accordingly, effective December 30, 2021, the Commission instituted antidumping duty investigation Nos. 731–TA–1578–1579 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 7, 2022 (87 FR 992). The Commission conducted its conference on January 20, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to § 733(a) of the Act (19 U.S.C. 1673b(a)). It completed and filed its determinations in these investigations on February 14, 2022. The views of the Commission are contained in USITC Publication 5284 (February 2022), entitled *Lemon Juice from Brazil and South Africa: Investigation Nos. 731–TA–1578–1579 (Preliminary).*

By order of the Commission.

Issued: February 15, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03559 Filed 2–17–22; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 87 FR 3768 (January 25, 2022).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–673–677 and 731–TA–1580–1583 (Preliminary)]

Steel Nails From India, Oman, Sri Lanka, Thailand, and Turkey

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of steel nails from India, Sri Lanka, Thailand, and Turkey, provided for in subheadings 7317.00.55, 7317.00.65, and 7317.00.75 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV''), and imports of the subject merchandise from India, Oman, Thailand, and Turkey that are alleged to be subsidized by the governments of India, Oman, Thailand, and Turkey. The Commission further determines that an industry in the United States is threatened with material injury by reason of imports of steel nails from Sri Lanka that are alleged to be subsidized by the government of Sri Lanka.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On December 30, 2021, Mid Continent Nail Corporation, Popular Bluff, Missouri filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of steel nails from India, Oman, Sri Lanka, Thailand, and Turkey and LTFV imports of steel nails from India, Sri Lanka, Thailand, and Turkey. Accordingly, effective December 30, 2021, the Commission instituted countervailing duty investigation Nos. 701–TA–673–677 and antidumping duty investigation Nos. 731–TA–1580–1583 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 87 FR 3965 and 87 FR 3970 (January 26, 2022).

connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 7, 2022 (87 FR 993). The Commission conducted its conference on January 20, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on February 14, 2022. The views of the Commission are contained in USITC Publication 5283 (February 20), entitled *Steel Nails from India, Oman, Sri Lanka, Thailand, and Turkey: Investigation Nos. 701–TA–673–677 and 731–TA–1580–1583 (Preliminary).*

By order of the Commission.

Issued: February 15, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03558 Filed 2–17–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1260]

Certain Toner Supply Containers and Components Thereof (II); Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that, on February 11, 2022, the presiding acting chief administrative law judge (''ACALJ'') issued an initial determination granting complainants' motion for summary determination of violation of section 337 of the Tariff Act of 1930, as amended, which includes a recommended determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public only.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. 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, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: A general exclusion order directed to certain toner supply containers and components thereof that are imported, sold for importation, and/or sold after importation that infringe one or more of claims 1, 6, 7, 12, 25, and 26 of U.S. Patent No. 8,565,649; claims 1, 4, and 5 of U.S. Patent No. 9,354,551; and claims 1, 15–18, 32, 36, and 37 of U.S. Patent No. 9,753,402; and cease and desist orders directed to the same. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ACALJ's recommended relief set forth in the initial determination issued in this investigation on February 11, 2022. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainants, their licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainants, complainants' licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions from the public must be filed no later than by close of business on March 11, 2022.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1260'') 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. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for

developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 15, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03557 Filed 2–17–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1211]

Certain Vaporizer Cartridges and Components Thereof; Issuance of a General Exclusion Order and Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to affirm a summary determination of violation of section 337 with respect to certain respondents found in default. The Commission and has further determined to issue a general exclusion order (''GEO'') denying entry of certain infringing vaporizer cartridges and components thereof as well as cease and desist orders (''CDOs'') against certain of the defaulting respondents. This investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. 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 August 14, 2020, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of Juul Labs, Inc. (''JLI'') of San Francisco, California. 85 FR 49679–80 (Aug. 14, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vaporizer cartridges and components thereof by reason of infringement of the sole claims of U.S. Design Patent Nos. D842,536; D858,870; D858,869; and D858,868 (collectively, the ''Asserted Patents''), respectively. *Id.* The complaint further alleges that a domestic industry exists. *Id.*

The Commission's notice of investigation, as amended, names forty-nine respondents (grouped by defaulting and non-defaulting respondents):

—(1) 101 Smoke Shop, Inc. (''101 Smoke Shop''); (2) Eon Pods LLC (''Eon Pods''); (3) Jem Pods, U.S.A. (''Jem Pods''); (4) Sky Distribution LLC (''Sky Distribution''); (5) Vapers & Papers, LLC (''Vapers & Papers''); (6) Access Vapor LLC D/B/A Cali Pods (''Access Vapor'') (Access Vapor LLC and Cali Pods were originally identified as two distinct respondents. *See* 85 FR 49679–80 (notice of investigation). Cali Pods, however, is a business alias of Access Vapor. *See* Order No. 65 at 2, n.1); (7) eLiquid Stop; (8) Shenzhen Apoc Technology Co., Ltd. (''Shenzhen Apoc''); (9) Shenzhen Ocity Times Technology Co., Ltd. (''Shenzhen Ocity''); (10) Evergreen Smokeshop; (11) Shenzhen Azure Tech USA LLC F/K/A DS Vaping P.R.C. (''Shenzhen Azure''); (12) DripTip Vapes LLC (''DripTip Vapes''); (13) Modern Age Tobacco; (14) Dongguan Hengtai Biotechnology Co., Ltd. D/B/A Mr. Fog (''Mr. Fog''); (15) Shenzhen Yark Technology Co., Ltd. (''Shenzhen Yark''); (16) Guangdong Cellular Workshop Electronic Technology Co., Ltd. (''Guangdong Cellular''); (17) Shenzhen Bauway Technology Ltd. (''Shenzhen Bauway''); (18) Shango Distribution LLC D/B/A Puff E-Cig (''Puff E-Cig'') (the first 18 respondents are collectively referred to herein as the ''Defaulting Respondents.'');

—(19) Vapeonline LLC D/B/A 2nd Wife Vape (''2nd Wife Vape''); (20) All Puff Store; (21) Alternative Pods; (22) Ana Equity LLC (''Ana Equity''); (23) Aqua Haze LLC (''Aqua Haze''); (24) Cali Pods; (25) Canal Smoke Express, Inc. (''Canal Smoke''); (26) Tobacco Club & Gifts, Inc., D/B/A CaryTown Tobacco (''CaryTown Tobacco''); (27) Cigar Road, Inc. (''Cigar Road''); (28) Cloud 99 Vapes; (29) eCig-City; (30) VR Products I LLC D/B/A eJuiceDB (''eJuiceDB''); (31) Texas E. Cigarette D/B/A EZFumes (''EZFumes''); (32) JC Pods; (33) JUULSite Inc. (''JUULSite''); (34) Keep Vapor Electronic Tech. Co., Ltd. (''Keep Vapor''); (35) Limitless Accessories, Inc. (''Limitless Accessories''); (36) Midwest Goods, Inc. (''Midwest Goods''); (37) OMID Holdings, Inc. D/B/A Naturally Peaked Health Co. (''Naturally Peaked Health''); (38) Nilkant 167 Inc. (''Nilkant''); (39) Perfect Vape LLC (''Perfect Vape''); (40) Price Point Distributors Inc. D/B/A Price Point NY (''Price Point NY''); (41) Bansidhar Inc. D/B/A Smoker's Express (''Smoker's Express''); (42) The Kind Group LLC (''Kind Group''); (43) Three Mini Calvins, LLC D/B/A Tobacco Alley of Midland (''Tobacco Alley''); (44) Valgous; (45) Vape Central Group; (46) Cork & Twist, Inc. D/B/A Vape 'n Glass (''Vape 'n Glass''); (47) Vaperistas; (48) WeVapeUSA; and (49) Wireless N Vapor Citi LLC (''Wireless N Vapor Citi''). *Id.; see also* Order No. 22 (Oct. 21, 2020) (granting motion to amend the complaint and notice of investigation to correct the legal names of Respondents 2nd Wife Vape, CaryTown Tobacco, eJuiceDB, EZFumes, Price Point NY, Smoker's Express, Tobacco Alley, Vape 'n Glass, Naturally Peaked Health, and Puff E-Cig and ''the name and address for Respondent Mr. Fog.''), *unreviewed by* Notice, 85 FR 73748–49 (Nov. 19, 2020).

The Office of Unfair Import Investigations (''OUII'') is also a party to the investigation. 85 FR at 49679.

After institution of this investigation, JLI amended the Complaint and notice of investigation to, *inter alia:* (1) Include ''the true legal names for each of Respondents 2nd Wife Vape, CaryTown Tobacco, eJuiceDB, EZFumes, Price Point NY, Smoker's Express, Tobacco Alley, Vape 'n Glass, Naturally Peaked Health, and Puff E-Cig''; (2) clarify that originally-named respondents Limitless Accessories and Valgous are a single legal entity; (3) correct ''the name and address for Respondent Mr. Fog''; and (4) correct ''the addresses for Respondents Shenzhen Azure Tech USA LLC f/k/a DS Vaping P.R.C. and Shenzhen Yark Technology Co., Ltd.'' Order No. 22 (Oct. 21, 2020), *unreviewed by* Notice, 85 FR 73748–49 (Nov. 19, 2020).

The Commission previously terminated the investigation as to 29 respondents pursuant to Commission Rule 210.21(c) (19 CFR 210.21(c)) based on consent orders, and one respondent pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)) due to JLI's failure to serve that entity with the Complaint and Notice of Investigation. Order No. 23 (Oct. 29, 2020) (terminating and issuing

consent order to Midwest Goods), *unreviewed by* Notice (Nov. 18, 2020); Order Nos. 26–29 (Dec. 8, 2020) (terminating and issuing consent orders to Vape 'N Glass, Vaperistas, Aqua Haze, and 2nd Wife Vape), *unreviewed by* Notice (Dec. 22, 2020); Order Nos. 30 & 31 (Dec. 10, 2020) (terminating and issuing consent orders to EZFumes and eJuiceDB), *unreviewed by* Notice (Jan. 4, 2021); Order No. 32 (Dec. 14, 2020) (terminating and issuing a consent order to JC Pods), *unreviewed by* Notice (Jan. 4, 2021); Order Nos. 33 & 34 (Dec. 15, 2020) (terminating and issuing consent orders to Tobacco Alley and WeVapeUSA), *unreviewed by* Notice (Jan. 5, 2021); Order No. 37 (Dec. 30, 2020) (terminating and issuing a consent order to Vape Central Group), *unreviewed by* Notice (Jan. 21, 2021); Order No. 38 (Jan. 5, 2021) (terminating and issuing a consent order to Ana Equity), *unreviewed by* Notice (Jan. 21, 2021); Order Nos. 40–42 (Feb. 1, 2021) (terminating and issuing consent orders to eCig-City, All Puff Store, and Wireless N Vapor Citi), *unreviewed by* Notice (Feb. 16, 2021); Order Nos. 43–48 (Feb. 2, 2021) (terminating and issuing consent orders to JUULSite, Alternative Pods, Limitless Accessories, Price Point NY, Naturally Peaked Health Co., and Smoker's Express), *unreviewed by* Notice (Feb. 22, 2021); Order Nos. 49 & 50 (Feb. 3, 2021) (terminating and issuing consent orders to Kind Group and CaryTown Tobacco), *unreviewed by* Notice (Feb. 22, 2021); Order Nos. 53 & 54 (Feb. 17, 2021) (terminating and issuing consent orders to Cigar Road and Nilkant), *unreviewed by* Notice (Mar. 15, 2021); Order No. 58 (Mar. 18, 2021) (terminating and issuing a consent order to Cloud 99 Vapes), *unreviewed by* Notice (Apr. 2, 2021); Order No. 60 (Apr. 9, 2021) (terminating and issuing a consent order to Canal Smoke), *unreviewed by* Notice, (Apr. 22, 2021); Order No. 61 (Apr. 28, 2021) (terminating and issuing a consent order to Perfect Vape), *unreviewed by* Notice (May 17, 2021); Order No. 51 (Feb. 8, 2021) (terminating investigation as to Keep Vapor), *unreviewed by* Notice (Feb. 22, 2021).

The Commission previously found the remaining eighteen respondents (''the Defaulting Respondents'') in default. *See* Order No. 35 (Dec. 17, 2021) (finding 101 Smoke Shop, Eon Pods, Jem Pods, Vapers & Papers, Sky Distribution, and Guangdong Cellular in default), *unreviewed by* Notice (Jan. 5, 2021); Order No. 62 (May 5, 2021) (finding Shenzhen Azure, Evergreen Smokeshop, DripTip Vapes, Modern Age Tobacco, and Mr. Fog in default), *unreviewed by* Notice (May 19, 2021); Order No. 63 (May 5, 2021) (finding Shango Distribution and Shenzhen Yark in default), *unreviewed by* Notice (May 19, 2021); Order No. 64 (Sept. 13, 2021) (finding Shenzhen Bauway, Shenzhen Apoc, Access Vapor, eLiquid Stop, and Shenzhen Ocity in default), *unreviewed by* Notice (Sept. 30, 2021).

On October 14, 2021, the presiding administrative law judge (''ALJ'') issued an initial determination (''ID''), Order No. 65, granting a motion filed by JLI pursuant to Commission Rule 210.18 (19 CFR 210.18) seeking a summary determination on violation as to the Defaulting Respondents. The ID includes the ALJ's Recommended Determination (''RD'') on remedy and bonding, which recommended that the Commission issue a general exclusion order and impose a one hundred percent (100%) bond during the period of Presidential review. The RD also recommends that the Commission issue cease and desist orders directed to the twelve domestic Defaulting Respondents, namely, 101 Smoke Shop, Eon Pods, Jem Pods, Sky Distribution, Vapers & Papers, Access Vapor, eLiquid Stop, Evergreen Smokeshop, Shenzhen Azure, DripTip Vapes, Modern Age Tobacco, and Shango Distribution.

No petitions for review of the ID were filed, and the Commission received no comments or statements on the public interest, either pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)) or the post-RD notice, *see* 86 FR 58099 (Oct. 20, 2021).

On November 29, 2021, the Commission determined to review Order No. 65 in part with respect to the economic prong of the domestic industry requirement. The Commission requested briefing concerning only remedy, the public interest, and bonding.

On December 13, 2021, JLI filed an initial submission in response to the Commission's notice requesting that the Commission issue a GEO, issue CDOs against the twelve domestic Defaulting Respondents, and set a bond of one hundred percent (100%) of entered value during the period of Presidential review. On the same day, OUII also filed an initial submission supporting the ALJ's recommendations. On December 20, 2021, JLI submitted a response to OUII's brief. No other submissions were filed in response to the Notice.

On review, the Commission affirms the ID's finding that there is a violation of section 337 with respect to the Defaulting Respondents, including the ID's finding that JLI has satisfied the economic prong of the domestic industry requirement. Moreover, the Commission finds that the statutory requirements for issuance of a GEO under section 337(d)(2) are met. *See* 19 U.S.C. 1337(d)(2). The Commission also finds that issuance of CDOs against the twelve domestic Defaulting Respondents is appropriate under sections 337(f)(1) and (g)(1). *See* 19 U.S.C. 1337(f)(1), (g)(1). In addition, the Commission finds that the public interest factors do not preclude issuance of the requested relief. *See* 19 U.S.C. 1337(d)(1), (f)(1), (g)(1).

The Commission therefore has determined that the appropriate remedy in this investigation is: (1) A GEO prohibiting the unlicensed entry of certain vaporizer cartridges and components thereof that infringe the claims of the Asserted Patents; and (2) CDOs against respondents 101 Smoke Shop, Eon Pods, Jem Pods, Sky Distribution, Vapers & Papers, Access Vapor, eLiquid Stop, Evergreen Smokeshop, Shenzhen Azure, DripTip Vapes, Modern Age Tobacco, and Shango Distribution. The Commission has also determined that the bond during the period of Presidential review shall be in the amount of one hundred percent (100%) of the entered value of the articles subject to the GEO and CDOs. *See* 19 U.S.C. 1337(j).

The Commission's orders were delivered to the President and to the United States Trade Representative on the day of their issuance. The investigation is terminated.

The Commission vote for this determination took place on February 14, 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).

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).

By order of the Commission.

Issued: February 14, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03518 Filed 2–17–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1298]

Certain Networking Devices, Computers, and Components Thereof and Systems Containing the Same; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 13, 2022, under section 337 of the Tariff Act of 1930, as amended, on behalf of Proven Networks, LLC, of Los Angeles, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain networking devices, computers, and components thereof and systems containing the same, by reason of infringement of certain claims of U.S. Patent No. 8,687,573 (''the '573 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Jessica Mullan, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2021).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 14, 2022, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–37 of the '573 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''switches, gateways, and other networking products that man[a]ge the flow of traffic and bandwidth over a network, as well as components involved therewith'';

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Proven Networks, LLC, 12424 Wilshire Blvd. 12th Floor, Los Angeles, CA 90025.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: NetApp, Inc., 3060 Olsen Drive Ave., San Jose, CA 95128.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: February 14, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03505 Filed 2–17–22; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Power Semiconductors, and Mobile Devices and Computers Containing Same, DN 3605*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.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: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Arigna Technology Limited on February14, 2022. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain power semiconductors, and mobile devices and computers containing same. The complainant names as respondents: Samsung Electronics Co., Ltd. of South Korea; Samsung Electronics America, Inc. of Ridgefield Park, NJ; Apple Inc. of Cupertino, CA; Google LLC of Mountain View, CA; TCL Electronics Holdings Limited of Hong Kong; TTE Technology, Inc. of Corona, CA; TCT Mobile (US) Inc. of Irvine, CA; TCL Communication Limited of Hong Kong; Lenovo Group Ltd of China; Lenovo (United States) Inc. of Morrisville, NC; Motorola Mobility LLC of Chicago, IL; Microsoft Corporation of Redmond, WA; and OnePlus Technology (Shenzhen) Co., Ltd. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j). Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number (''Docket No. 3605'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures [1]). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at *EDIS3Help@usitc.gov.*

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. 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,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 14, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022–03521 Filed 2–17–22; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

[OMB Number 1105–0097]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Previously Approved Collection; Leased/Charter/Contract Personnel Expedited Clearance Request

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), U.S. Marshals Service (USMS), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until 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.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

— Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
— Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
— Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
— Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension without change of a currently approved collection.

(2) *The Title of the Form/Collection:* Leased/Charter/Contract Personnel Expedited Clearance Request.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: Form USM–271.

Component: U.S. Marshals Service, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: [None].

Abstract: This form is to be completed by people applying to become contract personnel. It is required so that USMS can perform an expedited background check before workers may be hired to transport USMS and Bureau of Prisons prisoners.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 180 respondents will utilize the form, and it will take each respondent approximately 5 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 15 hours, which is equal to (180 (total # of annual responses) * 5 minutes = 15 hours).

(7) *An Explanation of the Change in Estimates:* N/A.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 15, 2022,

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2022–03576 Filed 2–17–22; 8:45 am]

BILLING CODE 4410–04–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0084]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection

AGENCY: United States Trustee Program, Department of Justice.

ACTION: Notice.

SUMMARY: The Department of Justice, United States Trustee Program, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until April 19, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Juliet Drake, Deputy Assistant Director, Executive Office for United States Trustees, 441 G Street NW, Suite 6150, Washington, DC 20548, *Juliet.Drake@usdoj.gov,* (202) 307–3698.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the United States Trustee Program, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Approval as a Nonprofit Budget and Credit Counseling Agency (Application).

3. *The agency form number, if any, and the applicable component of the*

Department sponsoring the collection: There is no agency form number for this collection. The applicable component within the Department of Justice is the United States Trustee Program.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Nonprofit agencies that wish to offer credit counseling services pursuant to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (''BAPCPA''), Public Law 109–8, 119 Stat. 23, 37, 38 (April 20, 2005), and codified at 11 U.S.C. 109(h) and 111, and Application Procedures and Criteria for Approval of Nonprofit Budget and Credit Counseling Agencies by United States Trustees, 78 FR 16138 (March 14, 2013) (Rule).

The BAPCPA requires any individual who wishes to file for bankruptcy to obtain credit counseling, within 180 days before filing for bankruptcy relief, from a nonprofit budget and credit counseling agency that has been approved by the United States Trustee. The Application collects information from such agencies in order to ensure compliance with the law and the Rule.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 86 respondents will complete the Application; initial applicants will complete the Application in approximately ten (10) hours, standard renewal applicants will complete the Application in approximately four (4) hours and refreshed renewal applicants will complete the Application in approximately five (5) hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 373 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 15, 2022.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2022–03577 Filed 2–17–22; 8:45 am]

BILLING CODE 4410–40–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0085]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection

AGENCY: United States Trustee Program, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, United States Trustee Program, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until April 19, 2022.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Juliet Drake, Deputy Assistant Director, Executive Office for United States Trustees, 441 G Street NW, Suite 6150, Washington, DC 20548, *Juliet.Drake@usdoj.gov,* (202) 307–3698.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the United States Trustee Program, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Application for Approval as a Provider of a Personal Financial Management Instructional Course (Application).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is the United States Trustee Program.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals and businesses that wish to offer instructional courses to debtors concerning personal financial management pursuant to the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (''BAPCPA''), Public Law 109–8, 119 Stat. 23, 37, 38 (April 20, 2005), and codified at 11 U.S.C. 109(h) and 111, and Application Procedures and Criteria for Approval of Providers of a Personal Financial Management Instructional Course by United States Trustees, 78 FR 16159 (March 14, 2013) (Rule).

The BAPCPA requires individual debtors in bankruptcy cases to complete a personal financial management instructional course given by a provider that has been approved by the United States Trustee as a condition of receiving a discharge. The Application collects information from such providers in order to ensure compliance with the law and the Rule.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 135 respondents will complete the Application; initial applicants will complete the Application in approximately ten (10) hours, standard renewal applicants will complete the Application in approximately four (4) hours and refreshing renewal applicants will complete the Application in approximately five (5) hours. In addition, it is estimated that approximately 602,344 debtors will complete a survey evaluating the effectiveness of an instructional course in approximately one (1) minute.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 10,620 hours: The applicants' burden is 581 hours and the debtors' burden is 10,039 hours.

If additional information is required contact: Melody Braswell, Department

Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 15, 2022.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2022–03578 Filed 2–17–22; 8:45 am]

BILLING CODE 4410–40–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act, Emergency Planning and Community Right-to-Know Act, and Comprehensive Environmental Response, Compensation and Liability Act

On February 14, 2022, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Indiana in the lawsuit entitled *United States and the State of Indiana* v. *Cleveland-Cliffs Burns Harbor LLC and Cleveland-Cliffs Steel LLC,* Case No. 22–CV–26 (N.D. Ind.).

The Complaint seeks civil penalties, injunctive relief, and recovery of response costs relating to a steel manufacturing and finishing facility in Burns Harbor, Indiana (''Facility'') owned and operated by Cleveland-Cliffs Burns Harbor LLC and its corporate parent Cleveland-Cliffs Steel LLC (collectively, ''Cleveland-Cliffs''). The Complaint alleges that Cleveland-Cliffs exceeded discharge pollution limits for cyanide and ammonia, including during an August 2019 spill; failed to properly report those cyanide and ammonia releases under the Emergency Planning and Community Right-to-Know Act, and the Comprehensive Environmental Response, Compensation and Liability Act; and violated other Clean Water Act and permit terms. Under the Consent Decree, Cleveland-Cliffs would be required to take a number of measures to come into compliance with the law. In particular, the proposed Consent Decree requires the operation of ammonia and cyanide treatment systems; measures to improve pollution control system reliability; specific procedures for preventing violations during another Facility incident, including the diversion of wastewater to a retention pond, treatment of wastewater, and prompt shutdown of the Facility processes; improvements to Cleveland-Cliffs' sampling and lab analysis; and public notification in the event of certain exceedances. Defendants are also required to complete two Environmentally-Beneficial Projects, to be administered by the state of Indiana: (1) The donation of 127 acres of land abutting the Indiana Dunes National Park to a qualified land trust organization for permanent conservation protection; and (2) a water sampling project to monitor and report on water quality at four locations in the East Branch of the Little Calumet River and Lake Michigan. Finally, the proposed Consent Decree would require payment of a civil penalty of $3 million, split evenly between the United States and Indiana, and reimbursement of the governments' response costs in responding to the August 2019 spill.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Indiana* v. *Cleveland-Cliffs Burns Harbor LLC and Cleveland-Cliffs Steel LLC,* D.J. Ref. No. 90–5–1–1–12268. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $15.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Patricia McKenna,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2022–03497 Filed 2–17–22; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Safety and Health Act Variance Regulations

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Sections 6(b)6(A), 6(b)6(B), 6(b)6(C), 6(d), and 16 of the OSH Act, and 29 CFR 1905.10, 1905.11, and 1905.12, specify the procedures that employers must follow to apply for a variance from the requirements of an OSHA standard. OSHA uses the information collected under these procedures to: (1) Evaluate the employer's claim that the alternative means of compliance would provide

affected employees with the requisite level of health and safety protection; (2) assess the technical feasibility of the alternative means of compliance; (3) determine that the employer properly notified affected employees of the variance application and their right to a hearing; and (4) verify that the application contains the administrative information required by the applicable variance regulation. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 10, 2021 (86 FR 62569).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Occupational Safety and Health Act Variance Regulations.

OMB Control Number: 1218–0265.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 12.

Total Estimated Number of Responses: 48.

Total Estimated Annual Time Burden: 366 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2022–03535 Filed 2–17–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Standard on Blasting Operations and the Use of Explosives

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety and Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before 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.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Nora Hernandez by telephone at 202–693–8633, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: In accordance with 29 CFR part 1926, subpart U, the Standard on Blasting and the Use of Explosives specifies a number of paperwork requirements related to blasting operations. The information collection pertains to the requirements contained in the subpart. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 9, 2021 (86 FR 62214).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–OSHA.

Title of Collection: Standard on Blasting Operations and the Use of Explosives.

OMB Control Number: 1218–0217.

Affected Public: Private Sector—Businesses or other for-profits.

Total Estimated Number of Respondents: 193.

Total Estimated Number of Responses: 802.

Total Estimated Annual Time Burden: 1,602 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nora Hernandez,

Departmental Clearance Officer.

[FR Doc. 2022–03534 Filed 2–17–22; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0043]

TUV SUD America, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of TUV SUD America, Inc. (TUVAM) for expansion of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

Additionally, OSHA proposes to add two test standards to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 7, 2022.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at: *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov.* Documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions. *Please note:* While OSHA's docket office is continuing to accept and process submissions by regular mail, due to the COVID–19 pandemic, the Docket Office is closed to the public and not able to receive submissions to the rulemaking record by express delivery, hand delivery, and messenger service.

Instructions: All submissions must include the agency name and OSHA docket number for this **Federal Register** notice (OSHA–2007–0043). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *https://www.regulations.gov.* Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates and medical data.

Extension of comment period: Submit requests for an extension of the comment period on or before March 7, 2022 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone (202) 693–1999 or email *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor by phone (202) 693–2110 or email *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that TUV SUD America, Inc. (TUVAM) is applying for expansion of the current recognition as a NRTL. TUVAM requests the addition of eight test standards to their NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes an application by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A, 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVAM, which details the NRTL's scope of recognition. These pages are available from the OSHA website at: *https://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVAM currently has seven facilities (sites) recognized by OSHA for product testing and certification, with its headquarters located at: TUV SUD America, Inc., 401 Edgewater Place, Suite 500, Wakefield, MA 01880. A complete list of TUVAM's scope of recognition (including sites) recognized by OSHA is available at: *https://www.osha.gov/dts/otpca/nrtl/tuvam.html.*

II. General Background on the Application

TUVAM submitted an application, dated May 26, 2021 (OSHA–2007–0043–0038), to expand their recognition to include eight additional test standards. OSHA staff performed detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1 below lists the appropriate test standards found in TUVAM's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 698A	Industrial Control Panels Related to Hazardous (Classified) Locations.
UL 1004–9	Standard for Form Wound and Medium Voltage Rotating Electrical Machines.
UL 60947–1	Low-voltage Switchgear and Controlgear—Part 1: General Rules.
UL 60947–4–1	Standard for Low-voltage Switchgear and Controlgear—Part 4–1: Contactors and Motor-Starters—Electromechanical Contactors and Motor-Starters.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN TUVAM'S NRTL SCOPE OF RECOGNITION—Continued

Test standard	Test standard title
* UL 60947–4–2 ...	Low-voltage Switchgear and Controlgear—Part 4–2: Contactors and Motor-Starters—Electromechanical Contactors and Motor-Starters.
UL 60947–5–1	Low-voltage Switchgear and Controlgear—Part 5–1: Control Circuit Devices and Switching Elements—Electromechanical Control Circuit Devices.
UL 60947–5–2	Low-voltage Switchgear and Control Gear—Part 5–2: Control Circuit Devices and Switching Elements—Proximity Switches.
* UL 60947–5–5 ...	Standard for Low-voltage Switchgear and Controlgear—Part 5–5: Control Circuit Switches and Switching Elements—Electrical Emergency Stop Device with Mechanical Latching Function.

* In this notice, OSHA also proposes to add this test standard to the NRTL Program's List of Appropriate Test Standards.

III. Proposal To Add New Test Standards to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the agency evaluates the document to: (1) Verify it represents a product category for which OSHA requires certification by a NRTL; (2) verify the document represents a product and not a component; and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) Monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standards in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add two new test standards to the NRTL Program's list of appropriate test standards. Table 2, below, lists the test standards that are new to the NRTL Program. OSHA preliminarily determined that these test standards are appropriate test standards. OSHA seeks public comment on this preliminary determination.

TABLE 2—STANDARDS OSHA IS PROPOSING TO ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 60947–4–2	Low-voltage Switchgear and Control Gear—Part 4–2: Contactors and Motor-Starters—Electromechanical Contactors and Motor-Starters.
UL 60947–5–5	Standard for Low-voltage Switchgear and Controlgear—Part 5–5: Control Circuit Switches and Switching Elements—Electrical Emergency Stop Device with Mechanical Latching Function.

IV. Preliminary Findings on the Application

TUVAM submitted an acceptable application for expansion of the NRTL scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that TUVAM can meet the requirements prescribed by 29 CFR 1910.7 for expanding their recognition to include the addition of these eight test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of TUVAM's application.

OSHA welcomes public comment as to whether TUVAM meets the requirements of 29 CFR 1910.7 for expansion of the recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, at the above address. These materials also are available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0043.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health as to whether to grant TUVAM's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

V. Authority and Signature

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to Section 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC.

Douglas L. Parker,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2022–03536 Filed 2–17–22; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's (NSB) Committee on Strategy 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: Wednesday, February 23, 2022, from 4:00–5:00 p.m. EST.

PLACE: This meeting will be held by teleconference through the National Science Foundation.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agenda is: Committee Chair's remarks; Update on NSF's FY 2022 and FY 2023 budgets.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, 703/292–7000. Meeting information and 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. 2022–03737 Filed 2–16–22; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board's Committee on Awards & Facilities 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 1:00–1:45 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: Committee Chair's opening remarks; approval of prior meeting minutes; schedule of context and action items; and Information Item: Antarctic research vessel design stage briefing.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000. The You Tube link to watch this meeting live is: *https://youtu.be/rMKInQzCQ28.* Meeting updates may be found at the National Science Board website *www.nsf.gov/nsb.*

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2022–03639 Filed 2–16–22; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board (NSB) hereby gives notice of the scheduling of teleconference meetings 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: Wednesday, February 23, 2022, from 11:00 a.m.–3:45 p.m., and Thursday, February 24, 2022, from 1:00–6:05 p.m. EST.

PLACE: These meetings will be held by videoconference. There will be no in-person meetings. The public may observe the public meetings, which will be streamed to the NSF You Tube channel.

- February 23: *https://youtu.be/A643zjcFb1o*
- February 24: *https://youtu.be/cXGvg8ESQCE*

STATUS: Parts of these meetings will be open to the public. The rest of the meetings will be closed to the public. See full description below.

MATTERS TO BE CONSIDERED:

Wednesday, February 23, 2022

Plenary Board meeting

Open Session: 11:00 a.m.–1:45 p.m.

- NSB Chair's Remarks
- NSF Director's Remarks
- Cool Science presentations
- Presentation: The Equity Ecosystem at NSF
- NSB Chair's Activities
- NSB Chair/NSF Director introduction of Stefanie Tompkins, Defense Advanced Research Projects Agency
- Presentation and Discussion

Open Session: 2:45 p.m.–3:45 p.m.

- Committee on Awards and Facilities Report
- Committee on Oversight Report
- Committee on External Engagement Report
- Committee on Science and Engineering Policy Report
- Vision Implementation Working Group Update
- K–12 STEM Education Exploratory Group Update

Thursday, February 24, 2022

Plenary Board

Open Session: 1:00 p.m.–2:15 p.m.

- NSB Chair welcome
- Panel Presentation and Discussion: Innovation Partnerships Across the U.S.

Closed Session: 2:30–3:40 p.m.

- NSB Chair's Opening Remarks
- Approval of Prior Minutes
- NSF Director's Remarks
- Agency Operating Status
- Subcommittee on Technology, Innovation, and Partnerships Report
- Committee on Oversight Report
- Committee on Strategy Report
- NSF's Geosciences Directorate Presentation and Discussion: Antarctic Infrastructure Strategy

Closed Session: 4:10–5:10 p.m.

- NSF Goals and Metrics, TIP, and Missing Millions
- Vote to Enter Executive Session

Executive Closed agenda items: 5:10–5:40 p.m.

- NSB Chair's Opening Remarks
- Approval of Prior Minutes
- NSF Director's Remarks
- Organizational Updates
- Nominations Committee for Board Elections

Open Session: 5:40–6:05 p.m.

- NSB Chair's Remarks
- Approval of Prior Minutes
- NSF Director's Remarks
- Senior Staff Updates
- Office of Legislative and Public Affairs Update Information Item
- NSB Chair's Closing Remarks

Meeting Adjourns: 6:05 p.m.

PORTIONS OPEN TO THE PUBLIC:

Wednesday, February 23, 2022

11:00 p.m.–1:45 p.m. Plenary NSB
2:45 p.m.–3:45 p.m. Plenary NSB

Thursday, February 24, 2022

1:00 p.m.–2:15 p.m. Plenary NSB
5:40 p.m.–6:05 p.m. Plenary NSB

PORTIONS CLOSED TO THE PUBLIC:

Thursday, February 24, 2022

2:30 p.m.–3:40 p.m. Plenary NSB
4:10 p.m.–5:40 p.m. Plenary NSB, including executive closed items

All open sessions of the meeting will be webcast live on the NSB YouTube channel.

- February 23: *https://youtu.be/A643zjcFb1o*
- February 24: *https://youtu.be/cXGvg8ESQCE*

Please refer to the NSB website for additional information. You will find any updated meeting information at *https://www.nsf.gov/nsb.*

Members of the public are advised that the NSB provides some flexibility around start and end times. A session may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next session will start no later than 15 minutes after the noticed start time. If a session ends early, the next meeting may start up to 15 minutes earlier than the noticed start time. Sessions will not vary from noticed times by more than 15 minutes.

CONTACT PERSON FOR MORE INFORMATION: The NSB Office contact is Chris Blair, *cblair@nsf.gov,* 703–292–7000. The NSB Public Affairs contact is Nadine Lymn, *nlymn@nsf.gov,* 703–292–2490.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2022–03731 Filed 2–16–22; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–461, 50–346, 50–354, 50–272, 50–311, 50–528, 50–529, and 50–530; NRC–2020–0110]

Issuance of Multiple Exemptions in Response to COVID–19 Public Health Emergency

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemptions; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued five exemptions in response to requests from four licensees for relief due to the coronavirus 2019 disease (COVID–19) public health emergency (PHE). The exemptions afford these licensees temporary relief from certain requirements under NRC regulations. The NRC is issuing a single notice to announce the issuance of the exemptions.

DATES: During the period from January 7, 2022, to January 21, 2022, the NRC granted five exemptions in response to requests submitted by four licensees from January 5, 2022, to January 19, 2022.

ADDRESSES: Please refer to Docket ID NRC–2020–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0110. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *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.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: James Danna, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7422, email: *James.Danna@nc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

During the period from January 7, 2022, to January 21, 2022, the NRC granted five exemptions in response to requests submitted by four licensees from January 5, 2022, to January 19, 2022. These exemptions temporarily allow the licensees to deviate from certain requirements of chapter 1 of title 10 *Code of Federal Regulations* (10 CFR), part 26, ''Fitness for Duty Programs,'' section 26.205, ''Work hours.''

The exemptions from certain requirements of 10 CFR part 26 for Exelon Generation Company, LLC (for Clinton Power Station, Unit No. 1); for Energy Harbor Nuclear Corp. (for Davis-Besse Nuclear Power Station, Unit No. 1); for PSEG Nuclear LLC (for Hope Creek Generating Station and Salem Nuclear Generating Station, Unit Nos. 1 and 2); and for Arizona Public Service Company (for Palo Verde Nuclear Generating Station, Units 1, 2, and 3) afford these licensees temporary relief from the work-hour control requirements under 10 CFR 26.205(d)(1) through (d)(7). The exemptions from 10 CFR 26.205(d)(1) through (d)(7) ensure that the control of work hours and management of worker fatigue does not unduly limit licensee flexibility in using personnel resources to most effectively manage the impacts of the COVID–19 PHE on maintaining the safe operation of these facilities. Specifically, these licensees have stated that their staffing levels are affected or are expected to be affected by the COVID–19 PHE, and they can no longer meet or likely will not meet the work-hour controls of 10 CFR 26.205(d)(1) through (d)(7). These licensees have committed to effecting site-specific administrative controls for COVID–19 PHE fatigue-management for personnel specified in 10 CFR 26.4(a).

The tables in this notice provide transparency regarding the number and type of exemptions the NRC has issued. Additionally, the NRC publishes tables of approved regulatory actions related to the COVID–19 PHE on its public website at *https://www.nrc.gov/about-nrc/covid-19/reactors/licensing-actions.html.*

II. Availability of Documents

The tables in this notice provide the facility name, docket number, document description, and ADAMS accession number for each exemption issued. Additional details on each exemption issued, including the exemption request submitted by the respective licensee and the NRC's decision, are provided in each exemption approval listed in the tables in this notice. For additional directions on accessing information in ADAMS, see the **ADDRESSES** section of this document.

Document description	ADAMS accession No.
Clinton Power Station, Unit No. 1 Docket No. 50–461	
Clinton Power Station, Unit No. 1—COVID–19 Related Request for Exemption from part 26 Work Hours Requirements, dated January 13, 2022	ML22014A005
Clinton Power Station, Unit No. 1—Exemption from Specific Requirements of 10 CFR part 26 (EPID L–2022–LLE–0003 [COVID–19]), dated January 14, 2022	ML22013B277
Davis-Besse Nuclear Power Station, Unit No. 1 Docket No. 50–346	
Davis-Besse Nuclear Power Station, Unit No. 1—COVID–19 Related Request for Exemption from part 26 Work Hours Requirements, dated January 12, 2022	ML22012A301
Davis-Besse Nuclear Power Station, Unit No. 1—Response to Request for Additional Information Related to Request for Exemption from Specific Requirements of 10 CFR 26, ''Fitness for Duty Programs'' [COVID-19], dated January 13, 2022	ML22013B175
Davis-Besse Nuclear Power Station, Unit No. 1—Exemption from Specific Requirements of 10 CFR part 26, (EPID L–2022–LLE–0002 [COVID–19]), dated January 14, 2022	ML22012A399
Hope Creek Generating Station Docket No. 50–354 Salem Nuclear Generating Station, Unit Nos. 1 and 2 Docket Nos. 50–272 and 50–311	
Hope Creek Generating Station and Salem Generating Station, Unit Nos. 1 and 2—Request for Exemption from Specific Requirements of 10 CFR part 26, ''Fitness for Duty Programs,'' dated January 5, 2022	ML22005A364
Hope Creek Generating Station and Salem Generating Station, Unit Nos. 1 and 2—Exemption from Specific Requirements of 10 CFR part 26, (EPID L–2022–LLE–0000 [COVID–19]), dated January 7, 2022	ML22005A323
Palo Verde Nuclear Generating Station, Units 1, 2, and 3 Docket Nos. 50–528, 50–529, and 50–530	
Palo Verde Nuclear Generating Station, Units 1, 2, and 3—COVID–19 Related Request for Exemption from part 26 Work Hours Requirements, dated January 19, 2022	ML22020A017
Palo Verde Nuclear Generating Station, Units 1, 2, and 3—Request for Exemption from Specific Requirements of 10 CFR part 26 (EPID L–2022–LLE–0005 [COVID–19]), dated January 21, 2022	ML22020A040

Dated: February 15, 2022.

For the Nuclear Regulatory Commission.

James G. Danna,

Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2022–03589 Filed 2–17–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0107]

Information Collection: Domestic Licensing of Source Material

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Domestic Licensing of Source Material.''

DATES: Submit comments by April 19, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0107. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0107 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–2021–0107.
- *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 supporting statement and burden spreadsheet are available in ADAMS under Accession Nos. ML21204A164 and ML21204A169.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0107 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov/* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Part 40 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Source Material.''

2. *OMB approval number:* 3150–0020.

3. *Type of submission:* Revision.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Reports required under 10 CFR part 40 are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications need to be submitted every 15 to 40 years. Information in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis.

6. *Who will be required or asked to respond:* Applicants for and holders of NRC licenses authorizing the receipt, possession, use, or transfer of radioactive source material.

7. *The estimated number of annual responses:* 1,341.

8. *The estimated number of annual respondents:* 582 (72 NRC licensees + 510 Agreement State licensees).

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 16,422 hours (11,284 hours reporting + 5,123 hours recordkeeping + 15 hours third party disclosure).

10. *Abstract:* The NRC regulations in 10 CFR part 40 establish procedures and criteria for the issuance of licenses to receive title to, receive, possess, use, transfer, or deliver source and byproduct material. The application, reporting, recordkeeping, and third-party notification requirements are necessary to permit the NRC to make a determination as to whether the possession, use, and transfer of source and byproduct material is in conformance with the Commission's regulations for protection of public health and safety.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: February 15, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022–03530 Filed 2–17–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–32; NRC–2022–0024]

NextEra Energy Duane Arnold, LLC; Duane Arnold Energy Center Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption to NextEra Energy Duane Arnold, LLC (NEDA), for the Duane Arnold Energy Center (DAEC) Independent Spent Fuel Storage Installation (ISFSI). The exemption allows a failed fuel can (FFC) and its contents at DAEC to exceed the limits specified in Table 1–1t in Appendix B, Technical Specifications, of NRC Certificate of Compliance (CoC) No. 1004, Renewed Amendment No. 17.

DATES: The exemption was issued on February 11, 2022.

ADDRESSES: Please refer to Docket ID NRC–2022–0024 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2022–0024. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *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.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tilda Liu, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 404–997–4730, email: *Tilda.Liu@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC issued an exemption (ADAMS Package Accession No. ML22007A271) to NEDA for the DAEC ISFSI. By letter dated October 21, 2021 (ADAMS Accession No. ML21294A280), as supplemented by letters dated December 10, 2021 (ADAMS Accession No. ML21344A186), and January 6, 2022 (ADAMS Accession No. ML22006A105), NEDA submitted a one-time exemption request to the NRC for the DAEC ISFSI, in accordance with section 72.7 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Specific exemptions,'' from the requirements of 10 CFR 72.212 (a)(2), (b)(2), (b)(3), (b)(4), (b)(5)(i), (b)(11), and 72.214. Specifically, the one-time exemption request sought the NRC approval for a failed fuel can (FFC) and its contents at DAEC to exceed the limits specified in Table 1–1t in Appendix B, Technical Specifications, of NRC Certificate of Compliance (CoC) No. 1004, Renewed Amendment No. 17 (ADAMS Package Accession No. ML21109A325).

The granted exemption permits the DAEC ISFSI to deviate from a specific requirement contained in Table 1–1t in Appendix B of NRC CoC No. 1004, Renewed Amendment No. 17, by allowing NEDA to load a failed fuel assembly in an FCC, within a DAEC dry shielded canister (DSC) No. 30 fuel cell, where the combined weight of the failed fuel assembly plus the FCC exceeds the 705 lb limit. Under the exemption, the FCC and its contents may weigh a maximum of 800 lb. As a condition of this exemption, however, NEDA is required to leave at least two adjacent DSC fuel cells empty in its spent fuel pool off-load campaign to increase the available margin for weight. The NRC staff also prepared an environmental assessment and finding of no significant impact regarding the renewal of the facility operating license, published in the **Federal Register** on February 2, 2022 (87 FR 5847), and concluded that renewal of the facility operating license will not have a significant impact on the quality of the human environment. An analysis of this exemption can be found at the previously cited ADAMS package accession number (ML22007A271).

Dated: February 15, 2022.

For the Nuclear Regulatory Commission.

Yoira K. Diaz-Sanabria,

Chief, Storage and Transportation Licensing Branch, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2022–03590 Filed 2–17–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–7513; NRC–2021–0193]

Notice of Intent To Conduct Scoping Process and Prepare Environmental Impact Statement; Kairos Energy, LLC, Kairos Test Reactor

AGENCY: Nuclear Regulatory Commission.

ACTION: Intent to conduct scoping process and prepare environmental impact statement; public scoping meeting and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will conduct a scoping process to gather information necessary to prepare an environmental impact statement (EIS) to evaluate the environmental impacts for a construction permit (CP) requested by Kairos Power, LLC. The NRC is seeking public comment on this action and has scheduled a joint public outreach and public scoping meeting.

DATES: The NRC will hold a joint public outreach and public scoping meeting on March 23, 2022. Meeting details will be available by March 11, 2022 at *https://www.nrc.gov/reactors/non-power/kairos-hermes.html* or at the NRC's Public Meeting Schedule website at *https://www.nrc.gov/pmns/mtg.* Members of the public are invited to submit comments on the scope of the EIS by April 19, 2022. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

• *Email:* Comments may be submitted to the NRC electronically using the email address *KairosHermes-CPEIS@nrc.gov.*

• *Federal Rulemaking Website:* Go to *https://regulations.gov* and search for Docket ID NRC–2021–0193. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tamsen Dozier, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2272, email: *Tamsen.Dozier@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0193 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

• *Federal Rulemaking Website:* Go to *https://regulations.gov* and search for Docket ID NRC–2021–0193.

• *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 in this document (if it is available in ADAMS) is provided the first time that it is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville,

Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays

- *Public Library:* A copy of the CP application, including the environmental report (ER), is available for public review at the Oak Ridge Public Library, 1401 Oak Ridge Turnpike, Oak Ridge, Tennessee.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0193 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

By letter dated September 29, 2021 (ADAMS Package Accession No. ML21272A375), Kairos Power, LLC (Kairos) submitted to the NRC pursuant to Section 104 of the Atomic Energy Act and part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' an application for a CP for the Hermes test reactor (aka a ''testing facility'' as defined in 10 CFR 50.2), which would be located in Oak Ridge, Tennessee. The Hermes test reactor is a high-temperature thermal reactor using solid tri-structural isotropic fuel in pebble form and a molten fluoride salt coolant. This submission initiated the NRC's proposed action of determining whether to grant the CP. A notice of receipt and availability of the portion of the application submitted on September 29, 2021 was published in the **Federal Register** on October 29, 2021 (86 FR 60077).

On October 31, 2021, Kairos filed the second part of its application (ADAMS Package Accession No. ML21306A131) for a CP, which consisted of the ER required by 10 CFR 50.30(f) and Subpart A of part 51. Submission of the ER completed the application for a CP.

The NRC staff determined that Kairos submitted a two-part application in accordance with 10 CFR 2.101(a)(5) and 10 CFR part 50, and that the application is acceptable for docketing under Docket No. 50–7513. The NRC sent a letter of acceptance and docketing to Kairos on November 29, 2021 (ADAMS Accession No. ML21319A354). A notice of acceptance for docketing of the application was published in the **Federal Register** on December 1, 2021 (86 FR 68290) and a notice of opportunity for hearing was published on February 9, 2022 (87 FR 7503). These notices are available on the Federal rulemaking website (*https://www.regulations.gov*) by searching for Docket ID NRC–2021–0193 and NRC–2022–0033.

III. Request for Comment

This notice informs the public of the NRC's intent to conduct environmental scoping and prepare an EIS related to the CP application for Kairos Hermes test reactor. This notice also to provides the public an opportunity to participate in the environmental scoping process, in accordance with 10 CFR 51.29 and 10 CFR 51.116.

The regulations in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' allow agencies to use their National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA) process to fulfill the requirements of Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 300101, *et seq.*) (NHPA). Therefore, pursuant to 36 CFR 800.8(c), the NRC intends to use its process and documentation required for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.50(a), Kairos submitted an ER as part of the CP application. The ER was prepared pursuant to 10 CFR part 51 and is publicly available at ADAMS Package Accession No. ML21306A131. The ER will also be available for viewing at *https://www.nrc.gov/reactors/non-power/kairos-hermes.html.* In addition, the ER is available for public review at the Oak Ridge Public Library, 1401 Oak Ridge Turnpike, Oak Ridge, Tennessee.

The NRC intends to gather the information necessary to prepare an EIS related to the CP application for the Kairos Hermes test reactor. The NRC is required by 10 CFR 51.20(b) to prepare an EIS in connection with the issuance of a CP for a test reactor. This notice is being published in accordance with NEPA and the NRC's regulations at 10 CFR part 51.

The EIS will evaluate the environmental impacts of construction, operation and decommissioning of the Kairos Hermes test reactor, and reasonable alternatives thereto. Possible alternatives to the proposed action include the no action alternative and alternative sites.

As part of its environmental review, the NRC will first conduct a scoping process and, as soon as practicable thereafter, will prepare a draft EIS for public comment. Participation in this scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the draft EIS will be used to accomplish the following:

a. Define the proposed action that is to be the subject of the EIS;

b. Determine the scope of the EIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or are not significant or that have been covered by prior environmental review;

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of, the scope of the EIS under consideration;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the NRC's tentative planning and decision-making schedule;

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the EIS to the NRC and any cooperating agencies; and

h. Describe how the EIS will be prepared, including any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Kairos Power, LLC.;

b. Any Federal agency that has jurisdiction by law or special expertise

with respect to any environmental impact involved or that is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian Tribe;

e. Any person who requests or has requested an opportunity to participate in the scoping process; and

f. Any person who has petitioned or intends to petition for leave to intervene under 10 CFR 2.309.

IV. Public Scoping Meeting

In accordance with 10 CFR 51.26(b), the scoping process for an EIS may include a public scoping meeting, which may help identify significant issues related to the proposed action and to determine the scope of issues to be addressed in the EIS.

The NRC is planning to conduct a public outreach and scoping meeting for the Kairos Hermes EIS. The meeting is currently expected to be held on March 23, 2022. Meeting details will be available by March 11, 2022 at *https://www.nrc.gov/reactors/non-power/kairos-hermes.html* or at the NRC's Public Meeting Schedule website at *https://www.nrc.gov/pmns/mtg.* A court reporter will transcribe all comments received during the public meeting. To be considered, comments must be provided either at the transcribed public meeting or in writing, as discussed in the **ADDRESSES** section of this document. Please contact Ms. Tamsen Dozier no later than March 14, 2022, if accommodations or special equipment is needed to participate or to provide comments, so that the NRC staff can determine whether the request can be accommodated.

The public outreach and scoping meeting will include: (1) An overview by the NRC staff of the safety and environmental review processes, the proposed scope of the EIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on environmental issues or the proposed scope of the Kairos Hermes EIS.

Participation in the scoping process for the Kairos Hermes EIS does not entitle participants to become parties to the proceeding to which the EIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

Dated: February 15, 2022.

For the Nuclear Regulatory Commission.

Kenneth T. Erwin,

Chief, Environmental Review New Reactor Branch, Division of Rulemaking, Environment, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2022–03537 Filed 2–17–22; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0180]

Information Collection: NRC Form 664, "General Licensee Registration"

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Form 664, ''General Licensee Registration.''

DATES: Submit comments by April 19, 2022. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0180. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0180 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–2021–0180. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2021–0180 on this website.
- *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 supporting statement and NRC Form 664 are available in ADAMS under Accession Nos. ML21355A133 and ML22020A155, respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents, by appointment, at the NRC's PDR, Room P1 B35, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (ET), Monday through Friday, except Federal holidays.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David C. Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0180 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not

want to be publicly disclosed in your comment submission. All comment submissions are posted at *https://www.regulations.gov/* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 664, ''General Licensee Registration.''
2. *OMB approval number:* 3150–0198.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* NRC Form 664.
5. *How often the collection is required or requested:* Annually.
6. *Who will be required or asked to respond:* General licensees who possess registerable quantities of byproduct material.
7. *The estimated number of annual responses:* 409.
8. *The estimated number of annual respondents:* 460.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 136.
10. *Abstract:* NRC Form 664 is used by NRC general licensees to make reports regarding certain generally licensed devices subject to annual registration. The registration program allows NRC to better track general licensees, so that they can be contacted or inspected as necessary, and to make sure that generally licensed devices can be identified even if lost or damaged. Also, the registration program ensures that general licensees are aware of and understand the requirements for the possession, use, and disposal of devices containing byproduct material. Greater awareness helps to ensure that general licensees will comply with the regulatory requirements for proper handling and disposal of generally licensed devices and would reduce the potential for incidents that could result in unnecessary radiation exposure to the public and contamination of property.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated: February 15, 2022.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2022–03545 Filed 2–17–22; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Information Collection: Application for Death Benefits Under the Federal Employees' Retirement System (SF 3104); and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (SF 3104B)

AGENCY: Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: Retirement Services, Office of Personnel Management (OPM) offers the general public and other federal agencies the opportunity to comment on an expiring information collection (ICR), Application for Death Benefits under the Federal Employees' Retirement System (SF 3104); and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death (SF 3104B).

DATES: Comments are encouraged and will be accepted until April 19, 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. All submissions received must include the agency name and docket number or RIN for this document. 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 information collection instrument with applicable supporting documentation may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or via telephone at (202) 606–4808.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 109 Stat. 106 (May 22, 1995), codified at 44 U.S.C. chapter 35), OPM is soliciting comments for this collection (OMB No. 3206–0172). We are particularly interested in comments that do the following:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of 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).

The form SF 3104, Application for Death Benefits Under the Federal Employees' Retirement System, is needed to collect information so that OPM can pay death benefits to survivors of Federal employees and annuitants. The form SF 3104B, Documentation in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death, is needed for deaths in service so that survivors may make elections regarding health benefits, payment of post-1956

military service deposits, and payment methods for death benefits.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management

Title: Application for Death Benefits under the Federal Employees' Retirement System and Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death.

OMB Number: 3206–0172.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: SF 3104 = 12,734 and SF 3104B = 4,017.

Estimated Time per Respondent: 60 minutes.

Total Burden Hours: 16,751 hours.

Office of Personnel Management.

Kellie Cosgrove Riley,

Director, Office of Privacy and Information Management.

[FR Doc. 2022–03580 Filed 2–17–22; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2022–41 and CP2022–47]

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 23, 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:

Table of Contents

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) 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).: MC2022–41 and CP2022–47; Filing Title: USPS Request to Add Priority Mail Express & Priority Mail Contract 129 to Competitive Product List and Notice of Filing Materials Under Seal; Filing Acceptance Date: February 14, 2022; Filing Authority: 39 U.S.C. 3642, 39 CFR 3040.130 through 3040.135, and 39 CFR 3035.105; Public Representative: Kenneth R. Moeller Comments Due: February 23, 2022.

[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).

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2022–03571 Filed 2–17–22; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94181A; File No. SR–NYSE–2021–74]

Self-Regulatory Organizations; New York Stock Exchange LLC, Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Provisions of Rule 7.35B; Correction

February 15, 2022.

AGENCY: Securities and Exchange Commission.

ACTION: Notice; correction.

SUMMARY: The Securities and Exchange Commission published a document in the **Federal Register** on February 14, 2022, concerning a Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend the Provisions of Rule 7.35B. The document contained a typographical error.

FOR FURTHER INFORMATION CONTACT: Naomi P. Lewis, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549, (202) 551–5400.

Correction

In the **Federal Register** of February 14, 2022, in FR Doc. 2022–03018, on page 8305, in the first column, on the 47th line, on the first line under the heading ''SECURITIES AND EXCHANGE COMMISSION'' correct the reference to ''Release No. 94181'' instead to ''Release No. 34–94181.''

Dated: February 15, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03552 Filed 2–17–22; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94238; File No. SR–CboeBZX–2021–086]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Amend the Opening Auction Process Provided Under Rule 11.23(b)(2)(B)

February 14, 2022.

On December 21, 2021, Cboe BZX Exchange, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Opening Auction process provided under Rule 11.23(b)(2)(B). The proposed rule change was published for comment in the **Federal Register** on January 5, 2022.[3] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act [4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is February 19, 2022.

The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposal so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates April 5, 2022, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2021–086).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03494 Filed 2–17–22; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 93888 (December 30, 2021), 87 FR 532.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94237; File No. SR–CboeEDGX–2022–005]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

February 14, 2022.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 1, 2022, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'' or ''EDGX Equities'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''EDGX Equities'') as follows: (1) Adopt new fee code ZO which will be applicable to retail orders that add liquidity in the pre and post market; (2) update Remove Volume Tier 2, the Retail Volume Tiers, and Retail Membership Program Volume Tiers to add references to proposed fee code ZO; (3) modify the rebate applicable to Add/Remove Volume Tiers 1 and 2; (4) modify the criteria of Growth Tier 4; and (5) modify the criteria of the Remove Volume Tier 1. The Exchange proposes to implement these changes effective February 1, 2022.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[3] no single registered equities exchange has more than 17% of the market share. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange in particular operates a ''Maker-Taker'' model whereby it pays rebates to members that add liquidity and assesses fees to those that remove liquidity. The Exchange's Fee Schedule sets forth the standard rebates and rates applied per share for orders that provide and remove liquidity, respectively. Currently, for orders in securities priced at or above $1.00, the Exchange provides a standard rebate of $0.00160 per share for orders that add liquidity and assesses a fee of $0.0030 per share for orders that remove liquidity. For orders in securities priced below $1.00, the Exchange provides a standard rebate

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] See Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (January 24, 2022), available at *https://markets.cboe.com/us/equities/market_statistics/.*

of $0.00009 per share for orders that add liquidity and assesses a fee of 0.30% of total dollar value for orders that remove liquidity. Additionally, in response to the competitive environment, the Exchange also offers tiered pricing which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. Tiered pricing provides an incremental incentive for Members to strive for higher tier levels, which provides increasingly higher benefits or discounts for satisfying increasingly more stringent criteria.

Proposed New Fee Code

The Exchange proposes to adopt a new fee code in the Fee Code and Associated Fees table of the Fee Schedule. Currently, all retail orders that add liquidity yield fee code ''ZA'' and receive a rebate of $0.0032 per share in securities priced at or above $1.00 and a rebate of $0.00003 per share in securities priced below $1.00. The Exchange now proposes to adopt fee code ''ZO'', which will be appended to retail orders that add liquidity, but in the pre and post market. The Exchange proposes to continue to assess the same fees and rebates as are currently assessed today for retail orders that add liquidity (*i.e.,* orders yielding fee code ZO would receive a rebate of $0.0032 per share in securities priced at or above $1.00 and a rebate of $0.00003 per share in securities priced below $1.00). The Exchange also proposes to apply incentive tiers and programs that currently apply to orders yielding ZA to orders that will now yield ZO and therefore append footnotes 2 and 3 to ZO in the Fee Code and Associated Fees table. Particularly, the Exchange proposes to modify the description and criteria of the Retail Volume Tiers (provided under footnote 2 of the Fee Schedule) and Retail Equities Membership Program Volume Tiers (provided under footnote 3 of the Fee Schedule), so that orders yielding both fee codes ZA and ZO are eligible for the respective tiers and the Retail Order ADV criteria under each tier includes orders yielding ZO in addition to ZA. Similarly, the Exchange proposes to amend the second prong of Remove Volume Tier 2 to provide the Retail Order ADV criteria will also include orders yielding ZO in addition to ZA. Accordingly, retail orders that add liquidity in the pre or post market will continue to be eligible for the same incentive programs (and continue to be counted towards Retail Order ADV thresholds) as they are today, albeit under a separate fee code (*i.e.,* ZO instead of ZA).

Modifications to Add/Remove Volume Tiers

The Add Volume Tiers set forth in footnote 1 of the Fee Schedule (Add/Remove Volume Tiers) provides Members an opportunity for qualifying orders (*i.e.,* orders yielding fee code B,[4] V,[5] Y,[6] 3 [7] or 4 [8]) to receive an enhanced rebate on their orders on orders that add liquidity and meet certain volume criteria. Specifically, Add Volume Tier 1 provides a rebate of $0.0023 per share to Members that add an ADV [9] greater than or equal to 0.20% of the TCV.[10] Similarly, Add Volume Tier 2 provides a rebate of $0.0025 per share to Members that add an ADV greater than or equal to 0.30% of the TCV. The Exchange notes that the Add Volume Tiers are designed to encourage Members that provide liquidity adding orders to the Exchange to increase their order flow, which would benefit all Members by providing greater execution opportunities on the Exchange.

Now the Exchange proposes to reduce the rebates provided under Add Volume Tiers 1 and 2 to $0.0020 per share and $0.0023 per share, respectively. While the Exchange is proposing no change to the criteria of the Add Volume Tiers 1 and 2, the Exchange believes that the tier will continue to incentivize increased order flow to the Exchange, which may contribute to a deeper, more liquid market to the benefit of all market participants by creating a more robust and well-balanced market ecosystem. The Add Volume Tiers 1 and 2, as modified, continue to be available to all Members and provide Members an opportunity to receive an enhanced rebate, albeit a reduced rebate. The proposed rebates are in line with similar rebates for liquidity adding programs in place on other exchanges.[11]

The Growth Volume Tiers are also set forth under footnote 1 of the Fee Schedule (Add/Remove Volume Tiers) and are designed to encourage growth in order flow by providing specific criteria in which Members must increase their relative liquidity each month over a predetermined baseline. Growth Tier 4, for example, provides an opportunity for qualifying orders (*i.e.,* orders yielding fee code B, V, Y, 3 or 4) to receive an enhanced rebate of $0.0034 per share to Members that (1) add a Step-Up ADAV [12] from October 2021 greater than or equal to 0.10% of the TCV or Members that add a Step-Up ADAV from October 2021 equal to or greater than 10 million shares; and (2) Members that have a total remove ADV equal to or greater than 0.60% of TCV or Members that have a total remove ADV greater than or equal to 60 million shares. The Exchange now proposes to amend the criteria of Growth Tier 4 to provide the rebate to (1) an MPID that adds a Step-Up ADAV from October 2021 equal to or greater than 10% of the TCV or an MPID adds a Step-Up ADAV from October 2021 equal to or greater than 15 million shares (instead of 10 million shares); and (2) an MPID that adds an ADV equal to or greater than 0.30% of TCV or an MPID that adds an ADV equal to or greater than 30 million shares (instead of 60 million shares).

Lastly, the Remove Volume Tiers are also set forth under footnote 1 of the Fee Schedule (Add/Remove Volume Tiers) and provide Members an opportunity for qualifying orders (*i.e.,* orders yielding fee codes BB,[13] N [14] and W [15]) to receive a reduced fee on their orders that remove liquidity and meet certain volume criteria. Specifically, the Remove Volume Tier 1 provides a reduced fee of $0.00275 in securities at or above $1.00 and 0.28% of the total dollar value in securities priced below $1.00 to (1) Members that add a Step-Up ADAV from June 2021 equal to or greater than 0.10% of the TCV or Members that add a Step-Up ADAV from June 2021 equal to or greater than 8 million shares; and (2) Members that have a total remove ADV equal to or greater than 0.60% of the TCV. Now the Exchange proposes to modify the criteria to adopt an alternative criteria to satisfy prong two. Specifically, the

[4] Orders yielding Fee Code ''B'' are orders adding liquidity to EDGX (Tape B).

[5] Orders yielding Fee Code ''V'' are orders adding liquidity to EDGX (Tape A).

[6] Orders yielding Fee Code ''Y'' are orders adding liquidity to EDGX (Tape C).

[7] Orders yielding Fee Code ''3'' are orders adding liquidity to EDGX in the pre and post market (Tapes A or C).

[8] Orders yielding Fee Code ''4'' are orders adding liquidity to EDGX in the pre and post market (Tape B).

[9] ''ADAV'' means average daily added volume calculated as the number of shares added per day and ''ADV'' means average daily volume calculated as the number of shares added to, removed from, or routed by, the Exchange, or any combination or subset thereof, per day. ADAV and ADV is calculated on a monthly basis

[10] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply.

[11] *E.g.,* the BZX Equities Add Volume Tiers provide rebates ranging from $0.0020 per share up to $0.0031 per share. *See* BZX Equities Fee Schedule, footnote 1.

[12] ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV.

[13] Orders yielding Fee Code ''BB'' are orders removing liquidity to EDGX (Tape (B)).

[14] Orders yielding Fee Code ''N'' are orders removing liquidity to EDGX (Tape (C)).

[15] Orders yielding Fee Code ''W'' are orders removing liquidity to EDGX (Tape (A)).

Exchange proposes to provide the reduced rebate to (1) Members that add a Step-Up ADAV from June 2021 equal to or greater than 0.10% of the TCV or Members that add a Step-Up ADAV from June 2021 equal to or greater than 8 million shares; and (2) Members that have a total remove ADV equal to or greater than 0.60% of the TCV, or, Members that have a total remove ADV equal to or greater than 60 million shares. The Exchange proposes no change to the current reduced fee applicable to the Remove Volume Tier 1.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Securities and Exchange Act of 1933 (the ''Act''),[16] in general, and furthers the objectives of Section 6(b)(4),[17] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5)[18] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. The proposed rule changes reflect a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

Regarding the proposed new fee code ZO appended to retail orders adding liquidity in the pre and post market, the Exchange notes that the competition for retail order flow is particularly intense, especially as it relates to exchange versus off-exchange venues, as prominent retail brokerages tend to route a majority of their limit orders to off-exchange venues.[19] 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.

The Exchange believes that its proposed change to adopt fee code ZO is reasonable, equitable and not unfairly discriminatory. First, the Exchange notes that the proposed standard rebates under fee code ZO are the same as those currently applied to such orders under fee code ZA, which fee code as discussed currently also applies to retail orders that add liquidity, albeit during regular market hours. Further, the proposed standard rebates are consistent with, and competitive with, rebates for retail order flow on other equities exchanges, which provide pricing incentives to retail orders in the form of lower fees and/or higher rebates.[20] Second, while the proposed rebates apply only to retail orders, the Exchange does not believe this application is discriminatory as the Exchange offers similar rebates or reduced fees to non-retail order flow. The Exchange notes that, like all other fee codes, ZO and the accompanying rebates will be automatically and uniformly applied to all Members' qualifying orders as applicable. The Exchange also believes it's reasonable, equitable and not unfairly discriminatory to apply volume incentive tiers that currently apply to orders yielding ZA to ZO and to clarify that Retail Order ADV will include orders yielding either ZA or ZO as such changes apply to all members and such tiers already apply to all retail orders that add liquidity, including those that execute in the pre or post market (*i.e.,* there will be no substantive impact to orders yielding ZO with respect to their inclusion in these programs).

The Exchange believes its proposal to reduce the rebates applicable to Add Volume Tiers 1 and 2 is reasonable because each tier continues to be available to all Members and provides Members an opportunity to receive an enhanced rebate, albeit a reduced enhanced rebate. Similarly, the Exchange believes its proposal to amend the criteria of the Growth Tier 4 is reasonable because the tier will be available to all MPIDs and provides MPIDs an opportunity to receive an enhanced rebate. The Exchange also believes its proposal to amend the criteria of the Remove Volume Tier 1 is reasonable because it will provide an additional opportunity for Members to reach the tier, will continue to be available to all Members, and will provide Members an opportunity to receive a reduced fee.

The Exchange notes that relative volume-based incentives and discounts have been widely adopted by exchanges, including the Exchange, and are reasonable, equitable, and non-discriminatory because they are open to all Members on an equal basis and provide additional discounts that are reasonably related to (i) the value to an exchange's market quality and (ii) associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns. The Exchange also believes that the proposed and existing rebates and fees, as applicable, under Add Volume Tiers 1 and 2, Growth Tier 4, and Remove Volume Tier 1 continue to be commensurate with the existing and proposed criteria. That is, the rebates reasonably reflect the difficulty in achieving the corresponding criteria as amended.

The Exchange believes that the changes to the Add Volume Tiers 1 and 2, Growth Tier 4, and Remove Volume Tier 1, will benefit all market participants by incentivizing continuous liquidity and, thus, deeper more liquid markets as well as increased execution opportunities. Particularly, the proposal is designed to incentivize liquidity, which further contributes to a deeper, more liquid market and provide even more execution opportunities for active market participants at improved prices. This overall increase in activity deepens the Exchange's liquidity pool, offers additional cost savings, supports the quality of price discovery, promotes market transparency and improves market quality, for all investors.

The Exchange also believes that the proposed amendments to the Add Volume Tiers 1 and 2, Growth Tier 4, and Remove Volume Tier 1 represent an equitable allocation of rebates and are not unfairly discriminatory because all Members or MPIDs are eligible for the tiers and would have the opportunity to meet the tiers' criteria and would receive the proposed rebate if such criteria is met. Without having a view of activity on other markets and off-exchange venues, the Exchange has no

[16] 15 U.S.C. 78f.

[17] 15 U.S.C. 78f(b)(4).

[18] 15 U.S.C. 78f.(b)(5).

[19] *See* Securities Exchange Release No. 86375 (July 15, 2019), 84 FR 34960 (SRCboeEDGX–2019–045).

[20] *See e.g.,* BZX Equities Fee Schedule, Fee Code ZA, which provides a rebate of $0.0032 per share to retail orders adding liquidity.

way of knowing whether this proposed rule change would definitely result in any Members or MPIDs qualifying for the proposed tiers. While the Exchange has no way of predicting with certainty how the proposed tier will impact Member activity, the Exchange anticipates that at least one MPID will be able to compete for and reach the proposed criteria in Growth Tier 4 and Remove Volume Tier 1. The Exchange also notes that proposed tiers will not adversely impact any Member's ability to qualify for other reduced fee or enhanced rebate tiers. Should a Member not meet the proposed criteria under any of the proposed tiers, the Member will merely not receive that corresponding enhanced rebate or reduced fee.

As noted above, the Exchange operates in a highly competitive market. The Exchange is only one of 16 equity venues to which market participants may direct their order flow, and it represents a small percentage of the overall market. It is also only one of several maker-taker exchanges. Competing equity exchanges offer similar rates and tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further 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.''

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed tier changes will apply to Members or MPIDs equally in that all Members or MPIDs are eligible for each of the tiers, have a reasonable opportunity to meet the tiers' criteria and will receive the enhanced rebate or reduced fee on their qualifying orders if such criteria is met. Further, the proposed Fee Code will similarly be available to all Members equally. The Exchange does not believe the proposed changes burdens competition, but rather, enhances competition as it is intended to increase the competitiveness of EDGX by amending an existing pricing incentive and adopting a pricing incentive in order to attract order flow and incentivize participants to increase their participation on the Exchange, providing for 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 Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

Next, 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. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 17% of the market share.[21] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, 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.'' [22] The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''.[23] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [24] and paragraph (f) of Rule 19b–4 [25] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings 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:

[21] *Supra* note 3.

[22] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[23] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[24] 15 U.S.C. 78s(b)(3)(A).

[25] 17 CFR 240.19b–4(f).

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–CboeEDGX–2022–005 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–CboeEDGX–2022–005. 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–CboeEDGX–2022–005 and should be submitted on or before March 11, 2022.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03495 Filed 2–17–22; 8:45 am]

BILLING CODE 8011–01–P

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–0329, OMB Control No. 3235–0371]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 15a–6

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 15a–6, (17 CFR 240.15a–6), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 15a–6 provides conditional exemptions from the requirement to register as a broker-dealer pursuant to Section 15 of the Securities Exchange Act for foreign broker-dealers that engage in certain specified activities involving U.S. persons. In particular, Rule 15a–6(a)(3) provides an exemption from broker-dealer registration for foreign broker-dealers that solicit and effect transactions with or for U.S. institutional investors or major U.S. institutional investors through a registered broker-dealer, provided that the U.S. broker-dealer, among other things, obtains certain information about, and consents to service of process from, the personnel of the foreign broker-dealer involved in such transactions, and maintains certain records in connection therewith.

These requirements are intended to ensure (a) that the registered broker-dealer will receive notice of the identity of, and has reviewed the background of, foreign personnel who will contact U.S. investors, (b) that the foreign broker-dealer and its personnel effectively may be served with process in the event enforcement action is necessary, and (c) that the Commission has ready access to information concerning these persons and their U.S. securities activities. Commission staff estimates that approximately 2,000 U.S. registered broker-dealers will spend an average of two hours of clerical staff time and one hour of managerial staff time per year obtaining the information required by the rule, resulting in a total aggregate burden of 6,000 hours per year for complying with the rule. Assuming an hourly cost of $72 [1] for a compliance clerk and $319 [2] for a compliance manager, the resultant total internal labor cost of compliance for the respondents is $926,000 per year (2,000 entities × ((2 hours/entity × $72/hour) + (1 hour per entity × $319/hour)) = $926,000).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o John Pezzullo, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 14, 2020.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03493 Filed 2–17–22; 8:45 am]

BILLING CODE 8011–01–P

[1] The hourly rate used for a compliance clerk was from SIFMA's *Office Salaries in the Securities Industry 2013,* modified by Commission staff to account for an 1,800 hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[2] The hourly rate used for a compliance manager was from SIFMA's *Management & Professional Earnings in the Securities Industry 2013,* modified by Commission staff to account for an 1,800 hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–94242]

In the Matter of New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc.; Order Granting Petition for Review and Scheduling Filing of Statements Regarding an Order Disapproving Proposed Rule Changes, as Modified by Partial Amendment No. 1, To Amend Each Exchange's Fee Schedule To Add Two Partial Cabinet Bundles Available in Co-Location and Establish Associated Fees

This matter comes before the Securities and Exchange Commission (''Commission'') on petition to review the disapproval, pursuant to delegated authority, of the New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (each an ''Exchange,'' and together, the ''Exchanges'') of a proposed rule change by each Exchange to amend its fee schedule to add two partial cabinet bundles available in co-location and establish associated fees.

On February 1, 2021 and February 2, 2021, as applicable, the Commission issued notice of filing of each proposed rule change with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 [2] thereunder.[3] On March 18, 2021, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer time period within which to act on the proposed rule changes.[5] On May 6, 2021, proceedings were instituted proceedings under Section 19(b)(2)(B) of the Exchange Act [6] to determine whether to approve or disapprove the proposed rule changes.[7] On July 30, 2021, a longer time period was designated for Commission action on the proposed rule changes.[8] On September 14, 2021, each Exchange filed an amendment to its proposed rule change.[9] On September 30, 2021, after consideration of the record for the proposed rule changes, as modified by Partial Amendment No. 1, the Division of Trading and Markets (''Division''), pursuant to delegated authority,[10] issued an order disapproving the proposed rule changes, as modified by Partial Amendment No. 1 (''Disapproval Order'').[11]

Pursuant to Rule 430 of the Commission's Rules of Practice,[12] on October 7, 2021 the Exchanges filed a notice of intention to petition for review of the Disapproval Order, and on October 14, 2021 the Exchanges filed a petition for review of the Disapproval Order, followed by a corrected version on October 15, 2021. Pursuant to Rule 431(e) of the Commission Rules of Practice,[13] a notice of intention to petition for review results in an automatic stay of the action by delegated authority.

Pursuant to Rule 431 of the Commission's Rules of Practice,[14] the Exchanges' petition for review of the Disapproval Order is granted. Further, the Commission hereby establishes that any party to the action or other person may file a written statement in support of or in opposition to the Disapproval Order on or before March 11, 2022.

For the reasons stated above:

Ordered that the petition of the Exchanges for review of the Division's action to disapprove the proposed rule changes, as modified by Partial Amendment No. 1, by delegated authority be *granted;* and

It is further *ordered* that any party or other person may file a statement in support of or in opposition to the action made pursuant to delegated authority on or before March 11, 2022.

It is further *ordered* that the automatic stay of delegated action pursuant to Commission Rule of Practice 431(e) is hereby discontinued.

The order disapproving the proposed rule changes, each as modified by Partial Amendment No. 1, shall remain in effect.

By the Commission.

Dated: February 14, 2022.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2022–03524 Filed 2–17–22; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 91034 (February 1, 2021), 86 FR 8443 (February 5, 2021) (SR–NYSE–2021–05); 91035 (February 1, 2021), 86 FR 8449 (February 5, 2021) (SR–NYSEAMER–2021–04); 91036 (February 1, 2021), 86 FR 8440 (February 5, 2021) (SR–NYSECHX–2021–01); and 91037 (February 1, 2021), 86 FR 8424 (February 5, 2021) (SR–NYSENAT–2021–01); 91044 (February 2, 2021), 86 FR 8662 (February 8, 2021) (SR–NYSEArca–2021–07).

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release Nos. 91357 (March 18, 2021), 86 FR 15732 (March 24, 2021) (SR–NYSE–2021–05); 91358 (March 18, 2021), 86 FR 15732 (March 24, 2021) (SR–NYSEAMER–2021–04); 91360 (March 18, 2021), 86 FR 15764 (March 24, 2021) (SR–NYSEArca–2021–07); 91362 (March 18, 2021), 86 FR 15765 (March 24, 2021) (SR–NYSECHX–2021–01); and 91363 (March 18, 2021), 86 FR 15763 (March 24, 2021) (SR–NYSENAT–2021–01).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 91785 (May 6, 2021), 86 FR 26082 (May 12, 2021) (SR–NYSE–2021–05, SR–NYSEAMER–2021–04, SR–NYSEArca–2021–07, SR–NYSECHX–2021–01, SR–NYSENAT–2021–01).

[8] *See* Securities Exchange Act Release Nos. 92532 (July 30, 2021), 86 FR 42911 (August 5, 2021) (SR–NYSE–2021–05, SR–NYSENAT–2021–01, SR–NYSEAMER–2021–04, SR–NYSECHX–2021–01); 92531 (July 30, 2021), 86 FR 42956 (August 5, 2021) (SR–NYSEArca–2021–07).

[9] The Commission also received two comment letters from the Exchanges seeking to further justify the fees for the proposed bundles. *See,* letters dated July 6, 2021 and September 15, 2021 from Elizabeth K. King, Chief Regulatory Officer, ICE, General Counsel and Corporate Secretary, NYSE, to Vanessa Countryman, Secretary, Commission. Partial Amendment No. 1 and the Exchanges' comment letters are available on the Commission's website at: *https://www.sec.gov/comments/sr-nyse-2021-05/srnyse202105.htm; https://www.sec.gov/comments/sr-nyseamer-2021-04/srnyseamer202104.htm; https://www.sec.gov/comments/sr-nysearca-2021-07/srnysearca202107.htm; https://www.sec.gov/comments/sr-nysechx-2021-01/srnysechx202101.htm https://www.sec.gov/comments/sr-nysenat-2021-01/srnysenat202101.htm.*

[10] 17 CFR 200.30–3(a)(12).

[11] *See* Securities Exchange Act Release No. 93214 (September 30, 2021), 86 FR 55672 (October 6, 2021) (SR–NYSE–2021–05, SR–NYSEAMER–2021–04, SR–NYSEArca–2021–07, SR–NYSECHX–2021–01, SR–NYSENAT–2021–01).

[12] 17 CFR 201.430.

[13] 17 CFR 201.431(e).

[14] 17 CFR 201.431.

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

AGENCY: Small Business Administration.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before April 19, 2022.

ADDRESSES: Send all comments to Daniel Upham, Chief, Microenterprise Development Division, *Daniel.upham@sba.gov* Small Business Administration.

FOR FURTHER INFORMATION CONTACT: Daniel Upham, Chief, Microenterprise Development Division *Daniel.upham@sba.gov,* 202–205–7001, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: This information collection is reported to SBA's Office Credit Risk Management

(OCRM) by SBA's 7(A) Lenders, Certified Development Companies, Microloan Lenders, and Non-Lending Technical Assistance Providers. OCRM uses the information reported to facilitate its oversight and monitoring of these groups, including their overall performance on SBA loans and their compliance with the applicable program requirements.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

OMB Control Number: 3245–0365.

Title: SBA Lender Reporting Requirements.

Description of Respondents: SBA 7(A) Lenders, Certified Development Companies, Microloan Lenders, and Non-Lending Technical Assistance Providers.

Form Number: N/A.

Total Estimated Annual Responses: 2,300.

Total Estimated Annual Hour Burden: 21,000.

Curtis Rich,

Management Analyst.

[FR Doc. 2022–03508 Filed 2–17–22; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Meeting of the Advisory Committee on Veterans Business Affairs

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the date, time, and agenda for a meeting of the Advisory Committee on Veterans Business Affairs (ACVBA).

DATES: Thursday, March 3, 2022, from 9:00 a.m. to 4:00 p.m. EST.

ADDRESSES: Due to the coronavirus pandemic, the meeting will be held via Microsoft Teams using a call-in number listed below.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public; however advance notice of attendance is strongly encouraged. To RSVP and confirm attendance, the general public should email *veteransbusiness@sba.gov* with subject line—''RSVP for March 3, 2022, ACVBA Public Meeting.'' To submit a written comment, individuals should email *veteransbusiness@sba.gov* with subject line—''Response for March 3, 2022, ACVBA Public Meeting'' no later than Feb. 23, 2022, or contact Timothy Green, Deputy Associate Administrator, Office of Veterans Business Development (OVBD) at (202) 205–6773. Comments received in advanced will be addressed as time allows during the public comment period. All other submitted comments will be included in the meeting record. During the live meeting, those who wish to comment will be able to do so during the public comment period. Participants can join the meeting via computer at: *https://bit.ly/MarACVBA* or Dial-in at: 202–765–1264, Code: 620 730 395#.

Special accommodation requests should be directed to OVBD at (202) 205–6773 or *veteransbusiness@sba.gov.* Applicable documents will be posted on the ACVBA website prior to the meeting: *https://www.sba.gov/page/advisory-committee-veterans-business-affairs.* For more information on veteran-owned small business programs, please visit *www.sba.gov/ovbd.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Advisory Committee on Veterans Business Affairs. The ACVBA is established pursuant to 15 U.S.C. 657(b) note and serves as an independent source of advice and policy. The purpose of this meeting is to discuss efforts that support veteran-owned small businesses, updates on past and current events, and the ACVBA's objectives for fiscal year 2022.

Dated: February 14, 2022.

Andrienne Johnson,

Committee Management Officer.

[FR Doc. 2022–03529 Filed 2–17–22; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #17286 and #17287; Kentucky Disaster Number KY–00087]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Kentucky

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–4630–DR), dated 12/12/2021.

Incident: Severe Storms, Straight-line Winds, Flooding, and Tornadoes.

Incident Period: 12/10/2021 through 12/11/2021.

DATES: Issued on 02/14/2022.

Physical Loan Application Deadline Date: 03/14/2022.

Economic Injury (EIDL) Loan Application Deadline Date: 09/12/2022.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Kentucky, dated 12/12/2021, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 03/14/2022.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Barbara Carson,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2022–03550 Filed 2–17–22; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF STATE

[Public Notice: 11653]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Igshaan Adams: Desire Lines'' 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 ''Igshaan Adams: Desire Lines'' at the Art Institute of Chicago, in Chicago, Illinois, 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. 2022–03507 Filed 2–17–22; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 11659]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: ''Winslow Homer: Crosscurrents'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition ''Winslow Homer: Crosscurrents'' at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its 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. 2022–03490 Filed 2–17–22; 8:45 am]

BILLING CODE 4710–05–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36500]

Canadian Pacific Railway Limited; Canadian Pacific Railway Company; Soo Line Railroad Company; Central Maine & Quebec Railway US Inc.; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc.—Control—Kansas City Southern; The Kansas City Southern Railway Company; Gateway Eastern Railway Company; and The Texas Mexican Railway Company

AGENCY: Surface Transportation Board.

ACTION: Notice of availability of the Final Scope of Study for the Environmental Impact Statement.

SUMMARY: On October 29, 2021, Canadian Pacific Railway Limited, Canadian Pacific Railway Company, and their U.S. rail carrier subsidiaries Soo Line Railroad Company; Central Maine & Quebec Railway U.S. Inc.; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc. (collectively, CP) and Kansas City Southern, The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and The Texas Mexican Railway Company (collectively, KCS) filed an application with the Surface Transportation Board (Board) seeking the Board's approval of the acquisition of control by CP of KCS (Proposed Acquisition). The Proposed Acquisition has the potential to result in significant environmental impacts; therefore, the Board's Office of Environmental Analysis (OEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate to meet the Board's obligations under the National Environmental Policy Act (NEPA) and related laws, including Section 106 of the National Historic Preservation Act (NHPA). The purpose of this Notice is to inform stakeholders—including members of the public; elected officials; tribes; federal, state, and local agencies; and organizations—interested in or potentially affected by potential environmental and cultural impacts related to the Proposed Acquisition that the Final Scope of Study for the EIS is available.

FOR FURTHER INFORMATION CONTACT: Joshua Wayland, Office of Environmental Analysis, Surface Transportation Board, c/o VHB, 940 Main Campus Dr., Suite 500, Raleigh, NC 27606, or call OEA's toll-free number for the project at 1–888–319–2337. Assistance for the hearing impaired is available through the Federal Information Relay Service at 1–800–877–8339. The website for the Board is *https://www.stb.gov.* For further information about the Board's environmental review process and the EIS, you may also visit the Board-sponsored project website at *www.CP-KCSMergerEIS.com.*

SUPPLEMENTARY INFORMATION:

Background

On October 29, 2021, CP and KCS (collectively, the Applicants) filed an application with the Board under 49 U.S. Code (U.S.C.) 11323–25 seeking the Board's approval of the Proposed Acquisition. CP and KCS are two of the seven Class I railroads in the United States, which are the largest railroads, defined as having annual revenue greater than $250 million. CP is one of Canada's two major railroads, extending across the country and connecting east and west coast ports. In the U.S., CP connects to Buffalo and Albany, New York and Searsport, Maine. CP also runs south into the U.S. Midwest and connects with KCS in Kansas City, Missouri. The KCS network extends from Kansas City, Missouri to the Gulf Coast and into Mexico, operating across 10 states in the Midwest and Southeast. CP and KCS provide rail service for a variety of industries, including agriculture, minerals, military, automotive, chemical and petroleum, energy, industrial, and consumer products. CP and KCS are the two smallest Class I railroads, and the combined railroad would be the smallest Class I railroad by revenue.

Summary of the Board's Review Processes for This Proceeding

The Board will review the Proposed Acquisition through two parallel but distinct processes: (1) The transportation-related process that

examines the competitive, transportation, and economic implications of the Proposed Acquisition on the national rail system, and (2) the environmental process conducted by OEA that assesses the potential environmental effects of the Proposed Acquisition on the human and natural environment through the preparation of an EIS. Interested persons and entities may participate in either, or both, processes but if interested persons or entities are focused on potential environmental and historical impacts on communities, such as noise, vibration, air emissions, grade crossing safety and delay, emergency vehicle access, and other similar environmental issues, the appropriate forum is OEA's environmental review process. The statute setting forth the procedures for Board review of acquisitions at 49 U.S.C. 11325 and the Board's implementing regulations at 49 CFR 1180.4 (2000) require that the Board complete the process within approximately 15 months after the primary application is accepted for a ''major'' transaction such as this, and OEA must complete the environmental process before the Board decides whether to authorize the merger.

Environmental Review Process

On November 12, 2021, OEA issued a Notice of Intent (NOI) to inform interested agencies, tribes, and the public of its decision to prepare an EIS and to initiate the formal scoping process under NEPA (42 U.S.C. 4321–4370m–12) and the Section 106 consultation process under the NHPA (54 U.S.C. 306108). The NEPA process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on that proposal is made. OEA is responsible for ensuring that the Board complies with NEPA and related statutes, including Section 106 of the NHPA and Section 7 of the Endangered Species Act (16 U.S.C. 1536).

Purpose and Need

The Proposed Acquisition involves an application for Board authority under 49 U.S.C. 11323–25 for CP to acquire KCS. The Proposed Acquisition is not a federal government-proposed or sponsored project. Thus, the project's purpose and need is informed by both the Applicants' goals and the Board's enabling statute—the Interstate Commerce Act as amended by the ICC Termination Act, Public Law 104–188, 109 Stat. 803 (1996). See *Alaska Survival* v. *STB,* 705 F.3d 1073, 1084–85 (9th Cir. 2013).

According to the Applicants, the purpose of the Proposed Acquisition is to combine America's two smallest but fastest-growing Class I railroads to build a more efficient and competitive rail network. The Applicants state that the Proposed Acquisition would further the need for expanded and more capable and efficient transportation infrastructure while simultaneously advancing the interests of current and future customers in more reliable and economical rail transportation options serving important North-South trade flows. The Applicants also state that the Proposed Acquisition would generate environmental benefits by reducing truck transportation on highways in North America by more than 60,000 trucks annually, resulting in less congestion, less maintenance, and improved safety on those roads; as well as less noise pollution in the places where those trucks would have driven; and lowered air emissions, including greenhouse gas emissions. Under the Interstate Commerce Act, as amended, the Board ''shall approve and authorize a transaction'' such as this when, after considering several factors, ''it finds the transaction is consistent with the public interest.'' 49 U.S.C. 11324 (b) & (c).

Proposed Action and Alternatives

The proposed federal action in this proceeding is the Applicants' Proposed Acquisition of KCS by CP. If the Board authorizes the Proposed Acquisition, CP and KCS would combine to form an integrated system to be known as Canadian Pacific Kansas City (CPKC). The combination of these two railroads would be an end-to-end merger because the CP and KCS railroad networks do not overlap. The Proposed Acquisition would result in changes in rail traffic on portions of the combined rail network. Rail traffic would increase on certain rail line segments and would decrease on others. The largest change would occur on the CP mainline between Sabula, Iowa, and Kansas City, Missouri, which would experience an increase in rail traffic of approximately 14.4 additional trains per day, on average. Increases in activities at rail yards and intermodal facilities would also occur.

If the Board authorizes the Proposed Acquisition, the Applicants plan to make capital improvements within the existing rail right-of-way to support the projected increases in rail traffic. The capital improvements would include extending 13 existing passing sidings, adding 10 new passing sidings, adding approximately four miles of double track in Blue Valley near Kansas City, Missouri, and approximately five miles of facility working track adjacent to the International Freight Gateway intermodal terminal near Kansas City. The Applicants have stated that they would add the capital improvements only as needed based on increasing traffic and that design-level engineering for each capital improvement would only occur if and when the capital improvement is needed. The Applicants do not propose to construct any new rail lines subject to Board licensing or to abandon any rail lines as part of the Proposed Acquisition.

As discussed in the NOI, the Applicants initially informed OEA that they intended to add 11 new passing sidings as part of the Proposed Acquisition. Following the issuance of the NOI, however, the Applicants submitted information clarifying that one of the sidings, located near Brownsville, Minnesota, had been previously designed to accommodate projected increases in rail traffic unrelated to the Proposed Acquisition. The Applicants previously obtained a permit for the siding from the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (33 U.S.C. 1251–1387) (CWA), and the Corps conducted an environmental and historic review of the siding as part of the permitting process. Because the Brownsville siding is a preexisting proposed project, OEA has concluded that this capital improvement would not occur as a result of the Proposed Acquisition and, therefore, it would not be appropriate to assess the potential environmental impacts of the planned siding as part of the EIS for the Proposed Acquisition. Accordingly, the EIS will evaluate a total of 25 capital improvements. An interactive map showing the locations of those capital improvements is available on the Board-sponsored project website at *www.CP-KCSMergerEIS.com.*

Railroads have the right to increase efficiency by improving their rail lines and rerouting their traffic without seeking authority from the Board. Therefore, railroad capital improvements that are designed to improve operational efficiency (such as sidings, double tracking, and industry track) typically do not require Board authorization or environmental review by OEA. Where capital improvements are related to a proposed merger or acquisition requiring Board approval, OEA considers, as appropriate, the potential environmental impacts from such capital improvements on a case-by-case basis. In this case, the Applicants have stated that certain capital improvements would be necessary to accommodate the increase in rail traffic

that the Applicants expect would occur as a result of the Proposed Acquisition. Further, the Applicants have identified the location and general layout of these 25 planned capital improvements in sufficient detail to support an environmental review. Therefore, OEA will assess the potential impacts of the planned capital improvement projects, as appropriate, as part of the EIS.

The alternative to the Proposed Acquisition is the No-Action Alternative. The No-Action Alternative would occur if the Board were to deny authority for the Proposed Acquisition. Under the No-Action Alternative, CP would not acquire KCS and the projected changes in rail operations, rail yard activity, and intermodal facility activity would not occur. Rail traffic on rail lines and activities at rail yards and intermodal facilities could change to support regular railroad operations or as a result of changing market conditions, such as general economic growth, but would not change as a result of the Proposed Acquisition. Similarly, the Applicants would not construct the 25 planned capital improvement projects under the No-Action Alternative. However, CP and KCS could construct sidings, extend existing sidings, or add additional track within the rail right-of-way in the future without seeking Board authority if needed to support rail operations on their respective rail networks. Under the No-Action Alternative, none of the anticipated adverse or beneficial environmental impacts of the Proposed Acquisition would occur.

During the public comment period for the scoping process, the U.S. Environmental Protection Agency (EPA) recommended that the EIS assess alternatives for sidings, double tracking, and other new infrastructure components. OEA notes that potential locations for siding extensions, new sidings, and other capital improvements along the combined CPKC system are limited. The locations of the 13 planned siding extensions are determined by the locations of the existing sidings that would be extended, so no alternative locations can be considered. The locations of the 10 planned new sidings are based on system-wide requirements, including the need for sidings to be placed at regular intervals along the mainline. The start and end points of new sidings are also constrained by site-specific conditions, such as the curvature of the existing mainline. For example, the start and end points for passing sidings are generally placed on straight sections of track for operational reasons. OEA understands that the planned double tracking and the planned facility working track are intended to serve site-specific operational needs and could not be constructed in other locations to serve those needs. Further, because the capital improvements would be constructed only as needed if traffic were to increase, the final engineering and design of these improvements has not been completed to allow for comparison of alternatives that would differ in terms of final engineering and design (such as the final placement of switches or the locations of construction laydown areas).

Responsive Applications

Certain railroads have notified the Board that they may submit Responsive Applications for consideration by the Board. Responsive Applications are proposals that parties other than the Applicants file with the Board to request modifications or conditions to the primary application. After the Board receives any Responsive Applications, OEA will determine what, if any, environmental review would be required. If any environmental review would be required, that review would be conducted separately from the EIS for the Proposed Acquisition.

Summary of Scoping Process

The scoping process began on November 12, 2021, when OEA issued the NOI and published the NOI in the **Federal Register**. OEA also distributed the NOI to agencies, organizations, and tribes with jurisdiction or interest in areas where the Proposed Acquisition could result in environmental and cultural impacts, including along the CP and KCS mainlines from Chicago, Illinois to Sabula, Iowa and from Sabula, Iowa, to Laredo, Texas, where projected increased rail traffic resulting from the Proposed Acquisition would exceed the Board's thresholds for environmental review. OEA distributed the NOI via:

- Letters to local, state, and federal elected officials;
- Letters to community leaders, such as school principals, police and fire chiefs, library leadership, and religious leaders;
- Geotargeted online banner advertisements for minority and low-income populations;
- Letters to tribal governments and Tribal Historic Preservation Officers (THPOs);
- Letters to federal, state, and local agencies; and
- A press release to television stations, radio stations, and newspapers.

OEA held six online public scoping meetings during the scoping period. To promote participation in the meetings, OEA published meeting information in the NOI and circulated information to elected officials (federal, state, and local) and local community leaders through direct mail and email. OEA also used Google banner advertisements to advertise the public scoping meetings in minority and low-income communities.

Project information was and continues to be available for public review on the Board-sponsored project website and the online meeting room. OEA considered all comments equally no matter how comments were received, and it was not necessary to attend an online public meeting to provide scoping comments. Public scoping meeting participants had the option to deliver their oral comments during the meeting. Interested parties were encouraged to file their written scoping comments electronically on the Board's website, *https://www.stb.gov,* or through the Board-sponsored project website at *www.CP–KCSMergerEIS.com.* Scoping comments could also be submitted by mail. All comments submitted during scoping are available to the public on the Board's website and OEA has added commenters' email addresses to its email distribution list.

The deadline for submitting comments regarding the scope of the EIS was originally set for December 17, 2021. However, based on requests from the public, OEA extended the comment period to January 3, 2022. In total, OEA received 492 comments, 49 of which were oral comments at the public scoping meetings and 443 of which were written comments, between November 12, 2021 and the end of the scoping comment period on January 3, 2022.

OEA has and will continue to update and monitor the Board-sponsored project website, project email inbox, and toll-free information phone line throughout the environmental review process to provide current project information.

Summary of Scoping Comments

- *Environmental Review Process:* Commenters requested an extension of the scoping comment period, an extended comment period on the Draft EIS, an extension of the Board's oversight period of the Proposed Acquisition, and that OEA publish a draft Scope of Study for the EIS. As discussed above, OEA extended the scoping comment period in response to requests from commenters. Requests for other extensions will be considered if filed at the appropriate time. Regarding the issuance of a draft Scope of Study, the Board's regulations at 49 CFR

1105.10(a)(2) only require the issuance of an NOI with a description of the proposed action and a request for written comments on the scope of the EIS. The NOI and public involvement and agency consultation materials that OEA issued in this case provided the list of topics that the EIS might address and, therefore, the public and agencies had information necessary to provide comments regarding the scope of the EIS.

Commenters requested that the EIS consider projected changes in rail operations extending at least 10 years after authorization of the Proposed Acquisition. Consistent with past practice, OEA will assess impacts related to changes in rail operations projected over five years from the authorization of the Proposed Acquisition because five years is not too long to produce reasonable and reliable freight rail forecasts. The 10-year projections recommended by commenters, however, would be too long to produce reasonable estimates.

• *Proposed Action and Alternatives:* Commenters requested that OEA consider reasonable alternatives to the Proposed Acquisition. As discussed above, the EIS will evaluate the Proposed Acquisition and the No-Action Alternative.

• *Freight Rail Capacity and Safety:* Commenters requested that the EIS evaluate potential public health and safety impacts that could be associated with the accidental release of oil and other hazardous substances that could be transported on the combined network. Commenters expressed concerns about safety, citing their understanding of CP's safety record, specific incidents, and the potential for derailments. Commenters requested that the Board impose mitigation measures to address rail safety, including measures requiring reduced train speeds and preventative measures for reducing the risk of derailments. Commenters requested additional information regarding the potential changes in operations that could occur as a result of the Proposed Acquisition, including changes to lengths of trains, and questioned some data provided by the Applicants regarding operations changes, including the projected number of trains per day and the projected volumes of oil and other hazardous materials that trains operating on the combined network could transport. The EIS will provide additional available information regarding potential changes in operations, will disclose the potential impacts of those changes on freight rail capacity and safety, and will consider potential appropriate mitigation measures to address impacts related to freight rail capacity and safety.

• *Passenger Rail Capacity and Safety:* Commenters expressed concern regarding increased delays and service impacts to passenger rail service, such as the Metra commuter rail service. As described below in the Final Scope, the EIS will address passenger rail capacity and safety, including impacts to commuter rail, and will consider potential appropriate mitigation measures to address impacts related to passenger rail capacity and safety.

• *Roadway/Rail At-Grade Crossing Safety and Delay:* Commenters expressed concern regarding the increased number and length of trains causing traffic delays and delays to emergency services. Commenters recommended that the EIS estimate the impact of the Proposed Acquisition on extended blockages at each crossing, develop mitigation to address those impacts, and then measure the actual changes using gate monitoring during the Board's oversight period if the Board authorizes the Proposed Acquisition. Commenters expressed concern about trains using the new sidings and blocking access to roads, public land access, and private driveways (including delays for emergency response services). Commenters expressed concern regarding decreased safety for drivers, pedestrians, and bicyclists as a result of projected increased train traffic at grade crossings. Commenters also expressed concern regarding increased delays at grade crossings blocking access to important economic activities, recreational facilities, and schools. Commenters requested that OEA consider mitigation measures, such as grade separations, to address impacts associated with increased rail traffic at grade crossings. As described below in the Final Scope, the EIS will address grade crossing safety and delay impacts and will consider potential appropriate mitigation measures to address impacts related to grade crossing safety and delay.

• *Traffic and Roadway Systems:* Commenters requested additional information regarding truck traffic increases at intermodal facilities and requested that the analysis of traffic operations include a morning, afternoon/evening, and off-peak period analysis. As described below in the Final Scope, the EIS will address traffic and roadway system impacts and will consider potential appropriate mitigation measures to address impacts related to traffic and roadway systems.

• *Noise:* Commenters recommended that the impact of noise and vibration on people and animals living in proximity to the rail lines be considered. Commenters expressed concern about their communities experiencing negative impacts from increased train noise. Commenters also expressed concern regarding vibrations damaging utilities, roadways, and buildings in their communities. Commenters recommended mitigation measures for noise impacts on their communities, including quiet zone restrictions, idling policies, gate crossing policies, and horn policies. As described below in the Final Scope, the EIS will address noise and vibration impacts and will consider potential appropriate mitigation measures to address impacts related to noise and vibration.

• *Air Quality and Climate Change:* Commenters expressed concern regarding potential air quality impacts on human health, communities, and wildlife due to emissions from locomotives, vehicles delayed at at-grade crossings, and from activities at rail yards and intermodal facilities. Commenters recommended that the EIS evaluate the short- and long-term emissions and associated potential health impacts using best available methods, particularly in areas with special air quality protections and areas where vulnerable community are located. Commenters also recommended a ''hotspot'' analysis be conducted at rail yards, intermodal terminals, grade crossings, junctions, and other places of concentrated rail activity. Commenters further requested that the EIS consider measures to reduce air emissions, such as vegetative barriers, staging zones, and using electric switching locomotives. Commenters requested that the EIS evaluate the potential air quality benefits of the Proposed Acquisition. Commenters requested that OEA evaluate the impact of the Proposed Acquisition on climate change in terms of greenhouse gas emissions and consider climate change resiliency and adaptation measures or plans to ensure that infrastructure would maintain structural integrity under changing climate conditions. The Final Scope reflects that the EIS will consider beneficial and adverse impacts related to air quality and climate change, as well as potential appropriate mitigation measures to address air quality and climate change impacts.

• *Energy:* Commenters expressed concern that the Proposed Acquisition could increase rail transportation of crude oil. As described below in the Final Scope, the EIS will analyze the

effect of the Proposed Acquisition on the transportation of energy resources and will consider potential appropriate mitigation measures to address impacts related to energy.

• *Cultural Resources:* Commenters expressed concern that the 25 planned capital improvements could affect cultural resources. Commenters recommended consultation with tribal governments and THPOs regarding the Proposed Acquisition. Commenters expressed concerns regarding vibration impacts to historic districts, sites, and landmarks. The Final Scope reflects that the EIS will consider impacts on cultural resources, as well as potential appropriate mitigation measures to address impacts on cultural resources.

• *Natural Resources (Water Resources and Biological Resources):* Commenters expressed concerns regarding impacts from increased train traffic, including noise and vibration impacts, and impacts from the use of chemical and herbicides along the rail right-of-way on wildlife and vegetation, including migratory birds, forest preserve assets, and threatened and endangered species. Commenters recommended that OEA consult with the U.S. Fish and Wildlife Service, state natural resources departments, and regional and local wildlife experts regarding impacts on wildlife and vegetation and appropriate mitigation measures, potentially including wildlife crossings, methods to prevent the spread of invasive species, and alternative management practices to limit herbicide use. The Final Scope reflects that the EIS will consider impacts on wildlife and vegetation, as appropriate.

Commenters recommended that the EIS identify impacts on water resources, including wetlands, and discuss compliance with Sections 404, 402, and 303(d) of the CWA. Commenters expressed concern that increased rail traffic could worsen existing impacts related to rail operation, such as by increasing structural fatigue and maintenance costs for water crossings, increasing the potential for harmful runoff from the rail right-of-way, and increasing the risk of derailments or spills that could affect water quality. The Final Scope reflects that the EIS will consider potential impacts on water resources, as well as potential appropriate mitigation measures to address impacts on water resources.

• *Environmental Justice:* Commenters expressed concerns regarding potentially disproportionate impacts on minority and low-income populations, including impacts from increased rail traffic and increased activity at rail yards and intermodal facilities on economic advancement, business development, healthcare and pharmacy access, commute times, education access, and food access in minority and low-income communities. Commenters recommended expanded outreach to minority and low-income populations, including multilingual outreach to impacted communities.

Commenters suggested mitigation measures for environmental justice communities living adjacent to the tracks and near rail yards to protect their health, including air quality monitoring and air filters in schools. As described below in the Final Scope, the EIS will address environmental justice impacts and will recommend potential appropriate mitigation measures to address disproportionately high and adverse impacts on environment justice communities.

• *Cumulative Impacts:* Commenters expressed concern that cumulative impacts from the Proposed Acquisition and other projects and activities could result in impacts on people, communities, and the environment, including impacts related to increased noise, increased air pollution, decreased economic activity, and decreased safety. As described below in the Final Scope, the EIS will address cumulative impacts, as appropriate.

Based on the comments received and OEA's own analysis, OEA has prepared the Final Scope of Study for the EIS, which is detailed below.

Final Scope

Environmental Impact Analysis

The EIS will address proposed activities and their potential environmental impacts, as appropriate. OEA will evaluate only the potential environmental impacts of operational and physical changes that are related to the Proposed Acquisition.

The scope of the analysis will include the following types of activities:

1. Anticipated changes in level of operations on rail lines (for instance, an increase in average number of trains per day) for those rail line segments that meet or exceed the Board's thresholds for environmental review in 49 CFR 1105.7(e).

2. Expected changes in activity at rail yards and intermodal facilities to the extent such changes may exceed the Board's thresholds for environmental analysis in 49 CFR 1105.7(e).

3. Planned capital improvements, including new sidings, siding extensions, and installation of double track and industry track.

Based on OEA's initial screening of topics pertinent to the Proposed Acquisition and on the fact that no comments were received on the topics of land use, recreation, geology, soils, and aesthetics, the Draft EIS will not analyze these topics.

Environmental Impact Categories

The EIS will analyze potential impacts of the Proposed Acquisition on the environment, including the areas of: freight and passenger rail capacity and safety, including hazardous materials transport safety; roadway/rail at-grade crossings, including safety, delay, and emergency response delay; transportation systems; noise; air quality and climate change; energy; cultural resources; hazardous waste sites; natural resources, water resources, and navigation; environmental justice; and cumulative impacts as described below.

1. Freight and Passenger Rail Capacity and Safety

The EIS will:

A. For rail line segments on which rail traffic is projected to meet or exceed the Board's thresholds for environmental review as a result of the Proposed Acquisition, describe projected freight rail operations and analyze the potential for increased probability of train accidents including derailments, as appropriate.

B. For rail line segments with existing passenger rail traffic and a projected average increase of one or more freight trains per day, describe projected passenger rail operations and analyze the potential for increased probability of train accidents including derailments, as appropriate.

C. Determine adequacy of freight rail capacity.

D. For rail line segments with existing passenger rail traffic and a projected increase of one or more freight trains per day, determine adequacy of existing and proposed passenger rail capacity and any impacts to passenger rail service.

E. Identify hazardous materials that would be transported on the combined network, the materials and quantity; the projected frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the Applicants' safety record on derailments, accidents, and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

F. Describe the Applicants' emergency management or emergency response plans.

2. Roadway/Rail At-Grade Crossing Safety and Delay

The EIS will:

A. For all roadway/rail at-grade crossings on rail line segments where increased traffic would exceed applicable thresholds for environmental review, describe the existing crossing delay and analyze the potential for an increase in delay related to the proposed rail operations, as appropriate.

B. For all roadway/rail at-grade crossings on rail line segments where projected increases in rail traffic would exceed applicable thresholds for environmental review, describe the probability of vehicle accidents, as appropriate.

C. For the 25 planned capital improvements, evaluate the potential for trains stopped on sidings to block roadway/rail at-grade crossings.

D. Evaluate the potential for disruption and delays to the movement of emergency vehicles.

3. Traffic and Roadway Systems

The EIS will:

A. Describe the effects of the Proposed Acquisition on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that would be diverted to other transportation systems or modes because of the Proposed Acquisition.

B. Describe potential diversions of freight traffic from trucks to rail and from rail to trucks that would occur as a result of the Proposed Acquisition, as appropriate.

C. Analyze increased truck traffic to and from intermodal facilities where the Proposed Acquisition would result in an increase of 50 or more trucks per day or a 10 percent increase in ADT on affected roadways.

4. Noise

The EIS will:

A. For rail line segments, analyze noise impacts where an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains per day is projected to occur as a result of the Proposed Acquisition.

B. For rail yards, analyze noise impacts where an increase in rail yard activity of at least 100 percent (measured by carload activity) is projected to occur.

C. For intermodal facilities, analyze noise impacts where an average increase in truck traffic of more than 10 percent of the ADT or 50 vehicles per day on any affected road segment is projected to occur.

D. Analyze noise and vibration impacts resulting from the 25 planned capital improvements, as appropriate.

E. If any of the thresholds above would be exceeded, determine whether the Proposed Acquisition would cause:

i. An incremental increase in noise levels of three decibels (dB) day-night average sound level (Ldn) or more; and

ii. An increase to a noise level of 65 dB Ldn or greater. If so, identify sensitive receptors (*e.g.,* schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

5. Air Quality and Climate Change

The EIS will:

A. Quantify air emissions in areas where the Proposed Acquisition would result in:

i. An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of rail line affected by the proposal, or

ii. An increase in rail yard activity of at least 100 percent (measured by carload activity), or

iii. An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles per day on any affected road segment.

B. If the Proposed Acquisition would affect Class I or nonattainment areas under the Clean Air Act, quantify air emissions where the Proposed Acquisition would result in:

i. An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains per day on any segment of rail line,

ii. An increase in rail yard activity of at least 20 percent (measured by carload activity), or

iii. An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles per day on a given road segment.

C. State whether any expected increased emissions are within the parameters established by the applicable State Implementation Plan.

D. Discuss potential air emissions increases from vehicle delays at roadway/rail at-grade crossings where the crossing is projected to experience a change in rail traffic arising from the Proposed Acquisition that would exceed the threshold described above.

E. Evaluate the air emissions and air quality impacts from potential changes in operation of trains and changes in truck traffic that would result from the Proposed Acquisition, including potential greenhouse gas emissions, as appropriate.

F. Analyze the potential impacts of climate change on the 25 planned capital improvements.

6. Energy

The EIS will:

A. Describe the effect of the Proposed Acquisition on transportation of energy resources.

B. Describe the effect of the Proposed Acquisition on recyclable commodities.

C. State whether the Proposed Acquisition would result in an increase or decrease in overall energy efficiency and explain why.

7. Cultural Resources

For the 25 planned capital improvements, the EIS will:

A. Identify historic buildings, structures, sites, objects, or districts eligible for listing on or listed on the National Register of Historic Places (National Register) within the Area of Potential Effect (APE).

B. In consultation with federally recognized tribes participating in the Section 106 process, identify properties of traditional religious and cultural importance to tribes and prehistoric or historic archaeological sites evaluated as potentially eligible, eligible, or listed on the National Register (archaeological historic properties) within the APE and analyze potential project-related impacts to them, including indirect visual effects.

8. Hazardous Waste Sites

For the 25 planned capital improvements, the EIS will:

A. Identify known hazardous waste sites or sites where there have been known hazardous materials spills within 500 feet of the capital improvement locations, identify the location of those sites and the types of hazardous waste involved.

9. Natural Resources

For the 25 planned capital improvements, the EIS will:

A. Based on consultation with the U.S. Fish and Wildlife Service, state whether the Proposed Acquisition would be likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

B. State whether the Proposed Acquisition would affect wildlife sanctuaries, refuges, or rearing facilities; national or state parks, forests, or grasslands; critical, unique, or high-value habitats that support threatened or endangered species; and riparian habitats and describe any effects.

C. Evaluate the existing biological resources within the project area,

including vegetative communities, wildlife, fisheries, wetlands, and federally and state-listed threatened and endangered species (including candidate species).

10. Water Resources

A. For the existing mainline, the EIS will, identify any movable-span bridges that an increase in trains per day might affect.

B. For the 25 planned capital improvements, the EIS will:

i. State whether the Proposed Acquisition would be consistent with applicable federal, state, or local water quality standards and describe any inconsistencies.

ii. State whether the capital improvements would require permits under Section 404 of the CWA and whether any designated wetlands or 100-year floodplains would be affected.

iii. State whether the capital improvements would require permits under Section 402 of the CWA.

iv. Describe the existing surface water and groundwater resources within the project area, including lakes, rivers, streams, stock ponds, wetlands, and floodplains.

v. Evaluate potential impacts from the Proposed Acquisition on the aquatic habitat environment and fish, including the potential effects of stream-crossing structures (*i.e.,* culverts and bridges) on fish passage.

vi. Consider the potential impacts on groundwater and surface water quality, including 303(d) listed impaired surface waters, from the capital improvements.

vii. Evaluate potential alterations of stream morphology and surface water and groundwater movement and flow from the presence of culverts, bridges, and rail embankments for each capital improvement.

viii. Identify existing navigable waterways within the project area.

11. Environmental Justice

The EIS will:

A. Evaluate whether the Proposed Acquisition would adversely or beneficially affect low-income or minority populations.

B. Conduct enhanced outreach efforts to environmental justice populations.

C. Identify potentially high and adverse impacts to minority and low-income populations.

D. Determine whether those impacts are disproportionately borne by minority and low-income populations.

12. Cumulative Impacts

The EIS will:

A. Evaluate the cumulative and incremental impacts of the Proposed Acquisition when added to other past, present, and reasonably foreseeable future actions in the project area, as appropriate.

13. Mitigation Measures

The EIS will:

A. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Decided: February 15, 2022.

By the Board, Danielle Gosselin, Acting Director, Office of Environmental Analysis.

Brendetta Jones,

Clearance Clerk.

[FR Doc. 2022–03579 Filed 2–17–22; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2022–0134; Summary Notice No. 2022–12]

Petition for Exemption; Summary of Petition Received; Columbia Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before March 10, 2022.

ADDRESSES: Send comments identified by docket number FAA–2022–0134 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass (202) 267–4713, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Timothy R. Adams,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2022–0134.

Petitioner: Columbia Helicopters.

Section(s) of 14 CFR Affected: §§ 91.205(h)(7) and 91.9(a).

Description of Relief Sought: Columbia Helicopters, Inc. petitions for relief from §§ 91.205(h)(7) and 91.9(a). This relief would allow Columbia Helicopters, Inc. to conduct night firefighting operations using night vision goggles, pilot training for Part 135 helicopter operations conducted under a Department of Defense (DoD) contract, and pilot training for FAA Safety Inspectors, with radar (radio) altimeters that are not functioning normally due to interference from wireless broadband 5G C-Band emissions.

[FR Doc. 2022–03586 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on a Proposed Release of Airport Property for Non-Aeronautical Use at Pocahontas Municipal Airport, Pocahontas, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a request from Pocahontas Municipal Airport to release approximately 3.257 acres of airport property located on Patrick Drive on the eastern portion of the Airport property as shown on the approved Airport layout Plan (ALP).

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

ADDRESSES: Send comments on this document to Mr. Glenn Boles, Federal Aviation Administration, Arkansas/Oklahoma Airports District Office Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Mr. Danny Ellis, Chairman, Pocahontas Municipal Airport Commission, P.O. Box 896, Pocahontas AR 72455, telephone 870–248–1141; or Mr. Glenn Boles, Federal Aviation Administration, Arkansas/Oklahoma Airports District Office Manager, 10101 Hillwood Parkway, Fort Worth, TX 76177, telephone (817) 222–5630. Documents reflecting this FAA action may be reviewed at the above locations.

SUPPLEMENTARY INFORMATION: The proposal consists of 3.257 acres of airport property (Tract 2) located on the Southeast quadrant of Section 34, Township 19 North Range 1 East, Randolph County, Arkansas which was part of 368.36 acres of land that was conveyed to the City of Pocahontas via a Quitclaim Deed dated April 17, 1947, by the United States of America acting by and through the War Assets Administrator under the provisions of the Surplus Property Act of 1944. This portion of land is outside the forecasted need for aviation development and is not needed for indirect or direct aeronautical use. A release for the adjoining property was obtained through a deed of release dated February 16, 1966, the Airport now wishes to sell the land to the adjoining property owner. Income from the conversion of this parcel will benefit the aviation community by reinvestment in the airport. Approval does not constitute a commitment by the FAA to financially assist in the conversion of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the conversion of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

Issued in Fort Worth, TX, on February 14, 2022.

Ignacio Flores,

Director, Airports Division, FAA, Southwest Region.

[FR Doc. 2022–03553 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2022–0211]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Aviation Insurance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves obtaining basic information from new aviation insurance applicants about eligible aviation insurance applicants needed to establish a legally binding, non-premium insurance policy with the FAA, as requested by another Federal agency, such as the applicants name and address, and the aircraft to be covered by the policy. The information collected will be used to determine whether applicants are eligible for Chapter 443 insurance and the amount of coverage necessary; populate non-premium insurance policies with the legal name and address; and meet conditions of coverage required by each insurance policy. As a condition of coverage, air carriers will be required to submit any changes to the basic information initially submitted on the application, as necessary. Air carriers will also be responsible for providing a copy of their current commercial insurance policy on an ongoing basis, and aircraft registration and serial numbers for any new aircraft the air carrier would like to add to the policy. This information will form part of a legally binding agreement (*i.e.,* insurance policy) between the FAA and air carrier. Failure to provide this updated information could result in lack or denial of coverage.

DATES: Written comments should be submitted by April 15, 2022.

ADDRESSES: Please send written comments:

By Electronic Docket: *www.regulations.gov* (Enter docket number into search field)

By mail: James Poe, 4848 Lambs Knolls Rd., Boonsboro, MD 21713

By fax: 301–432–7901

FOR FURTHER INFORMATION CONTACT: James Poe by email at: *James.Poe@faa.gov;* phone: 301–432–3196.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0514.

Title: Aviation Insurance.

Form Numbers: 2120–0514.

Type of Review: Renewal of an information collection.

Background: Title 49 U.S.C. 44305 authorizes the Administrator of the Federal Aviation Administration, acting pursuant to a delegation of authority from the Secretary of Transportation, to provide aviation insurance at the request of another Federal agency, without premium, provided that the head of the Federal agency agrees to indemnify the FAA from loss.

The FAA Non-Premium Aviation War Risk Insurance Program offers war risk coverage, without premium, to air carriers at the request of DoD and other Federal agencies. DoD and other Federal agencies rely on the FAA to provide aviation war risk insurance to contracted air carriers supporting mission objectives and operations that is not available commercially on reasonable terms and conditions. Air carriers never insured under the FAA Non-Premium War Risk Insurance

Program must submit an application before the FAA can provide coverage.

Respondents: The FAA currently insure 31 U.S. air carriers through its Non-Premium Aviation Insurance Program at the request of other Federal agencies. We estimate the addition of one new air carrier to the program each year. In addition, air carriers insured will be required to provide and update information on an ongoing basis as a condition of insurance coverage and to remain eligible for insurance policy renewals.

Frequency: The initial application for insurance is required only from air carriers that have not previously received aviation insurance from the FAA. We estimate one new air carrier will need to submit an application annually; 6 insured air carriers will need to update basic information submitted on their initial application, such as business name and/or address, annually; 31 insured air carriers will be required to provide one commercial insurance policy to the FAA annually by uploading an electronic image into the FAA's Aviation Insurance Data Management System (AIDMS) annually; and 31 insured air carriers will need to update their Schedule of Aircraft with aircraft registration data adding and removing a total of 550 aircraft to or from AIDMS, annually.

Estimated Average Burden per Response: Initial Application—4 hours; Commercial Policy Submission—10 minutes; Business Information Update—5 minutes; and Aircraft Schedule Update—2 minutes per aircraft.

Estimated Total Annual Burden: 28 hours.

Issued in Washington, DC, on February 14, 2022.

James W. Poe, III,

Program Manager, Aviation Insurance, Command and Control Communications (C3) Division (AXE–400), Office of National Security Programs and Incident Response, Federal Aviation Administration.

[FR Doc. 2022–03486 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No.: FAA–2022–0112; Summary Notice No. 2022–11]

Petition for Exemption; Summary of Petition Received; Longhorn Helicopters, Inc. dba, Helicopter Institute

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion nor omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before March 10, 2022.

ADDRESSES: Send comments identified by docket number FAA–2022–0112 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *https://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alphonso Pendergrass (202) 267–4713, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Timothy R. Adams,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2022–0112.

Petitioner: Longhorn Helicopters, Inc. dba Helicopter Institute.

Section(s) of 14 CFR Affected: §§ 91.205(h)(7) and 91.9(a).

Description of Relief Sought: Longhorn Helicopters, Inc. dba, Helicopter Institute (HI) petitions, for an exemption for relief from §§ 91.205(h)(7) and 91.9(a). This relief would allow HI to provide pilot training using night vision goggles for Part 135 helicopter operators, including helicopter air ambulance operators, FAA Safety Inspectors, and law enforcement entities, with radar (radio) altimeters that are not functioning normally due to interference from wireless broadband 5G C-Band emissions.

[FR Doc. 2022–03544 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 2022–0176]

Agency Information Collection Activities: Requests for Comments; Clearance of Renewal Approval of Information Collection 2120–0776, Airspace Authorizations in Controlled Airspace

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew Information Collection 2120–0776. The purpose of this notice is to allow 60 days for public comment. The FAA proposes collecting information related to requests made to operate Unmanned Aircraft Systems (UAS) in controlled airspace. FAA will use the collected information to make determinations whether to authorize or deny the requested authorization of UAS operation in controlled airspace. The proposed information collection is necessary to issue such authorizations or denials consistent with the FAA's mandate to ensure safe and efficient use of national airspace.

DATES: Written comments should be submitted by April 19, 2022.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field)

By mail: Atlantic City International Airport, FAA William J. Hughes Technical Center, Bldg. 316, Column I, Desk 4S409, Atlantic City, NJ 08405.

By fax: 202–493–2251.

FOR FURTHER INFORMATION CONTACT: Victoria Gallagher by email at: *Victoria.Gallagher@faa.gov;* phone: 609–485–5127.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0776.

Title: Airspace Authorizations in Controlled Airspace under 49 U.S.C. 44809(a)(5).

Form Numbers: There are no forms associated with this collection.

Type of Review: Renewal of existing Information Collection.

Background: There has been an increased number of small Unmanned Aircraft Systems (UAS) operating in the National Air Space (NAS) in recent years and regulations and statutes have been enacted to establish the use of small UAS in the NAS. Included in these is 49 U.S.C. 44809(a)(5), which states that a strictly recreational user of small UAS must have authorization from the FAA to fly a small UAS ''in Class B, Class C, or Class D airspace or within the lateral boundaries of the surface areas of Class E airspace designated for an airport.'' In order to process airspace authorization requests, the FAA requires the operator's name, the operator's contact information, and information related to the date, place, and time of the requested authorization, which can be up to twelve hours in length. This information is necessary for the FAA to meet its statutory mandate of maintaining a safe and efficient national airspace. See 49 U.S.C. 40103, 44701, and 44807. The FAA will use the requested information to determine if the proposed authorization to operate can be conducted safely.

The FAA proposes to use the Low Altitude Authorization and Notification Capability (LAANC) and a web portal to process authorization requests from the public to conduct flight operations pursuant to 49 U.S.C. 44809(a)(5).

Respondents: Small UAS operators seeking to conduct flight operations under 49 U.S.C. 44809(a)(5) within controlled airspace. Between 2022–2025, the FAA estimates that it will receive a total of 757,380 requests for airspace authorization (735,416 through LAANC and 21,964 through the web portal).

Frequency: The requested information is necessary each time a respondent requests an airspace authorization to operate a small UAS under 49 U.S.C. 44809(a)(5) in controlled airspace.

Estimated Average Burden per Response: The FAA estimates the respondents using LAANC will take five (5) minutes per airspace authorization request and those using the web portal will take thirty (30) minutes per request.

Estimated Total Annual Burden: For airspace authorizations, the FAA estimates that the average annual burden will be 24,007 burden hours. This includes 20,346 burden hours for 245,139 LAANC respondents and 3,661 burden hours for 7,321 web portal respondents.

Issued in Washington, DC, on February, 14, 2022.

Victoria Gallagher,

sUAS LAANC Program Manager, FAA Air Traffic Organization, AJM–337.

[FR Doc. 2022–03506 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2021–0018]

Notice of Intent To Prepare an Environmental Impact Statement for a Proposed Highway Project; Cities of Chesapeake and Suffolk, Virginia

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: FHWA, in coordination with the Virginia Department of Transportation (VDOT), is issuing this notice of intent to solicit comment and advise the public, agencies, and stakeholders that an Environmental Impact Statement (EIS) will be prepared to study potential improvements to seven miles of Interstate 664 (I–664) and the Bowers Hill Interchange area at the confluence of I–664, I–64, I–264, U.S. Route 460, U.S. Route 58, U.S. Route 13 and Jolliff Road in the cities of Chesapeake and Suffolk, Virginia. Persons or agencies who may be affected by the proposed project are encouraged to comment on the information in this notice and the Supplementary Notice of Intent Document. All comments received in response to this Notice of Intent Document will be considered and any information presented herein, including the preliminary purpose and need, preliminary alternatives and identified impacts, may be revised in consideration of the comments.

DATES: Comments must be received by March 21, 2022.

ADDRESSES: This Notice of Intent (NOI) and the Supplementary NOI Document are available in the docket referenced above at *http://www.regulations.gov* and on the project website located at *www.bowershillinterchange.com.* The Supplementary NOI Document also will be mailed upon request. Interested parties are invited to submit comments by any of the following methods:

Website: For access to the documents, go to the Federal eRulemaking Portal located at *http://www.regulations.gov* or the project website located at *www.bowershillinterchange.org.* Follow the online instructions for submitting comments.

Fax: 804–775–3356.

Mailing address or for hand delivery or courier: Federal Highway Administration, 400 North 8th Street, Suite 750, Richmond, Virginia 23219.

Email address: Eric.Rothermel@dot.gov.

All submissions should include the agency name and the docket number that appears in the heading of this Notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. A summary of the comments received will be included in the Draft EIS.

FOR FURTHER INFORMATION CONTACT: FHWA: Eric Rothermel, Environmental Protection Specialist, Federal Highway Administration—Virginia Division, 400 North 8th Street, Suite 750, Richmond, VA 23219–4825; email: *Eric.Rothermel@dot.gov;* 804–775–3347. VDOT: Scott Smizik, Assistant Environmental Division Director, Virginia Department of Transportation, 1401 East Broad Street, Richmond, VA, 23219; email: *Scott.Smizik@vdot.virginia.gov;* 804–371–4082.

SUPPLEMENTARY INFORMATION: It is important to note that the FHWA and VDOT are committed to public involvement in this project. All public

comments received in response to this notice will be considered and potential revisions made to the information presented herein as appropriate. The environmental review of transportation improvement alternatives for the Bowers Hill Interchange area and approximately seven miles of I–664 will be conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*), 23 U.S.C. 139, Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500–1508), FHWA regulations implementing NEPA (23 CFR 771.101–771.139) and all applicable Federal, State, and local governmental laws and regulations.

Background. In 2017, the Hampton Roads Transportation Accountability Commission (HRTAC) designated funding to study the Bowers Hill Interchange and included it as a priority project. FHWA and VDOT proceeded with an Environmental Assessment (Bowers Hill EA) in February 2018 that included a study area limited to the Bowers Hill Interchange area, located at the junction of Interstates 664, 264, and 64, in addition to Route 13/58/460 and Jolliff Road in Chesapeake, Virginia.

The Bowers Hill EA, which was subject to Virginia's NEPA/Section 404 Merged Process Agreement (merged process), evaluated two alternatives in addition to a no-build scenario—Alternative 1, which analyzed eastbound and westbound braided ramps; and Alternative 2, which considered full reconstruction of the Bowers Hill Interchange.

Consistent with the merged process, Cooperating Agencies with a concurring role concurred upon Environmental Analysis Methodologies, Purpose and Need, and a Range of Alternatives. In April 2019, FHWA approved the Bowers Hill EA for public availability. A public hearing was held on May 9, 2019. It is important to note that the concurring role in the merged process has coordination points for the Cooperating Agencies. These coordination points are intended to signify that the information is sufficient for each agency's purposes in the fulfillment of their respective statutory requirements. The concurring roles at these points does not signify that public comments will not be considered, and changes made as a result of such consideration.

In early 2020, the Hampton Roads Transportation Planning Organization, in consultation with VDOT and HRTAC, formally expanded the study area to include seven additional miles north along I–664 to the College Drive Interchange and expanded the scope of the study to consider planned and existing express lanes in the region. The outcome of this expansion was an acknowledgement that the new scope of study could result in a significant impact on the human environment. Based on these actions, VDOT did not pursue a NEPA decision on the Bowers Hill EA, but instead began to plan pre-Notice of Intent (NOI) activities to support what was assumed would be an EIS for the expanded scope.

The following information provided in the NOI is supplemented with more detail in the Supplemental NOI Document.

(a) The Preliminary Purpose and Need for the Proposed Action

The purpose of the Bowers Hill Study is to reduce current congestion, improve travel reliability, and provide additional travel choice on I–664 from and including the Bowers Hill Interchange to College Drive.

The following needs have been identified for the study:

- Reduce Congestion—current and future travel demand exceed capacity that causes congestion and gridlock on I–664 in the study area;
- Improve Travel Reliability—current and future congestion will increase travel time while reducing the reliability of trips on I–664 in the study area; and
- Provide Additional Travel Choice—current and future lack of roadway travel choices exacerbates congestion and reduces travel reliability.

The preliminary Purpose and Need was developed with agency coordination and public input, as described in section e; see the Supplemental NOI Document for details on the development of the Purpose and Need. The U.S. Environmental Protection Agency (USEPA) and the U.S. Army Corps of Engineers (USACE) concurred with the preliminary Purpose and Need in December 2020. Agencies and the public are invited to comment on the Purpose and Need. The Purpose and Need statement and supporting documentation, including data and public input summary, will be available in the Draft EIS. The Purpose and Need may be revised based on comments received during the comment period on this notice.

(b) A Preliminary Description of the Proposed Action and Alternatives the Environmental Impact Statement Will Consider

The proposed action is anticipated to include improvements to the Bowers Hill Interchange and approximately seven miles of I–664 in the cities of Chesapeake and Suffolk, Virginia. Agencies and the public are invited to comment on the Range of Alternatives for the proposed action. Additional information on the Range of Alternatives is in the Supplementary NOI Document. The Range of Alternatives proposed to be considered in the EIS are the following:

No-Build

In accordance with the Council on Environmental Quality's regulations implementing NEPA (40 CFR 1502.14(c)), the No-Build Alternative will be retained for detailed study and will serve as a benchmark for comparison with the build alternatives. The No-Build Alternative would retain the existing configuration of I–664 in the study area, including interchanges, access roads and ramps. The No-Build Alternative assumes the I–64 High Rise Bridge project including express lanes up to the south portion of the Bowers Hill Interchange, which is under construction, will be completed.

One Managed Lane and Drivable Shoulder

This alternative includes adding one full-time managed lane to each direction of I–664 throughout the study area, providing a total of six lanes. This alternative also includes interchange (including the Bowers Hill Interchange) and bridge improvements to accommodate the additional lane and a part-time drivable shoulder as part of a managed lane system. This alternative would meet purpose and need by accommodating travel demand, reducing congestion, improving travel reliability, and providing travel choice.

Two Managed Lanes

This alternative includes adding two full-time managed lanes to each direction of I–664 throughout the study area, providing a total of eight lanes. Interchange (including the Bowers Hill Interchange) and bridge improvements to accommodate the additional lanes are included in this alternative. This alternative would meet the purpose and need by accommodating travel demand, reducing congestion, improving travel reliability, and providing travel choice.

Concepts Considered but Proposed To Not Be Retained for Consideration in the EIS

Addition of One General Purpose Lane

This concept would include the addition of one General Purpose (GP) lane to each direction of I–664 throughout the study area, providing a total of six GP lanes. Two options for this concept include (1) Route 58

braided ramps and (2) full reconstruction of the Bowers Hill Interchange. This concept is proposed to not be retained because it does not provide additional travel choice, does not separate regional/through traffic from weaving, merging, and diverging at congested interchanges, and would not be consistent with regional transportation plans.

Addition of Two General Purpose Lanes

This concept would include addition of two additional GP travel lanes to each direction of I–664 throughout the study area, providing a total of eight GP lanes. Two options for this concept include (1) Route 58 braided ramps and (2) full reconstruction of the Bowers Hill Interchange. This concept is proposed to not be retained because it does not provide additional travel choice, does not separate regional/through traffic from weaving, merging, and diverging at congested interchanges, and would not be consistent with regional transportation plans.

Collector-Distributor (C–D) System

Under this concept, new lanes separated from the mainline would be provided between interchanges. A C–D system's purpose is to move vehicle lane-changing, weaving and speed reduction away from the high-speed traffic on the freeway mainline. This concept is proposed to not be retained because it does not provide additional travel choice, does not address mainline congestion, has a larger footprint and higher structure costs than other mainline improvement concepts, and is not consistent with regional transportation plans.

Transportation System Management (TSM)/Transportation Demand Management (TDM) Improvements

TSM/TDM improvements are operational improvements that do not necessarily involve physical changes to infrastructure but rather maximize the efficiency of the current transportation system or reduce the demand for travel on the system through the implementation of low-cost improvements. Examples of TSM activities include the addition of turn lanes, optimized signalization at intersections, and electronic Intelligent Transportation Systems. Examples of TDM activities include ride sharing, van and carpooling, installation of park and ride facilities, and encouragement of teleworking.

Stand-alone TSM/TDM improvements are proposed to not be retained because they would not provide additional travel choice or reduce mainline congestion. TSM/TDM improvements could be included as part of a Preferred Alternative and are not precluded from being implemented in conjunction with other improvements.

Transit-Only Improvements

Transit-only improvements considered include dedicated rail or bus transit facilities along I–664. This concept is proposed to not be retained because stand-alone transit improvements would not substantially reduce congestion or improve travel reliability, and it is not consistent with regional transportation plans.

The above preliminary Range of Alternatives proposed to be retained for consideration in the EIS were concurred upon by USACE and USEPA on May 12, 2021. The alternatives would meet the preliminary Purpose and Need, detailed in section a. The alternatives to be retained will be finalized after the consideration of comments received during the comment period on this Notice, and they will be documented in the Draft EIS. The alternatives may be revised based on the consideration of public comments. The concepts not retained will also be documented in the Draft EIS. See the Supplemental NOI Document for a more detailed description of the development of the preliminary Range of Alternatives.

(c) Brief Summary of Expected Impacts

The EIS will evaluate the potential social, economic, and environmental effects resulting from the implementation of the build alternatives and the no build alternative. The following resources are the most sensitive resources in the project area and will be evaluated closely by FHWA and VDOT:

- Wetlands and Waters of the U.S.: Both build alternatives would require fill and removal from Waters of the U.S. and impacts to wetlands considered to be jurisdictional which will require a permit from the U.S. Army Corps of Engineers (USACE) for the discharge of dredged or fill material into Waters of the U.S., including wetlands.
- Relocations: The build alternatives may require approximately 95 relocations. VDOT and FHWA will work closely with the impacted stakeholders and designers to reduce the number of relocations.
- Environmental Justice: There is the potential for impacts to communities eligible for consideration as environmental justice communities that are low-income and minority due to right-of-way requirements, increases in noise, or other environmental factors. FHWA and VDOT will work closely with the community to avoid, minimize and mitigate these impacts.

The EIS will evaluate the expected impacts and benefits to the known resources above, as well as the following resources: Land use and right-of-way, farmland, social and community resources, economics, air quality, transportation, traffic noise, ecosystem resources (wildlife and threatened and endangered species), historic Section 4(f) properties, hazardous waste sites, and visual resources. The level of review of the identified resources for the EIS will be commensurate with the anticipated effects to each resource from the proposed project and will be governed by the statutory or regulatory requirements protecting those resources.

The analyses and evaluations conducted for the EIS will identify the potential for effects; avoidance measures; whether the anticipated effects would be adverse; and mitigation measures for adverse effects. Additional information on the expected impacts is provided in the Supplementary NOI document available for review in the docket established for this project and on the project website as noted in the **ADDRESSES** section. Comments on the expected impacts to be analyzed in the DEIS are welcomed during the NOI comment period.

Agencies, stakeholders, and the public are invited to comment on the expected impacts. The environmental impact analysis will not begin until the Purpose and Need, Range of Alternatives and impact categories are finalized based on public comment on this notice. The identification of impacts may be revised due to the consideration of public comments. See the Supplementary NOI Document for a more detailed description of the Summary of Expected Impacts. The studies to identify the impacts, as well as the analyses of impacts from the retained alternatives, will be presented in the Draft EIS.

(d) Anticipated Permits and Other Authorizations

A Clean Water Act Section 404 permit decision from the USACE is anticipated on December 31, 2035. Other likely Federal and State authorizations include the Virginia Marine Resources Commission (VMRC) Subaqueous Bottoms And Tidal Wetlands Permit on December 31, 2035, a Virginia Department of Environmental Quality (VDEQ) Individual Permit on December 31, 2035, Section 305 Essential Fish Habitat Permit on December 31, 2035, and a Coastal Zone Consistency Determination on December 31, 2035. Per 23 U.S.C. 139(d)(10), the

aforementioned permits and authorizations should be completed by no later than 90 days after the issuance of the Record of Decision. However, for this project VDOT has requested in accordance with 23 U.S.C. 139(d)(10)(C)(ii) that those permits and authorizations follow a different timeline because the construction date is not expected until 2035 or later.

Section 7 consultation under the Endangered Species Act is expected to be concluded on May 16, 2023, and Section 106 consultation under the National Historic Preservation Act is anticipated to be concluded on August 9, 2022. See the Supplemental NOI Document for more detail on the anticipated permits and other authorizations.

(e) Scoping and Public Review

Agency Scoping

In July 2020 as part of initial NEPA scoping to determine the class of action, VDOT and FHWA identified and invited agencies who would likely serve as Participating, Cooperating, and Cooperating/Concurring Agencies for the new study. These agencies are largely the same entities involved in the preparation of the Bowers Hill EA.

Beginning in August 2020, VDOT and FHWA began to brief the likely Participating, Cooperating, and Cooperating/Concurring Agencies on initial NEPA scoping activities to support the study. Consistent with the merged process, USACE and USEPA agreed to provide concurrence on key study milestones (Environmental Analysis Methodologies, Purpose and Need, and Range of Alternatives) as part of initial NEPA scoping. Agencies and the public are invited to comment on the Environmental Analysis Methodologies, Purpose and Need, and Range of Alternatives for the proposed action.

Agency coordination up to this point has been conducted primarily through VDOT's monthly NEPA Agency Coordination Meeting, to which all likely Participating, Cooperating and Cooperating/Concurring Agencies are invited. More information on these meetings is available in the Supplemental NOI Document, including presentations and meeting summaries. A brief summary of agency coordination is included below.

August 2020

- Bowers Hill Interchange Improvements Study introduction;
- Discussion on proposed Environmental Analysis Methodologies. The Environmental Analysis Methodologies are available in the Supplemental NOI Document.

September 2020

- USACE and USEPA concurrence on Environmental Analysis Methodologies;
- Introduction to Purpose and Need process and potential Purpose and Need elements as described in section a above.

October 2020

- Agency update on the Purpose and Need survey;
- Review of data to inform potential Purpose and Need elements.

November 2020

- Presentation on final results of the Purpose and Need survey;
- Continued discussion on data and information to support potential Purpose and Need elements.

December 2020

- USACE and USEPA concurrence on Preliminary Purpose and Need;
- Introduction of range of concepts;
- Introduction of study schedule.

January 2021

- Study schedule discussion; continued consideration of the range of concepts;
- Discussion of known resources in the study area.

February 2021

- Citizen comment opportunity briefing; continued discussion of the range of concepts.

March 2021

- Agency update on citizen comment opportunity;
- Continued discussion of the range of concepts; introduction to permitting approach.

April 2021

- Final update on citizen comment opportunity;
- VDOT recommendation on the Preliminary Range of Alternatives;
- Agency input on permitting assumptions.

May 2021

- USACE and USEPA concurrence on the Preliminary Range of Alternatives;
- Next steps.

As of the date of this notice, the USACE and the USEPA have accepted the role of Cooperating/Concurring Agencies under the merged process. An Agency Coordination Plan was completed that established a framework for coordination among the Federal, State, and local agencies participating in the study. The draft Agency Coordination Plan is in the Supplemental NOI Document.

Public Review

As indicated above, VDOT has conducted a purpose and need survey as well as held a citizen comment opportunity. The project website will be updated with an informational video summarizing the study progress to date and next steps. A 30-day comment period is being held in association with this NOI. Comments may be submitted according to the instructions in the **ADDRESSES** section of this Notice. Interested persons can sign up to receive email announcements, notifications, and newsletters on the above project website. The scoping process for this EIS will conclude at the end of the 30-day comment period.

Public hearings will be held during the course of the study, as described below. Generally, the locations, dates, and times for each public hearing will be publicized through the VDOT website (*www.bowershillinterchange.com*) and in newspapers with local and regional circulation, including the Suffolk News Herald, The Virginian-Pilot, and Legacy Hampton Roads. Materials will be available at the meetings in English and Spanish and oral and written comments will be solicited.

Public Hearing on a Recommended Preferred Alternative

A public hearing on VDOT's Recommended Preferred Alternative (RPA) is required by the Code of Virginia to inform the Virginia Commonwealth Transportation Board (CTB), which is authorized by the Code of Virginia to make location decisions for highway projects, including as part of NEPA studies.

Several media will be used to advertise the public hearing on the RPA, including but not limited to newspaper advertisements, postcards sent to each property within the study area, a social media campaign, email, and continued updates to the study website.

Public Hearing on the Draft EIS

Notice of availability of the Draft EIS for public and agency review will be published in the **Federal Register** and through other methods which will identify where interested parties can go to review a copy of the Draft EIS. The public hearing will be conducted by VDOT and announced a minimum of 15 days in advance. VDOT will provide information for the public hearing, including the location, date, and time for the meeting through a variety of means including the VDOT website

(*www.bowershillinterchange.com*) and by newspaper advertisement.

(f) A Schedule for the Decision-Making Process

Following the issuance of this notice, FHWA and VDOT will coordinate with the Participating, Cooperating, and Cooperating/Concurring Agencies to develop study documentation and the Draft EIS.

- The Draft EIS is anticipated to be issued in August 2022.
- The combined Final EIS and Record of Decision is anticipated in November 2023.
- A Section 404 permit decision from the USACE is expected in December 2035.

See the Supplemental NOI Document for additional schedule details.

(g) Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

To ensure that a full range of issues related to the study are addressed and all potential issues are identified, FHWA invites comments and suggestions from all interested parties. The project team requests comments and suggestions on potential alternatives and impacts, and the identification of any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. Any information presented herein, including the preliminary purpose and need, preliminary range of alternatives and identification of impacts may be revised after consideration of the comments. The purpose of this request is to bring relevant comments, information, and analyses to the agency's attention, as early in the process as possible, to enable the agency to make maximum use of this information in decision making. Comments may be submitted according to the instructions in the **ADDRESSES** section of this Notice.

(h) Contact Information

FHWA: Eric Rothermel, Environmental Protection Specialist, Federal Highway Administration, 400 North 8th Street, Suite 750, Richmond, VA 23219–4825; email: *Eric.Rothermel@dot.gov;* (804) 775–3342.

VDOT: Scott Smizik, Assistant Environmental Division Director, Virginia Department of Transportation, 1401 E Broad Street, Richmond, VA 23219; email: *Scott.Smizik@vdot.virginia.gov;* (804) 371–4082.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 42 U.S.C. 4321 *et seq.;* 23 CFR part 771.

Issued on: February 11, 2022.

Thomas L. Nelson, Jr.,

Division Administrator, Federal Highway Administration, Richmond, Virginia.

[FR Doc. 2022–03397 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2021–0187]

Parts and Accessories Necessary for Safe Operation; Application for an Exemption From Pi Variables, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on an application for exemption from Pi Variables, Inc. (Pi Variables) to allow sequential flashing light emitting diode (LED) flare warning devices to be deployed when CMVs are stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops.

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

ADDRESSES: You may submit comments identified by Docket Number FMCSA-2021–0187 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=FMCSA-2021-0187.* Follow the online instructions for submitting comments.
- *Mail:* Docket Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., 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.
- *Fax:* (202) 493–2251.

FOR FURTHER INFORMATION CONTACT: Mr. José R. Cestero, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, MC–PSV, (202) 366–5541, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA 2021–0187), indicate the specific section of this document to which the 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 FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *www.regulations.gov/#!docketDetail;D=FMCSA–2021–0187,* click on the ''Comment Now!'' 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.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov/#!docketDetail;D=FMCSA-2021-0187* and choose the document to review. 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., 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.

Privacy Act

DOT solicits comments from the public to better inform its exemption process, in accordance with 5 U.S.C. 31315(b)(6). 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—Federal Docket Management System), which can be reviewed at *www.transportation.gov/privacy.*

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31315(b) to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request. The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)). If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an exemption is granted. The notice must specify the effective period of the exemption (up to 5 years) and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.315(c) and 49 CFR 381.300(b)).

Pi Variable's Application for Exemption

The Federal Motor Carrier Safety Regulations require one of the following warning devices to be deployed when a CMV is stopped upon the traveled portion of a highway or the shoulder of a highway for any cause other than necessary traffic stops: (1) Three bidirectional emergency reflective triangles that conform to the requirements of Federal Motor Vehicle Safety Standard No. 125, § 571.125 of this title; or (2) At least 6 fusees or 3 liquid-burning flares. The vehicle must have as many additional fusees or liquid-burning flares as are necessary to satisfy the requirements of § 392.22, (3) Other warning devices may be used in addition to, but not in lieu of, the required warning devices, provided those warning devices do not decrease the effectiveness of the required warning devices. Pi Variables has applied for an exemption from 49 CFR 393.95(f)(2) to allow sequential flashing LED flare warning devices to be deployed in lieu of fusees or liquid-burning flares A copy of the exemption application is included in the docket referenced at the beginning of this notice.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(6), FMCSA requests public comment from all interested persons on Pi Variable's application for an exemption from 49 CFR 393.95(f)(2). All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments,

FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2022–03568 Filed 2–17–22; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

[Docket No. TTB–2022–0002]

Proposed Information Collections; Comment Request (No. 85)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, we invite comments on the proposed or continuing information collections listed below in this document.

DATES: We must receive your written comments on or before April 19, 2022.

ADDRESSES: You may send comments on the information collections described in this document using one of these two methods:

- *Internet*—To submit comments electronically, use the comment form for this document posted on the ''*Regulations.gov*'' e-rulemaking website at *https://www.regulations.gov* within Docket No. TTB–2022–0002.
- *Mail*—Send comments to the Paperwork Reduction Act Officer, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

Please submit separate comments for each specific information collection described in this document. You must reference the information collection's title, form or recordkeeping requirement number (if any), and OMB control number in your comment.

You may view copies of this document, the relevant TTB forms, and any comments received at *https://www.regulations.gov* within Docket No. TTB–2022–0002. TTB has posted a link to that docket on its website at *https://www.ttb.gov/rrd/information-collection-notices.* You also may obtain paper copies of this document, the listed forms, and any comments received by contacting TTB's Paperwork Reduction Act Officer at the addresses or telephone number shown below.

FOR FURTHER INFORMATION CONTACT: Michael Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; 202–453–1039, ext. 135; or complete the Regulations and Rulings Division contact form at *https://www.ttb.gov/contact-rrd.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and its Alcohol and Tobacco Tax and Trade Bureau (TTB), as part of a continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to comment on the proposed or continuing information collections described below, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this document will be included or

summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether an information collection is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the information collection's burden; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the information collection's burden 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 the requested information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information has a valid OMB control number.

Information Collections Open for Comment

Currently, we are seeking comments on the following forms, letterhead applications or notices, recordkeeping requirements, questionnaires, or surveys:

OMB Control No. 1513–0004

Title: Authorization to Furnish Financial Information and Certificate of Compliance.

TTB Form Number: TTB F 5030.6.

Abstract: As authorized by law, the Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations require applicants for certain permits to provide information regarding the financing of their proposed businesses. However, the Right to Financial Privacy Act of 1978 (the Act) limits Federal government access to records of individuals held by financial institutions. See 12 U.S.C. 3401 *et seq.* The Act also provides for certain procedures to gain access to such information, and it requires government agencies to certify to the financial institution that the agency has complied with the Act's provisions. To comply with the Act, TTB uses TTB F 5030.6 as both the permit applicant's authorization to their financial institution allowing it to disclose their financial information to TTB and as the required certification by TTB to the financial institution that the Bureau has complied with the Act's provisions.

Current Actions: There are no program changes associated with this information collection at this time. As for adjustments, due to changes in agency estimates, TTB is decreasing the number of annual respondents, responses, and burden hours associated with this collection. The use of this collection by respondents has declined in recent years as almost all applicants provide requested financial information directly to TTB.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits; Individuals or households.

Estimated Annual Burden

- *Number of Respondents:* 10.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 10.
- *Average Per-Response Burden:* 15 minutes.
- *Total Burden:* 2.5 hours.

OMB Control No. 1513–0057

Title: Letterhead Applications and Notices Relating to Wine.

TTB Recordkeeping Number: TTB REC 5120/2.

Abstract: The Internal Revenue Code (IRC) authorizes the Secretary of the Treasury (the Secretary) to issue regulations regarding certain aspects of wine production and treatment, and it imposes standards for natural and agricultural wines, the cellar treatment of natural wine, and the labeling of wines. See 26 U.S.C. chapter 51. Under those authorities, the TTB regulations in 27 CFR part 24 require wine premises proprietors to submit letterhead applications or notices to TTB before or when undertaking certain operations. TTB requires such applications or notices when proprietors propose to use alternate compliance methods or when they propose or undertake certain operations, particularly those that affect the kind, tax rate, or volume of wine produced or removed. TTB uses the collected information to ensure that the proposed alternative method or wine operations comply with relevant laws and regulations.

Current Actions: There are no program changes associated with this information collection at this time. As for adjustments, due to changes in agency estimates, TTB is increasing the number of annual respondents, responses, and burden hours associated with this collection. Those increases result from continued growth in the number of wine premises in the United States.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 2,000.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 2,000.
- *Average Per-Response Burden:* 30 minutes.
- *Total Burden:* 1,000 hours.

OMB Control No. 1513–0074

Title: Airlines Withdrawing Stock from Customs Custody.

TTB Recordkeeping Number: TTB REC 5620/2.

Abstract: While domestic and imported distilled spirits and wine are usually subject to Federal excise tax, the IRC allows the removal of such products without payment of tax in some circumstances, for example, for use on certain aircraft. See 26 U.S.C. 5214 and 5362 Airlines also may withdraw such products from customs custody without payment of tax for use as supplies on aircraft engaged in foreign flights. See 19 U.S.C. 1309. Under those authorities, the TTB regulations in 27 CFR part 28 require airlines to account for distilled spirits and wine withdrawn from their stocks held in customs custody at airports for use as supplies on aircraft engaged in foreign flights. The collected information is necessary to ensure that the tax provisions of the IRC are appropriately applied as it allows TTB to account for withdrawals of untaxed distilled spirits and wine.

Current Actions: There are no program or adjustments changes associated with this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 25.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 25.
- *Average Per-Response Burden:* 100 hours.
- *Total Burden:* 2,500 hours.

OMB Control No. 1513–0087

Title: Labeling and Advertising Requirements Under the Federal Alcohol Administration Act.

Abstract: As required by the Federal Alcohol Administration Act (FAA Act), the Secretary has issued regulations regarding the labeling and advertising of wine, distilled spirits, and malt beverages. The FAA Act provides that

these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. See 27 U.S.C. 205(e) and (f). The implementing regulations are contained in 27 CFR parts 4 (wine), 5 (distilled spirits), and 7 (malt beverages). Under those regulations, alcohol beverage bottlers and importers must provide certain mandatory information on labels and in advertisements of such products, and that information must conform to certain presentation standards. TTB uses those mandatory information requirements and presentation standards to ensure that the provisions of the FAA Act are appropriately applied.

Current Actions: There are no program changes associated with this information collection at this time. As for adjustments, due to changes in agency estimates, TTB is increasing the number of annual respondents and burden hours associated with this collection. Those increases result from continued growth in the number of alcohol beverage bottlers and importers in the United States.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 13,000.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 13,000.
- *Average Per-Response Burden:* 1 hour.
- *Total Burden:* 13,000 hours.

OMB Control No. 1513–0089

Title: Records Supporting Drawback Claims on Eligible Articles Brought into the United States from Puerto Rico or the Virgin Islands.

TTB Recordkeeping Number: TTB REC 5530/3.

Abstract: As provided in the IRC, taxpayers may claim drawback (refund) of Federal excise taxes paid on distilled spirits used in certain nonbeverage products—medicines, medicinal preparations, food products, flavors, flavoring extracts, and perfumes, provided that such claimants keep records to document their claim information, subject to regulations prescribed by the Secretary. See 26 U.S.C. 5111–5114. In addition, the IRC provides that its nonbeverage product drawback provisions apply to such articles brought into the United States from Puerto Rico or the U.S. Virgin Islands. See the IRC at 26 U.S.C. 7652(g). Based on those IRC authorities, the TTB regulations in 27 CFR part 26 require persons making nonbeverage product drawback claims on eligible articles brought into the United States from Puerto Rico or the U.S. Virgin Islands to keep certain business, formula, and tax payment records documenting the provided claims data. TTB uses the required records to verify the data provided in such drawback claims, which is necessary to ensure that TTB provides drawback in a manner consistent with statutory provisions.

Current Actions: There are no program changes or adjustments associated with this information collection at this time, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 10.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 10.
- *Average Per-Response Burden:* 1 hour.
- *Total Burden:* 10 hours.

OMB Control No. 1513–0093

Title: Applications for Extension of Time for Payment of Tax; Applications for Installment Agreement.

TTB Form Numbers: TTB F 5600.31 and TTB F 5600.38.

Abstract: The IRC authorizes the Secretary to allow installment payments of taxes due under the IRC if such payments will facilitate full or partial payment, and it allows the Secretary to grant taxpayers up to 6 months of additional time to pay such taxes. See 26 U.S.C. 6159 and 6161. Under those IRC authorities, TTB has issued application forms TTB F 5600.31 for installment payment requests and TTB F 5600.38 for time extension requests for use by the Federal taxpayers. Using the relevant form and supporting documentation, a taxpayer identifies themselves, the specific excise tax and amount in question, their current financial situation, and the reasons why the requested installment payment plan or time extension is necessary. The collected information is necessary to ensure that the tax relief provisions of the IRC are properly applied.

Current Actions: There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 200.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 200.
- *Average Per-Response Burden:* 1.5 hours.
- *Total Burden:* 300 hours.

OMB Control No. 1513–0104

Title: Information Collected to Support Transfer of Wine Tax Credits.

TTB Recordkeeping Number: TTB REC 5120/11.

Abstract: Under the IRC, certain wine producers are eligible for tax credits, based on the amount of wine produced and its alcohol content, which they may take to reduce the Federal excise tax they pay on wines (including hard ciders) removed from their premises during a calendar year. In addition, producers can transfer their tax credit to other bonded wineries and bonded warehouses (''transferees'') that store their wine and ship it on their instructions. See at 26 U.S.C. 5041(c). Under the TTB regulations in 27 CFR part 24, and specific to this collection, a transferee uses information provided by the wine producer to take the appropriate tax credit on behalf of the producer, and the producer uses the information to monitor its own tax payments to ensure it does not exceed the authorized credits. During field audits, TTB uses the collected information to verify excise tax computations, and to ensure that wines claimed for this credit were lawfully produced, stored, shipped, and transferred. As such, the collected information is necessary to ensure the tax provisions of the IRC are appropriately applied.

Current Actions: As for program changes, under the Craft Beverage Modernization Act, (CBMA;) all domestic wine producers are now entitled to certain tax credits on wine they produce, and they may transfer those credits to other wineries or wine cellars that receive their wine in bond. As for adjustments, due to changes in agency estimates resulting from that program change, TTB is increasing the number of annual respondents, responses, and burden hours associated with this collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 3,000.
- *Average Responses per Respondent:* 10.
- *Number of Responses:* 30,000.
- *Average Per-Response Burden:* 1 hour.
- *Total Burden:* 30,000.

OMB Control No. 1513–0114

Title: Beer for Exportation.

TTB Form Number: TTB F 5130.12.

Abstract: In general, the IRC imposes Federal excise tax on beer removed from domestic breweries for consumption or sale; however, it also authorizes brewers to remove beer without payment of tax for export purposes, subject to regulations prescribed by the Secretary. See 26 U.S.C. 5051 and 5053. As such, the TTB regulations in 27 CFR part 28 allow brewers to remove beer without payment of tax for export to a foreign county, use as supplies on certain vessels or aircraft, transfer to a foreign trade zone for export, or shipment to U.S. armed forces stationed overseas. Those regulations require brewers to give notice of each such removal on form TTB F 5130.12. Or, brewers may apply to TTB to use an alternative procedure to report beer removed for export purposes via a monthly summary report, provided that the brewer completes the notification section of TTB F 5130.12 for each removal and maintains the form and the related supporting export verification records at their premises. This collection is necessary to ensure the tax provisions of the IRC are appropriately applied, as it allows TTB to account for beer removed without payment of tax for export purposes, which helps ensure that such beer is not diverted into the taxable domestic market.

Current Actions: There are no program changes associated with this information collection at this time. As for adjustments, due to changes in agency estimates, TTB is increasing the number of annual respondents, responses, and burden hours associated with this collection. Those increases result from continued growth in the number of breweries in the United States.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 300.
- *Average Responses per Respondent:* 15.
- *Number of Responses:* 4,500.
- *Average Per-Response Burden:* 2.4 hours.
- *Total Burden:* 10,800 hours.

OMB Control No. 1513–0116

Title: Bond for Drawback Under 26 U.S.C. 5111.

TTB Form Number: TTB F 5154.3.

Abstract: The IRC authorizes drawback (refund) of all but $1.00 per gallon of the Federal excise tax paid on distilled spirits subsequently used in the manufacture of certain nonbeverage products such as medicines, food products, flavors, and perfumes. Manufacturers making such products must file claims proving their eligibility for drawback, and respondents may file such claims either a monthly or a quarterly basis. The IRC also authorizes the Secretary to require persons filing monthly nonbeverage product drawback claims to provide a bond to protect the revenue. See 26 U.S.C. 5111–5114. TTB regulations in parts 17 and 26 require monthly claimants to file a bond on TTB F 5154.3. The required bond ensures repayment of paid claims later found to be ineligible for drawback in cases when the claimant is unable to repay the taxes due.

Current Actions: There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits; and Individuals or households.

Estimated Annual Burden

- *Number of Respondents:* 10.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 10.
- *Average Per-Response Burden:* 24 minutes.
- *Total Burden:* 4 hours.

OMB Control No. 1513–0131

Title: Certificate of Taxpaid Alcohol.

TTB Form Number: TTB F 5100.4.

Abstract: The IRC authorizes drawback (refund) of all but $1.00 per gallon of the Federal excise tax paid on distilled spirits subsequently used in the manufacture of certain nonbeverage products such as medicines, food products, flavors, and perfumes. See 26 U.S.C. 5111–5114. In addition, nonbeverage products produced in the United States and then exported are also eligible for drawback of all excise taxes paid on the distilled spirits used to make those products. See 19 U.S.C. 1313(d). Under the TTB regulations in part 17, a respondent may make an export drawback claim to U.S. Customs and Border Protection (CBP) for the full amount of tax paid if they have previously made no claim to TTB. Alternatively, a respondent may claim the remaining $1.00 per proof gallon of excise tax paid if they have or will file a claim with TTB under 26 U.S.C. 5114. When a respondent wishes to make a full or partial export drawback claim to CBP, they first submit form TTB F 5100.4, Certificate of Taxpaid Alcohol, to TTB, listing the source and amount of distilled spirits eligible for drawback and the amount of excise taxes claimed. TTB verifies the provided information and certifies on the form that it has issued no previous certificate for the described distilled spirits. This is necessary to ensure that export drawback is provided consistent with the relevant statutory provisions.

Current Actions: There are no program changes or adjustments associated with this information collection, and TTB is submitting it for extension purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profits.

Estimated Annual Burden

- *Number of Respondents:* 10.
- *Average Responses per Respondent:* 1 (one).
- *Number of Responses:* 10.
- *Average Per-Response Burden:* 0.5 hours.
- *Total Burden:* 5 hours.

Dated: February 15, 2022.

Amy R. Greenberg,

Director, Regulations and Rulings Division.

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Reader Aids

Federal Register

Vol. 87, No. 34

Friday, February 18, 2022

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FEDERAL REGISTER PAGES AND DATE, FEBRUARY

5389–5654 1
5655–6016 2
6017–6402 3
6403–6758 4
6759–7024 7
7025–7356 8
7357–7678 9
7679–7926 10
7927–8138 11
8139–8390 14
8391–8732 15
8733–8942 16
8943–9236 17
9237–9424 18

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
10336 6395
10337 6397
10338 6401
10339 7357
Executive Orders:
13502 (revoked by 14063) 7363
14063 7363
14064 8391
Administrative Orders:
Presidential Determinations:
Presidential Determination No. 2022–09 of Feb. 1, 2022 6759
Notices:
Notice of February 7, 2022 7677

5 CFR

Proposed Rules:
Ch. III 5409

6 CFR

5 6403

7 CFR

3 8395
210 6984
215 6984
220 6984
226 6984
460 7927
915 8139
944 8139
946 8399
3550 6761
3555 6773
5001 7367
Proposed Rules:
205 5424
985 8211
4284 8217

8 CFR

214 6017
274a 6017

10 CFR

2 8943
171 8943
Proposed Rules:
50 6434
429 .....5560, 6436, 6948, 7048
430 .....5742, 6786, 7396, 7758, 8745
431 .....5560, 6436, 6948, 7048

12 CFR

1003 8733
Proposed Rules:
701 6078

14 CFR

25 .....6017, 8143, 8145, 8147
39 .....5389, 5391, 6404, 6777, 7025, 7027, 7029, 7033, 7368, 7679, 7681, 7683, 7685, 7687, 7690, 7692, 7695, 7698, 7701, 7703, 7705, 7708, 7710, 7713, 7931, 8150, 8152, 8158, 8167, 8169, 8172, 8174, 8178, 8402, 8406
71 .....6406, 6408, 6409, 6410, 6412, 6413, 7715, 8408, 8410
97 .....6019, 6021
399 5655
Proposed Rules:
27 6437
39 .....5428, 6082, 6087, 6089, 6091, 6795, 6798, 6802, 7056, 7059, 7062, 7065, 7397, 7765, 7768, 7770, 7774, 7965, 8434, 8436, 8439, 8752, 9274, 9277
71 .....5747, 6439, 6804, 7400, 7776, 8754, 8991, 8992
183 7068
193 7968

15 CFR

734 6022
736 6022
744 .....6022, 7037, 8180
774 6022
Proposed Rules:
30 6440
Ch. VII 7777

16 CFR

1112 8640
1130 8640
1241 8640
Proposed Rules:
1112 .....6246, 8441, 8442
1260 8441
1261 6246
1262 8442

17 CFR

249 7934
Proposed Rules:
229 .....5751, 8443, 8686
232 .....8443, 8686
240 .....5751, 6652, 8443, 8686, 9280
249 .....5751, 8443, 8686
270 7248
274 .....7248, 8443
275 9106
279 9106

18 CFR

12 8411
381 5659

20 CFR

641 8186
655 6017
Proposed Rules:
220 6094
641 8218

21 CFR

1 5660
862 9237
866 6415
870 ....6417, 8190, 9240
878 6419
880 ....6422, 8192
886 9242
Proposed Rules:
10 6708
12 6708
16 6708
73 8222
203 ....6443, 6449
205 6708

22 CFR

Proposed Rules:
120 5759
126 5759
127 5759

23 CFR

1 8411
Proposed Rules:
192 9297

24 CFR

14 8194
17 8194
20 8194
26 8194
28 8194
30 8194
81 8194
103 8194
180 8194
570 8194

25 CFR

Proposed Rules:
2 8994

27 CFR

5 7526
7 7526
16 8947

28 CFR

523 7938

29 CFR

2200 8948
2702 5393
Proposed Rules:
1910 8755
1926 8755

31 CFR

501 7369
510 7369
535 7369
536 7369
539 7369
541 7369
542 7369
544 ....7369, 8733
546 7369
547 7369
548 7369
549 7369
550 7374
551 7369
552 7369
554 7943
560 7369
561 7369
566 7369
576 7369
583 7369
584 7369
586 8735
588 7369
590 7369
592 7369
594 7369
597 7369
598 7369
Proposed Rules:
Ch. X 7068

32 CFR

313 7944

33 CFR

Ch. I 7716
Subch. N 7716
100 ....6026, 7716, 8413
117 ....5401, 7945
127 5660
165 ....6031, 7042, 7382, 7384, 7946, 8413, 8416, 9244
Proposed Rules:
100 ....5430, 8994
165 ....6450, 8472

34 CFR

Proposed Rules:
Ch. III 5432

36 CFR

7 ....5402, 8949
251 7947
1155 5692
1195 6037

37 CFR

Proposed Rules:
201 6452
202 6452

38 CFR

1 5693
3 ....6038, 8740
17 ....6425, 8740
18 8740
21 ....6427, 8740
Proposed Rules:
3 8474
4 ....8474, 8498
17 6456
38 7402

39 CFR

3040 6428

40 CFR

49 7718
52 ....7069, 7387, 7722, 7725, 7728, 8418, 8952
60 8197
62 8197
63 8197
80 5696
81 7734
180 ....5703, 5709, 6039, 6779, 7388, 7950, 7953, 8953, 9245
Proposed Rules:
52 ....5435, 5438, 5761, 6095, 6806, 7042, 7071, 7404, 7410, 7779, 7784, 7786, 7788, 7970, 7978, 8222, 8997
55 7790
63 ....6466, 7624
81 ....5438, 6806, 7978
87 6324
141 7412
171 6821
271 5450
1030 6324
1031 6324

41 CFR

102–35 6042
102–37 6042
102–77 5711
Proposed Rules:
102–39 9303

42 CFR

403 7746
405 7746
410 7746
411 7746
414 7746
415 7746
423 7746
424 7746
425 7746

43 CFR

2 8427

45 CFR

5b 8957
1167 8428
1173 8430

46 CFR

10 7716
11 7716
15 7716
107 7716
Proposed Rules:
Ch. 4 8506
Subch. B 8506

47 CFR

1 9250
25 7748
54 ....8205, 8346
64 ....7044, 7955
73 ....6043, 7045, 7748, 8959, 9250
76 7748
Proposed Rules:
1 8764
8 6827
11 7413
27 8764
54 8385
73 ....6100, 6473, 8509

48 CFR

332 5717
352 5717
501 7393
502 7393
511 ....7393, 8960
538 6044
539 7393
552 ....6044, 7393
570 7393
Proposed Rules:
Ch. 2 8772
Ch. 4 9005

49 CFR

219 5719
383 6045
391 7756
571 ....7956, 7964
659 6783

50 CFR

17 ....5737, 6046, 6063, 8960, 8967, 8981
300 7964
635 ....5737, 8432, 8983
648 ....5405, 5739, 7046, 8984
665 9271
679 ....7756, 8433, 9273
Proposed Rules:
17 ....5767, 6101, 6118, 7077, 8509
20 5946
216 6474
300 ....6474, 9021
648 8543
665 6479
660 8224

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List February 4, 2022

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